

ASSAM LEGISLATIVE ASSEMBLY

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

The Assembly met at the Assembly Chamber, Shillong, at 2 p.m. on Friday the 13th August, 1937

QUESTIONS AND ANSWERS

STARRED QUESTIONS

Number of Tea Estates under Fee Simple Grant

SRIJUT KRISHNA NATH SARMAH asked :

*96. Will Government be pleased to state—

- (a) Number of Tea Estates under fee simple grant showing separately the total area, area under tea, and area under forest ?
- (b) Total number of Tea Estates under special grants other than fee simple showing separately the total area, area under tea, and area under jungle ?
- (c) Whether any reservation and conditions for right-of-way through these grants for the public are incorporated along with the settlement ?
- (d) If any of these grants are subject to revision, resumption or cancellation for not fulfilling any of the conditions mentioned in the grants ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

96. (a)—Four hundred and eighty-six estates with a total area of 407,934 acres.

(b)—One thousand four hundred and seventy-nine estates with a total area of 619,979 acres.

No information is available as to the area under tea or under jungle in these estates without individual references to the owners.

(c)—Yes ; the rights-of-way which existed at the time of settlement were specifically reserved in the deeds of sale or lease executed at settlement.

(d)—No conditions of revision, resumption or cancellation exist in the case of fee simple grants. In the case of grants under the New Lease Rules, 1876, provision was made by Article 4 of the lease for the withdrawal of concessions in case of breach of the conditions specified in Article 3 of the lease, upon which the land would be assessed under the ordinary rules.

Accommodation for 'A' and 'B' Division Prisoners in Jails

SRIJUT PURNA CHANDRA SARMA asked :

*97. Will Government be pleased to state—(a) the accommodation for "A" and "B" Division prisoners in the Jails of the province and in which jails are these arranged ?

(b) The number of juvenile prisoners now undergoing imprisonment and where are they ?

(c) The number of female prisoners and where are they ?

(d) The number of "B" Division prisoners and where are they and whether any game is allowed to them ?

(e) Whether there is any provision for teaching classes for the juvenile convicts and if so, is there any such class in any jail and, if so, where is it ?

(f) Whether any newspapers are allowed to the prisoners and if so, what papers are they and are they supplied regularly ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

97. (a), (b) & (c)—A statement is placed on the table.

Statement referred to in reply to Starred Question No.97(a), (b) and (c) by Srijut Purna Chandra Sarma to be put on the 13th August 1937

Name of Jail	Accommodation for "A" and "B" Division prisoners available		Number of "B" Division prisoners confined on the 15th July 1937		Number of juvenile prisoners confined on the 15th July 1937		Number of female prisoners confined on the 15th of July 1937	
	"A"	"B"	M.	F.	M.	F.		
Silchar	4	1	...	4	...	1	
Sylhet ...	4	...*	...	...	48	...	4	
Shillong	1	...	5	
Kohima	4	...	4	
Aijal	1	...	...
Dhubri	1	...	...
Gauhati	2	...	22	...	7	
Tezpur ...	2	13	5	...	17	1	5	
Nowgong...	...	14	...	...	6	...	...
Jorhat	10	...	3	
Dibrugarh	7	...	4	
Sunamganj	
Karimganj	
Habiganj	5	...	1	
South Sylhet	5	...	...
Mangaldai	1	...	...
Sibsagar	2	...	...
Golaghat...	1	...	3	
North Lakhimpur...	5	...	...
Tura	
Total ...	6	31	8	...	140	1	37	

*When necessity arises 4 seats, reserved for "A" Division prisoners in the Sylhet District Jail, are utilised for "B" Division prisoners.

(d)—The number of 'B' Division prisoners in the various jails will be found in the statement placed on the table. No game is allowed to them, except at Sylhet where indoor games are allowed when any such prisoners are confined in that jail.

(e)—Teaching classes are regularly held for convicts of 30 years of age and under at Sylhet, Gauhati and Tezpur jails by paid outside teachers. Juvenile prisoners up to the age of 21 are also given elementary education in 3 R's under a literate convict in the Jorhat and Dibrugarh Jails. At Silchar the class is held whenever any literate convict is available for the purpose.

(f)—One copy of the daily "Statesman" and the copy of the weekly "Times of Assam" are regularly supplied to "A" and "B" Division prisoners, respectively.

SRIJUT PURNA CHANDRA SARMA: With regard to (c) will the Government be pleased to say why the same game is not allowed in the case of other jails where there are juvenile prisoners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I announced the other day that if this budget is passed we shall be glad to provide for outside teachers in all district jails.

SRIJUT PURNA CHANDRA SARMA: I beg your pardon, Sir. I put my question under (d) regarding games.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: No game is allowed to these prisoners, excepting at Sylhet where arrangement has been made for indoor games.

SRIJUT PURNA CHANDRA SARMA: Why are not these games allowed in other jails?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think no demand has been made for such games.

SRIJUT PURNA CHANDRA SARMA: Is there any provision in the Assam Jail Manual for the allowing of games to juvenile prisoners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I cannot say that off-hand, Sir. But I think no provision is made, because the number of such prisoners in ordinary times is very few and you require more than one person to have some sort of game.

SRIJUT PURNA CHANDRA SARMA: At least some time can be allowed during day time for the juveniles in all jails for some sort of game?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does the hon. member refer to juvenile prisoners of all classes including C class?

SRIJUT PURNA CHANDRA SARMA: Yes.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That will be very difficult, because the rules do not permit the mixing of all classes of prisoners. It will be especially dangerous in the case of juveniles.

SRIJUT PURNA CHANDRA SARMA: In the case of C division prisoners the games may be played amongst themselves. Do Government consider that it will be harmful even then?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The rules do not permit this, so far as C division prisoners are concerned.

SRIJUT DEBESWAR SARMAH: What time is set apart for the education of these juvenile prisoners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: So far as the classes are concerned, they are held during the day time. But the time perhaps varies in the different jails.

SRIJUT DEBESWAR SARMAH: Will the Hon'ble Minister be pleased to state how many hours these juveniles are made to work during the day?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think ordinarily the working hours are from morning to noon and after their food till the afternoon. In the meantime some of the prisoners are required to study for about 3 hours. So it comes to about 3 or 4 hours.

SRIJUT RAJENDRA NATH BARUA: Is it a fact that the juveniles are made to work for 9 hours a day?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I do not know that, Sir.

SRIJUT RAJENDRA NATH BARUA: Will the Hon'ble Minister please enquire?

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

SRIJUT SARVESWAR BARUA: With reference to the Hon'ble Minister's reply that the rules do not provide for any games for juvenile prisoners, may I know who made these rules?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: These rules will be found in the Jail Manual.

SRIJUT SARVESWAR BARUA: Is not the provincial Government the authority to make these rules?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes.

SRIJUT SARVESWAR BARUA: Cannot the present Government modify those rules so as to allow time for the juvenile prisoners for games?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Does the hon. member wish that to be done?

SRIJUT SARVESWAR BARUA: I do.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Then, Sir, I shall consider.

SRIJUT PURNA CHANDRA SARMA: Is the Hon'ble Minister aware that some sort of special treatment is allowed to juveniles in jails under the Jail Manual?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Surely.

SRIJUT PURNA CHANDRA SARMA: Will the Hon'ble Minister kindly quote the rules under which this special treatment is allowed?

(No reply)

SRIJUT PURNA CHANDRA SARMA: Regarding (*f*), Sir, is not any other paper except the "Times of Assam" and the "Statesman" allowed to be read by the B and A division prisoners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: These are the two papers so far as I know.

SRIJUT PURNA CHANDRA SARMA: Has the Hon'ble Minister any objection to allow any other paper like the "Patrika," the "Assamiya" or other local vernacular papers to the prisoners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have no conscientious objection.

SRIJUT PURNA CHANDRA SARMA: Has he any other objection?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: We have got to look into other factors, *viz.*, whether these papers have to be substituted, whether funds are available, what papers are actually wanted by the class of prisoners who generally are placed in A and B division, etc.

SRIJUT PURNA CHANDRA SARMA: Has the Hon'ble Minister any objection to his own paper "Prativa" being read by the prisoners?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have not considered that matter yet, Sir.

Amount spent during 1936-37 for Rural Uplift in Nowgong district

SRIJUT PURNA CHANDRA SARMA asked:

*98. (a) Will Government be pleased to state the amount spent during 1936-37 for rural uplift in the province and in the district of Nowgong in particular?

(b) Is it a fact that the Rural Uplift Scheme includes the water-supply and the road developments which are special subjects of the District Boards also?

(c) If so, will Government be pleased to state whether the works done under the Rural Uplift Scheme have been done through the District Boards, and, if not, why not?

(d) Will Government be pleased to state—(i) whether the amount sanctioned last year for rural uplift has been spent up in all districts? And if not, why not?

(ii) the amount proposed to be spent this year for the said scheme and whether any work has been taken up by those authorised to disburse the amount in the district of Nowgong, which could not have been done by the District Board ?

(e) Is it a fact that committees have been formed in each district by the Deputy Commissioners for working the Rural Uplift Scheme, and, if so, what is the principle in selecting members for such committees ?

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

98. (a)—In the province—Rs.59,794 ; in Nowgong—Rs.10,227.

(b)—Yes.

(c)—The late Government gave the District Officers complete discretion as to the agency to be employed for spending the money, which was a Government of India grant. The District Officers employ the agency of local boards if they so desire.

(d) (i)—There is no particular amount sanctioned for each year. The whole grant was distributed and work is progressing according to programmes drawn up in each district.

(ii)—In the Nowgong district a sum of Rs.13,621 is proposed to be spent this year. Practically all the work would be done by the Local Board if the Deputy Commissioner thought fit to employ the agency of that body.

(e)—For the first rural development grant an advisory committee consisting of the Deputy Commissioner or the Subdivisional Officer and the Chairman of the Local Board and some other influential local gentlemen including Council members was constituted in each subdivision. For the second grant, which has been promised by the Government of India, the advisory committee will be of a similar type, except that instructions have been issued that up to four members of the Assembly, if available, shall be included in the committee.

SRIJUT PURNA CHANDRA SARMA : Regarding (c) if these things can be done by the local boards, has Government any objection at present to have the rural uplift work done through the local boards this year ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Sir, the District Officer has got discretion to use the Local Board as his agent. The amount is handed over to the district officer.

SRIJUT PURNA CHANDRA SARMA : Why is not the grant made to the Local Boards direct ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : It is a grant given by the Government of India and it is for this Government to distribute the grant to different districts. The district officers are entrusted with the grant, because that is found to be more convenient.

SRIJUT PURNA CHANDRA SARMA : If the answer to (c) is in the affirmative why not the same grant be made this year to the Local Board direct ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : There are many reasons. There is a large number of people who want that the grant should be distributed by the district officer.

SRIJUT DEBESWAR SARMAH : Is Government aware that the rural uplift grant was also indirectly utilised towards canvassing against Congress candidates in the last election ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have no information and I would like to know by whom it was utilised—by the Local Board members or by the district officer ?

SRIJUT DEBESWAR SARMAH : In most cases different officers including the Deputy Commissioner conjointly with the Local Board Chairman carried on propaganda against the Congress candidates indirectly through the resources placed at their disposal for rural uplift.

SRIJUT PURNA CHANDRA SARMA asked :

*99. (a) Is it a fact that in the district of Nowgong the Deputy Commissioner invited only the Mouzadars and the Circle Sub-Deputy Collectors and only a few outsiders to such a committee meeting recently held ?

(b) Will Government be pleased to state whether the Deputy Commissioner invited local members of the Legislative Assembly to the said meeting recently held, and, if not, why not ?

(c) Will Government be pleased to state (i) whether the Minister for Local Self-Government visited any villages in the district of Nowgong in his recent tour and, if so, (ii) what are those villages and whether he met the villagers ?

(d) If the answer to (c) (ii) above is in the affirmative, will Government be pleased to state whether the Minister made any promises to those people for making a grant for water supply to those people and if so, has any grant been made therefor ?

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

99. (a)—To facilitate the drawing up of a programme of work all Sub-Deputy Collectors and Mauzadars were invited to a meeting along with the members of the Deputy Commissioner's Advisory Committee.

(b)—He invited those members who are members of his Advisory Committee. On that committee there is one member of the Legislative Council and 4 members of the Legislative Assembly.

(c)—(i)—Yes. (ii)—He visited the villages of Dharamtul, Fulaguri and Mori Kollang.

(d)—The Hon'ble Minister explained to the villagers that a new grant of 5 lakhs has been promised by the Government of India for rural uplift and that the Nowgong district will get its share.

SRIJUT PURNA CHANDRA SARMA : May I know whether the Hon'ble Minister made any promise to those people particularly that some money would be available for water-supply ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : There was no special promise of that kind. The answer has already been given.

SRIJUT PURNA CHANDRA SARMA asked :

*100. Will Government be pleased to state (a) whether the attention of the Hon'ble Minister on that occasion was drawn to similar demands in other parts of the district by any of those who accompanied him in his tour ? If so, has anything been done in that regard ?

(b) whether the attention of the Hon'ble Minister in charge of Local Self-Government was drawn to the fact that in the district of Nowgong a considerable mileage of roads has been taken over by the Nowgong Local Board during the last three years without any increase of grant from the Government for the purpose ?

(c) Do Government propose to increase the grant of Nowgong Boards for the purpose of improving the condition of roads and water-supply and if so, by how much ?

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

100. (a)—Yes. The Local Advisory Committee will undoubtedly do their best for every village.

(b)—Not in the last three years. The Jagi road and two feeder roads were abandoned by the Public Works Department in 1932 and the Dhing road from the rainy season of 1932-33. The Board took over these roads for the sake of public convenience, but in view of the then condition of provincial finances no extra grant could be given to the Board.

(c)—Any increase during the current year of the Nowgong Board's grant could be made only by a reduction of the grants of other Boards.

SRIJUT PURNA CHANDRA SARMA: In view of the circumstances under which these roads were abandoned and also in view of the fact that the condition of roads in Nowgong is very bad, does the Hon'ble Minister think it proper to increase the grant to the Nowgong Local Board?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: I have already answered, No.

Haripani Ghat in the Jogighopa-Bangaigaon road

MAULAVI MUHAMMAD AMJAD ALI asked:

*101. Are Government aware that—

(a) The big gap at Haripani ghat in the Jogighopa-Bangaigaon road is a source of great inconvenience to the wheeled traffic, mail runners, and the public particularly during the rains?

(b) The private enterprises hesitate to start motor services along this road owing to the crossing of this gap?

(c) If not, will Government please inquire into the matter?

(d) If not, why not?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

101. (a)—All ferries are a limited inconvenience to the travelling public, but this one not more than any of the other numerous ferries in Assam.

(b) & (c)—No.

(d)—The hon. member is referred to the answer to 100(a) already submitted to this House.

MAULAVI GHYASUDDIN AHMED: Is it not a fact that the Jogighopa-Bangaigaon road has been taken up by the Road Board?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The road has been taken up but that does not mean that the ferry will be bridged.

MAULAVI GHYASUDDIN AHMED: Is it not a fact that the lowest tender was accepted for this road?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: That question does not arise.

MAULAVI GHYASUDDIN AHMED: In view of the fact that the lowest tender was accepted, could not the saving therefrom be utilised for the construction of the bridge?

THE HON'BLE THE SPEAKER: That is an expression of opinion.

MAULAVI MUHAMMAD AMJAD ALI asked:

*102. (a) Is it in the contemplation of Government to construct a permanent bridge over the Haripani stream?

(b) If so, when?

(c) If not, what are the reasons?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied:

102. (a)—No.

(b)—Does not arise.

(c)—Government have recently spent over Rs.1,88,000 on this road and further improvement must wait until other roads are improved.

MAULAVI MUHAMMAD AMJAD ALI: Will Government consider it desirable to include this bridge in the Road Board programme?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The hon. member has just come from a meeting of the Communications Board and all the programme that has been prepared after due consultation with the Local Boards and district officers were laid before him. He has just passed certain scheme and this bridge is not included in that list.

MAULAVI MUHAMMAD AMJAD ALI: May I know what was the recommendation of the district officer regarding the construction of this bridge?

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

MAULAVI MUHAMMAD AMJAD ALI asked :

*103. Will Government be pleased to state—

- (a) What is the estimated cost for the construction of a permanent bridge over the Haripani stream on the Jogighopa-Chapaguri road ?
- (b) Whether the bridge is in the scheme of the Road Board programme ?
- (c) If not, do Government propose to include this project in the Road Board programme as an urgent necessity ?
- (d) If not, what are the reasons ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

103. (a)—No estimate has been prepared.

(b) & (c)—No.

(d)—The hon. member is referred to the answer to question No. 102. (c).

Monopoly for running motor lorries on the Jogighopa-Chapaguri road

MAULAVI MUHAMMAD AMJAD ALI asked :

*104. (a) Is it in the contemplation of Government to give monopoly to private enterprises by way of encouragement to run the motor services along the Jogighopa-Chapaguri road ?

(b) If so, on what terms and conditions ?

(c) If not, what are the reasons ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

104. (a)—No.

(b)—Does not arise.

(c)—Government do not propose to give any monopoly over the road in question or on any other road in the plains of Assam.

MAULAVI MUHAMMAD AMJAD ALI asked :

*105. (a) Are Government aware that the public of Goalpara recently in a public meeting expressed their full sympathy in favour of giving monopoly for a limited period on certain suitable terms and conditions ?

(b) If not, do Government propose to enquire into the matter ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

105. (a)—No.

(b)—No.

Settlement of lands with Immigrants

MAULAVI SAIYID ABDUR ROUF asked :

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

(a) Whether settlement of land is being denied, to a section of the people of this Province, termed by the Revenue Department as "Immigrants" within areas closed to them and within Assamese Immigrant lines in the subdivision of Barpeta and in other places ?

(b) If so, what does the term "Immigrant" imply ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

106. (a)—Yes.

(b)—The term "immigrant" includes all persons who come from the Surma Valley or from districts outside the Province, excluding tea garden and ex-tea garden coolies, Nepalese and Marwaries.

THE HON'BLE THE SPEAKER: Government will do better by not using the term "coolie".

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Very well, Sir, 'tea garden labourers.'

MAULAVI SAIYID ABDUR ROUF asked :

*107. What is the nationality and status of the children of persons styled as "Immigrants", born and brought up in Assam ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied :

107. —Nationality—Indian. If certificate of domicile is granted under the rule laid down in the Assam Executive Manual, they will be considered as domiciled Assamese.

MAULAVI DEWAN MUHAMMAD AHBAB CHAUDHURI VIDYABINODE: Do Government propose to expunge the word "immigrant" from the official records ?

(No reply.)

MAULAVI MUHAMMAD AMIRUDDIN: What does the term 'children of the soil' mean? The question was: What is the nationality and status of the children of persons styled as 'immigrants', born and brought up in Assam? Are the children of persons, styled as immigrants, born and brought up in Assam, also immigrants?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: That will depend on how the word 'immigrant' is understood. For the purpose of colonisation scheme, they will be considered as immigrants.

MAULAVI MUHAMMAD AMIRUDDIN: Suppose children of the soil born and brought up in Assam live in Assam for 12 or 15 years. Are they immigrants?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Until they acquire domicile certificate they will be considered as immigrants. The term immigrant is used only to give them the benefit of the colonisation scheme. If they get a domicile certificate they will be considered domiciled Assamese.

MAULAVI MUHAMMAD AMIRUDDIN: Will they be entitled to the same civic rights as the Assamese people?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: If they acquire a certificate of domicile, they will acquire the same rights as other domiciled persons get.

MAULAVI MUHAMMAD AMIRUDDIN: What is meant by 'other domiciled natives'? The answer is very vague. If immigrants shall be favoured with a domiciled certificate, the Hon'ble Minister says, they will be

entitled to the same rights and privileges as other domiciled natives and not as children of the soil. To what rights and privileges will they be entitled? If they get a domicile certificate, will they be treated as children of the soil—may I be allowed to ask?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already said that if they get a certificate of domicile, they will get the same rights as other members of the domiciled community.

MR. FAKHRUDDIN ALI AHMED: What will be the status of the children of immigrants who have been here for the last 20 or 35 years?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have already answered that question, Sir.

MR. FAKHRUDDIN ALI AHMED: Is it necessary for such children to acquire a certificate of domicile?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Yes, Sir; if he wants to acquire the rights of a member of the domiciled community.

MR. FAKHRUDDIN ALI AHMED: May I understand that such rights are not acquired by such children even after a stay of 20 or 35 years?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think hon. member knows the provisions of the rule for acquiring a domicile certificate.

MR. FAKHRUDDIN ALI AHMED: Is it necessary for such children who are born of immigrant father to become domiciled even after he has lived here for 20 or 35 years?

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

MR. KEDARMAL BRAHMIN: How long will he have to stay in Assam in order to acquire the status of the sons of the children of the soil?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: The hon. member is referred to rules in the Executive Manual.

MR. KEDARMAL BRAHMIN: Is there any difference between the rights of domiciled and the rights of indigenous people.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I think the rights are same as those of the Assamese people.

MAULAVI SAIYID ABDUR ROUF: How long a man will have to remain in Assam to acquire the status of a domicile? How long has he got to remain here to acquire the rights of the children of the soil?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There are several conditions in the rule. Mere long stay does not entitle a man to get a certificate of domicile. He will have to satisfy the rules laid down in the Executive Manual.

MAULAVI SAIYID ABDUR ROUF: Even before 1912 some people from Mymensingh came to the Kamrup district. Are these people immigrants in the sense in which Government is expecting the immigrants of Assam to conform to the rule laid down in the Executive Manual, to get a domicile certificate?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: I have no information that people came before 1912 and I do not know how they have been treated now.

KHAN SAHIB MUDABBIR HUSSAIN CHAUDHURI: May I know if there is any difference between immigrants and domiciled immigrants? These two terms overlap each other.

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: Any immigrant may obtain a certificate of domicile under the rules.

MAULAVI MUHAMMAD AMIRUDDIN: But, Sir, in the Executive Manual, rule 307 does not set forth that any immigrant who is favoured

with a domicile certificate shall be entitled to the same civic rights as the Assamese people. Will the Hon'ble Minister be pleased to issue a circular to the effect that those immigrants who have been favoured with domiciled certificates will be entitled to the same civic rights as the indigenous people?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: There is no necessity to issue such a circular. The rules are very well known to district officers.

MAULAVI SAIYID ABDUR ROUF asked:

*108. Is the Hon'ble Minister prepared to consider the desirability of giving the persons mentioned in question 107 equal status with the *bona fide* inhabitants of the Province?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

108.—The question is not understood as it is not stated in what respect "equal status" is wanted for the immigrants.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

Mechpara and Bijni Court of Wards Estates

MAULAVI MATIOR RAHMAN MIA asked:

199. Are Government aware that the Jotedars of the Goalpara district are realising, even through the Law Courts, sums, in the name and style of Local Rates, much in excess of what they have themselves got to pay to their superior landlords; and if so, do Government propose to take early and effective steps to put a stop to such unjustified realisation?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI replied:

199.—Government have received no complaints from the tenants of excessive local rates being realised from them. The provisions of section 17 of the Local Rates Regulation, though complicated, are quite clear, and no tenant can legally be forced to pay more than his share, as calculated in accordance with that section, of the local rates assessed on the Zemindar in respect of his land.

MAULAVI MATIOR RAHMAN MIA: যদি কোন নির্দিষ্ট অভিযোগ আনয়ন করা হয় তবে গবর্নমেন্ট তদন্ত করিতে রাজী আছেন কি না?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: আপুনি আক এবাৰ কবনে?

MAULANA ABDUL HAMID KHAN: ইহা কি সত্য যে মেছপাড়া ওয়াৰ্ড ষ্টেট এবং বিজনী ওয়াৰ্ড ষ্টেট যত টাকা লোকেল রেট আদায় করেন তাহাব অক্কেৰ্ক টাকাও গবর্নমেন্টকে জমা দেন না?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: এই কথা সঁচা নে মিছা কব নোৱাৰোঁ। এই বিষয়ে অনুসন্ধান কৰি জনাব পাৰো যদি সত্য ডাঙৰামাই বাস্তবিকে এই খবৰটো লাগতামাল বুলি কয়।

MAULANA ABDUL HAMID KHAN: ইহা যদি সত্য হয় তাহা হইলে এ যাবৎ যত টাকা আদায় করা হইয়াছে তাহা ফেরৎ পাওয়া বাইবে কি ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: অন্যান্য কাৰ যদি কোনেও টকা আদায় কৰি নিছে তেনেহলে তাক বিবেচনা কৰা হব।

MAULAVI MATIOR RAHMAN MIA: আম হভিযোগ কৰিতেছি যে গোৱালপাড়া জিলাৰ ভোক্তাৱগণ তাহাদেৰ অধিন প্ৰজাদেৰ নিকট হইতে স্থানীয় কৰ বাবদ যে টকা আদায় কৰেন তাহাৰ অধিকাংশ তাহাদেৰ উপৰস্থ ভূস্বামীকে আদায় দেন না। ফলে, প্ৰজাৰ নিকট হইতে আদায় স্থানীয় কৰ গৰ্ণায়ণট তহবিলে পহুঁছে না।

এৰূপ অন্যান্য ভাবে অতিরিক্ত হাৰে কৰ আদায় বন্ধ করা হইবে কি না তাহা জানিতে পারি কি ?

THE HON'BLE SRIJUT ROHINI KUMAR CHAUDHURI: এই গোচন সম্বন্ধে বিচাৰ কৰি চোৱা হব।

Police Officers of North Salmara Police Station

SRIJUT PARAMANANDA DAS asked :

200. (a) Is it a fact that the Police Officers of North Salmara Police Station enquire about my whereabouts, sometimes weekly, sometimes twice a week, since my election to the Legislative Assembly, Assam ?

(b) If the answer is in the affirmative, will the Hon'ble Minister be pleased to state the reason for it ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

200. (a)—No.

(b)—Does not arise.

SRIJUT PARAMANANDA DAS: Will the Hon'ble Minister be pleased to state whether he called for any report from the Police Officers of North Salmara about this ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Yes, Sir, I called for a report and on that report of the Police Officers, I have given the reply.

SRIJUT PARAMANANDA DAS: Did the Police Officer in charge categorically deny that no inquiry was made ?

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

SRIJUT PARAMANANDA DAS: Am I to disbelieve my own eyes that no inquiry was made ?

Ratla-khal in Sunamganj Subdivision

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

201. Are Government aware of the fact that the strong current of the Ratla-khal (ৰাটলা খাল) flowing from the Boulai river, damages the Boro

crops of 'Halir Haor' covering thousands of *hals*, within the limits of Dharma Passa thana, in the subdivision of Sunamganj ?

202. Is it a fact that the inhabitants of some 30 villages who cultivate Boro crops in *Halir Haor* submitted a petition to the Chairman, Sunamganj Local Board, praying for a sluice-gate to be placed at the mouth of the *khal* in order to prevent the current in the earlier part of the Bengali year and thus protect the only crops of the people of the locality, and that that petition was forwarded to the Subdivisional Officer, Sunamganj, by the Chairman ?

203. If so, what was the result of that petition ?

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

201.—Yes, it is reported that damage only takes place in years of early monsoon and flood. There was, for example, no damage this year.

202 and 203.—A petition from the villagers of Lambabak was received by the Chairman in June 1936 and forwarded by him to the Subdivisional Officer. The Subdivisional Officer returned the petition to the Chairman with the intimation that if the Board were unable to help the villagers they might be advised to approach the Zamindars as the bund would be to their benefit.

MAULAVI MAHAMMAD MAQBUL HUSSAIN CHAUDHURI : Did the Subdivisional Officer of Sunamganj consult the Government before he returned the application to the Chairman ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I could not follow the hon. member. Will he please repeat his question.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : In the answer it is written that the Subdivisional Officer returned the petition to the Chairman with the intimation that if the Board were unable to help the villagers they might be advised to approach the Zamindars as the bund would be to their benefit. So, my question is : did the Subdivisional Officer consult the Government before writing this note ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have no information, Sir.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : Are Government ready to enquire into the matter whether the strong current of the *Ratla-khal* damages the *Boro* crops of 'Halir Haor' ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Government have already inquired into the matter.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : Do Government propose to place a 'bund' on that *Khal* ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That is a private land and belongs to Zamindars.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : Do Government think that this 'bund' will in no way benefit the tenants ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : It concerns the tenants of the Zamindars.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : Will Government please inquire into the matter whether the tenants will be benefited by the 'bund' ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : That, Sir, I cannot answer as it is a question that concerns the tenants of the Zamindars.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : May I know, Sir, why the Hon'ble Minister cannot answer ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : This is a matter which will have to be considered whether Government has anything to do with this matter.

Representation of members in the Local Boards

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI asked :

204. Will Government please state whether Government propose to increase the number of members of the Local Boards in view of the fact that the number of electors has been greatly enlarged ?

205. If so, has Government any scheme under consideration for the purpose ?

206. If the answer to question No. 204 is in the affirmative, do Government propose to split up the plural member constituencies now in vogue in some areas and to form single member constituencies in their steads having regard to the largeness of areas as well as electorate ?

207. Will Government please state whether it is a fact that the Sunamganj Local Board passed a resolution asking Government to allot seats of the Board to the different communities according to population basis ?

208. If so, what was the result of that resolution ?

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

204-206.—The whole question of Local Board representation is at present under the consideration of Government.

MAULAVI MUHAMMAD MAQBUL HUSSAIN CHAUDHURI : May we know when Government will inform us the result of their consideration ?

KHAN BAHADUR MAULAVI KERAMAT ALI : This question has been asked many a time.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I have already answered that question several times in this House.

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

207 and 208.—The hon member is referred to the reply to a similar question asked at this session by Maulavi Dewan Md. Ahbab Chaudhuri.

Personal Assistant to the Inspector General of Police

MR. ARUN KUMAR CHANDA asked :

209. Will Government be pleased to state—

- (a) If there are any rules laying down especial qualifications for holders of the post of Personal Assistant to the Inspector General of Police ?
- (b) If so, what are the rules ?
- (c) Whether Indians are debarred from being appointed to the post by any of the rules ?
- (d) When was this post created ?
- (e) How many Indians and how many non-Indians have since then held this post ?
- (f) What is the present percentage of Indian and non-Indian Officers who are eligible for this post ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

209. (a)—The post now designated Assistant to the Inspector General of Police is in the grade of the Superintendent of Police. There is no rule laying down any special qualification for the holder of this post but as a matter of practice the Assistant Inspector General of Police should ordinarily be a fairly Senior Officer with an intimate knowledge of District Police Work, able to deal efficiently with the Assam Rifles on technical matters. He must also be able to act for the Inspector General in emergent cases when the latter is on tour.

(b)—Does not arise.

(c)—No.

(d)—In 1912.

(e)—The post has all along been held by non-Indians except once for a short period.

(f)—There is no percentage.

MR. ARUN KUMAR CHANDA : Am I to understand, Sir, that during the last 25 years that only one Indian Police Officer has been available to fill the post of the Personal Assistant to the Inspector General of Police ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The reply is given in question No. 209(e), that the post has all along been held by non-Indians except once for a short period.

MR. ARUN KUMAR CHANDA : Am I to understand that there had been dearth of senior Indian Police Officers with the requisite qualification for holding the post more or less permanently ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : There was no dearth of senior Indian Police Officers with intimate knowledge of district police work but none of them had any knowledge to deal efficiently with the technical matters of the Assam Rifles.

MR. ARUN KUMAR CHANDA : Did Government afford any facilities to the Indian Police Officers for acquiring the experience of the Assam Rifles ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The Officers of the Assam Rifles are recruited by the Central Government and we have got no hand in the matter.

MR. ARUN KUMAR CHANDA : May I know how the European Police Officers acquire that experience ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : The European Police Officers acquire the experience of the Assam Rifles because they are posted as Assistant Political Officers in the Frontier Tracts.

MR. ARUN KUMAR CHANDA : Has not the Superintendent of Police of Cachar something to do with the Assam Rifles ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA : Yes, Sir, the Superintendent of Police of Cachar is in charge of Assam Rifles in a very technical sense only.

MR. ARUN KUMAR CHANDA : Do Government propose to afford facilities to the Indian Police Officers to acquire necessary qualification by posting them as Assistant Political Officers ?

THE HON'BLE MAULAVI SAYID SIR MUHAMMAD SAADULLA :
Yes, Sir. Of late we have posted many young Indian Police Officers as Assistant Political Officers.

Complaint against the Location of Rice and Oil Mills in Sibsagar town

SRIJUT BHUBAN CHANDRA GOGOI asked :

210. Is it a fact that Nathuram Joydewal Khenka Rice Mills and the Ramdeo Ramsai Rice and Oil Mills are situated in the Sibsagar town in a locality which is surrounded by residential quarters, educational institutions and mosques ?

211. Is it a fact that the above Mills were established against the vehement protest from the rate-payers, as being a source of nuisance and detrimental to the health and hygiene of the locality ?

212. Is it a fact that the Commissioner of the Assam Valley Division and the Director of Public Health of Assam, both of them, admitted the *bona fide* of the grievances of the rate-payers ?

213. Will Government be pleased to state the reason why the opinions and suggestions of the immediate authority and the expert were not heeded to ?

214. Will Government be pleased to state whether it is their policy to encourage "the improvement of a little town, as remarked by the then Hon'ble Minister in charge of Local Self-Government, at the cost of the health and lives of its rate-payers and their young children ?

215. Is it a fact that Ramdeo Ramsai Mills which had permission for running a rice mill only under certain conditions, has been running oil mills too ?

216. Will Government be pleased to state whether they propose to take steps against this violation of conditions ?

217. Do Government propose to enquire and take steps against the owner of the oil mill and also against the person or persons responsible for allowing the owner to run the mill, beyond the scope of the permission ?

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

210.—The locality in which the mills are situated is the *bazar* area of the town.

211.—Yes.

212.—Yes.

213.—The mills were established with the permission of the Municipal Board of Sibsagar. Subsequently the Commissioner passed an order prohibiting the establishment of the mills subject to the confirmation of the Local Government. The case came up to the late Government on appeal and it was held by them that the Commissioner's order was, legally, not maintainable.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is it a fact that there are educational institutions and mosques near the rice and oil mills in Sibsagar town ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : All the informations we have got, Sir, are given in the reply.

KHAN BAHADUR MAULAVI KERAMAT ALI : The question was whether these rice and oil mills are situated near the educational institutions

and mosques. My question is whether it is a fact that there are schools and mosques near these rice and oil mills.

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I do not know that, Sir, but I take the statement of the hon. member as a fact.

MR. NABA KUMAR DATTA : Is it a fact that the Hon'ble Minister saw some residential quarters on his way to Dibrugarh recently ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I did not notice that, Sir.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is it not a fact that the Commissioner of a Division is entitled to rescind a resolution passed by the Municipal Board if it is found against the interests of the rate-payers ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : According to the Act he can suspend the resolution.

KHAN BAHADUR MAULAVI KERAMAT ALI : Will the Hon'ble Minister be pleased to state why the order passed by the Commissioner was not legal ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : Well, Sir, that was the decision of the previous Government.

KHAN BAHADUR MAULAVI KERAMAT ALI : On what ground the previous Government thought that the orders passed by the Commissioner were not legal ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : I cannot tell all the grounds which led the previous Government to pass that order.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is the order confidential ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The order is not confidential, Sir. If the hon. member wants to know the order, he can get it later.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is it a fact that the order was passed because the Municipal Board having already given permission for the opening of the factory, the buildings could not be ordered to be dismantled ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : It is stated in the reply that the Municipal Board permitted the firms to establish the factory.

KHAN BAHADUR MAULAVI KERAMAT ALI : Is it not a fact that the Commissioner passed that order after consulting the Director of Public Health who also reported that the rice mills were a source of nuisance ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : It is already stated in the reply that the Commissioner did not want the Board to allow the establishment of factories there, but the previous Government thought that the Commissioner did not do it according to law.

MR. NABA KUMAR DATTA : Are the present Government prepared to revise the orders of the previous Government ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY : The reply is there, Sir. The Municipal Board is competent, according to the Act, to give permission or not to give it.

KHAN BAHADUR MAULAVI KERAMAT ALI : Now that the orders passed by the Municipal Board were found to be irregular by the Commissioner, why should the Government revise that order. If those orders passed by the previous Government are found to be illegal and inconsistent, is there any bar for the present Government to revise them ?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Well, Sir, the matter has not been referred to the present Government.

KHAN BAHADUR MAULAVI KERAMAT ALI: Will the Hon'ble Minister be pleased to take action if the matter is referred to him?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, the difficulty will be that these mills have been established, and established according to the order of the Municipal Board in accordance with the law, and once they have been established I do not see how they can be removed.

KHAN BAHADUR MAULAVI KERAMAT ALI: Is it not a fact that the owners of these mills built those buildings at their own risk because they are presumed to know that the orders of the Municipal Board were liable to be rescinded or might be rescinded?

RAI BAHADUR PROMODE CHANDRA DATTA: May I suggest to the hon. member to approach the members of the Municipal Board concerned?

KHAN BAHADUR MAULAVI KERAMAT ALI: The Municipal Board was approached times without number but they did not care to pay any heed.

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The Municipal Board is a self-governing body and it has power to do what they like subject to the provisions of the Act.

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

214.—The matter is not a question of Government policy but concerns the action of a self-governing Body. No factory employing mechanical power can be established in any Municipality without the previous written permission of the Board and the Board is empowered under section 235(2) of the Municipal Act to refuse permission if the establishment of such factory would be objectionable or a nuisance. As already stated the Municipal Board gave the required permission in this case.

215.—Permission was given by the Board to Ramdeo Ramshri to run a rice and oil mill.

216.—Government are not aware of the violation of any of the conditions under which the Municipal Board gave permission to establish the mill.

217.—Does not arise.

Cases under the Assam Criminal Law Amendment Act, 1935

BABU DAKSHINA RANJAN GUPTA CHAUDHURI asked :

218. Will Government be pleased to state—

(a) The number of persons detained and the number of persons whose personal liberty has been restricted under the Assam Criminal Law Amendment Act of 1935?

(b) Has there been any occurrence of terrorist crimes within the province in 1936-37?

(c) If the answer is in the negative, will Government state if they propose to release unconditionally the said detenus and remove all restrictions under the Act and abolish the D. I. B. specially appointed for the purpose?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

218. (a)—The hon. member probably refers to the Assam Criminal Law Amendment Act (III of 1934), and not to the Amending Act (VII of 1935) which deals with the possession of objectionable newspapers, books and other documents, etc.

At present there are two persons detained in, and one externed from, Assam under the Act, III of 1934.

(b)—No. Attempts were, however, being made by members of terrorist organisations to recruit others and to procure arms and ammunition for the perpetration of outrages.

(c)—No.

Number of handlooms in Assam

SRIJUT KRISHNA NATH SARMAH asked :

219. Is it a fact that according to the Census of 1921 there are 4,21,367 ordinary handlooms in Assam producing 22½ million yards of cloth annually ?

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

219.—According to the Census of 1921 there were 4,21,367 ordinary handlooms in the province. No figures of the production of cloth are given in the Census Report of that year and the figure of 22½ million yards mentioned by the hon. member was calculated in 1936 in reply to a question asked by Khan Bahadur Maulavi Keramat Ali in the old Assam Legislative Council.

SRIJUT KRISHNA NATH SARMAH: Does the Hon'ble Minister in charge of Agriculture and Industries think that this cottage industry should be encouraged and some funds should be placed for this purpose, so that more clothes may be produced ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: We have no objection, of course, to encourage it, but the public have their own choice, whether to take it up or not. Government is doing its best to encourage the industry.

KUMAR AJIT NARAYAN DEV: Will the Hon'ble Minister be pleased to state how many of these looms belong to private persons and how many to institutions ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I want notice.

SRIJUT DEBESWAR SARMAH: Will the Hon'ble Minister be pleased to state whether he proposes to issue a circular to the subordinates in his department for purchasing and using Khadi ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: I will look into its possibilities.

SRIJUT MAHADEV SARMA: May we know in what way he is encouraging the Industry ?

THE HON'BLE MAULAVI MD. ALI HAIDAR KHAN: Government officers have been given instructions and we have also distributed looms where necessary.

Reservation of seats in the Local and Municipal Boards for Scheduled Castes, etc.

BABU AKSHAY KUMAR DAS asked :

220. Do Government propose "reservation of seats" for the Scheduled Castes and tribal people in the Local and Municipal Boards?

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

220.—So far as Local Boards are concerned the answer is in the affirmative.

In Municipalities—as the hon. member is aware—there are at present no reserved seats for any community and Government will be reluctant to introduce this principle into Municipal elections.

BABU AKSHAY KUMAR DAS: May I know the reasons of Government being reluctant to introduce reservation of seats in Municipalities?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, we discussed that question yesterday regarding nomination; this means almost the same.

MR. NABA KUMAR DUTTA: Am I to understand, Sir, that there will be no reservation in case there is nomination?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Sir, this is a very difficult question. We want to see what this House decides. If this House wants that we should introduce Special Electorates or reservation of seats in the Municipalities, we are ready to do that; but whether this House wants this or not—that is the question.

SRIJUT PURNA CHANDRA SARMA: Is it a fact that Government is opposed to the principle of separate representation in regard to the Municipalities, as found in the answer to this question?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Well, Sir, that calls for the opinion of Government. I am not ready to give my opinion just now.

RAI BAHADUR PROMODE CHANDRA DATTA: Is not the whole matter under consideration now?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Yes, Sir, it is under consideration.

BABU AKSHAY KUMAR DAS: When this consideration will be ripe?

SRIJUT RUPNATH BRAHMA: So far as the Local Boards are concerned, do Government think that mere reservation of seats will best serve the interests of the tribal people?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: Government think that it is asking for opinion. Government want to see the opinion of the House before they come to any decision.

MR. NABA KUMAR DUTTA: What is the view of Government?

THE HON'BLE REV. J. J. M. NICHOLS-ROY: The view of the Government will be formulated after they have heard the opinion of the House.

Appointment in the Indian Police Service

KHAN SAHIB MAULAVI SAYIDUR RAHMAN asked :

221. Will Government be pleased to state the number of outsiders nominated to the Indian Police Service from Assam since 1929 and to what community each of them belongs?

222. Is it a fact (a) that no Mahomedan has ever been nominated to the Indian Police Service?

(b) If so, do Government propose to allot the next nomination to a suitable candidate from the Mahomedan community?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

221.—Presuming that appointment to the Indian Police by direct recruitment from Assam is referred to, the answer is one Hindu recruited in 1933. Admission is by competitive examination, not by nomination.

222. (a)—On the same presumption, Yes.

(b)—This Government have no direct hand in these appointments. They are made, on a Provincial basis, by the Secretary of State on the recommendation of the Government of India, on the result of a competitive examination conducted by the Federal Public Service Commission.

Appointment and promotion in the Police Department

BABU DAKSHINARANJAN GUPTA CHAUDHURI asked :

223. Will Government be pleased to state :

(a) The names and terms of service of the Sub-Inspectors of Police, who have been promoted to the rank of the Inspectors, either permanently or temporarily, within the last three years ?

(b) Has the attention of Government been drawn to the Resolution No.15 of the Assam Police Conference held in 1936 at Jorhat under the presidency of Srijut Kashinath Saikia, *ex-M.L.C.* ?

(c) If so, has Government given effect to the resolution ?

(d) If the answer is in the negative, do Government propose to give an early effect to the resolution ?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

223. (a)—A statement is placed on the Library table.

(b) and (c)—The Inspector General of Police who is the appointing authority for Inspectors of Police, replied suitably to the Resolution in question.

(d)—It is not proposed to abolish at present the system of accelerated promotion to the rank of Inspector. This system by which a certain proportion of the vacancies in the rank of Inspector is filled by Sub-Inspectors of outstanding merit is necessary with a view to retaining a reasonable standard of efficiency and mental and physical energy in our promoted Deputy Superintendents of Police.

Maulvibazar-Shamshernagar Local Board Road

BABU DAKSHINA RANJAN GUPTA CHAUDHURI asked :

224. Will Government be pleased to state—

(a) Whether Government proposes to take over the Maulvibazar-Shamshernagar Local Board road under the Public Works Department ?

(b) If the above answer is in the affirmative, do Government propose to construct a bridge over the Dholai river at Chaitraghat ?

225. Is it a fact that the said bridge is a crying need of the inhabitants of a large area of the South Sylhet Subdivision ?

226. Is it a fact that this is the only road connecting Hill Tipperah and large tracts of the said subdivision to the subdivisional headquarters at Maulvibazar ?

227. Will Government be pleased to state whether this road was previously under Public Works Department ? If so, why and when it was handed over to the Local Board ?

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

224. (a)—The reply is in the negative.

(b)—Does not arise.

225.—Government have no doubt that a bridge is desirable. It is open to the Local Board to apply to Government for a loan for the construction of a bridge.

226.—No : there are other roads, namely the Public Works Department road Maulvibazar-Brahmanbazar-Kulaura-Juri-Phultala road and Maulvibazar-Srimangal road and other Local Board roads.

227.—Yes. It was handed over to the Local Board with a maintenance grant in 1926 as the road did not form part of the main road system of the province. The Local Board then stated that they would gladly take over the road if they receive maintenance grant.

Revenue from stamps and court-fees

BABU LALIT MOHAN KAR asked :

228. Will Government be pleased to state the total receipt of the Government from Stamps and Court-fees during the years 1922, 1923 and 1924 shewing the excess over the pre-existing receipts from the said two sources, as the result of the Assam Stamp (Amendment) and the Assam Court-fees (Amendment) Act of 1922 ?

229. Will Government be pleased to lay on the table a statement of the accounts of stamps and Court-fee money granted for water supply to each of the Local Boards in the districts of Sylhet and Cachar in each of the years 1922, 1923, 1924, representing the half share of the excess receipts stated in question No. 228 due to these districts according to the conditions under which the said Amendment Acts were passed ?

230. Will Government be pleased to state how the amount so allotted to each of the Local Boards in the two districts aforesaid, was spent for the purpose intended, and, whether any balance still remains undisposed of with the Government and available to any particular Local Board or Local Boards in the said districts.

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA replied :

228.—The Assam Stamp (Amendment) Act and the Court-fees (Amendment) Act, 1922, came into force with effect from the 1st May 1922. The figures for the financial year are given as, those for the calendar years are not readily available :—

years	Total receipts	Excess over pre-existing receipts	
		TRs.	TRs.
1920-21 ...	17,17	...	...
1922-23 ...	18,08	91	...
1923-24 ...	19,84	2,67	...
1924-25 ...	20,65	3,48	...

229.—As the Statement of Objects and Reasons showed, the Assam Stamp (Amendment) Act and the Assam Court-fees (Amendment) Act, 1922, were to provide additional revenues to remove part of then existing deficit in the provincial revenues. No grant was therefore made to Local Boards for water-supply.

230.—Does not arise.

Procedure of imposing fines on accused persons in Garo Hills

MR. JOBANG D. MARAK asked:

231. Will Government be pleased to state under what law now in force in Garo Hills, the Maharis (clansmen) of convicted accused persons are made responsible for liabilities incurred by the latter?

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

231.—It was reported by certain Garo Lashkars that the Garo tribal custom is that maharis or clansmen pay the fines imposed on the accused person or persons on the inability of the latter to do so. This tribal custom received legal sanction when, in an appeal case, the Governor in Council ruled that when a convicted accused had no individual property, it was customary in the Garo Hills to realise the fine imposed on him from his maharis' property in which the accused of course had a joint interest.

MR. JOBANG D. MARAK: I should like to ask if there is any particular law or section in force making liable the clansmen for the offence of a convict person?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: There is no codified substantive law of the Garos. The law is administered there according to the Garo tribal custom and in certain cases the Lashkars, who are officials from the indigenous population of the hills, reported that their custom is that the Maharis are to make up the default of one of their number, and in a case which came up to the Governor in Council it was ruled that if an accused person is punished with fine and cannot pay the fine, if he has got an interest in clan's property, the clan has got to pay the fine.

MR. JOBANG D. MARAK: Did the Executive Officer or the Appellate Court make any attempt to find out if the Laskar's report was based on something legal or on the social custom that is really in practice as precedent?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: The point was duly considered. The District Officer consulted the Lashkars, and they said that it was a tribal custom, and until now beyond this question, we have had no representation to say that it was not the custom.

CONDOLENCE ON THE DEATH OF SIR MICHAEL KEANE

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: Sir, before we begin the proceedings of the day, I have got the painful duty of bringing to the notice of the House the most lamentable death of our ex-Governor, Sir Michael Keane, which sad occurrence took place last night in England. Little did we dream when Sir Michael retired from the Governorship of this province in March last that a man who looked so

healthy and who according to the standards of Europe was in the prime of life, will be no more in this world in so short a period. Sir, it has been my privilege to work with for nearly 2½ years with the late Sir Michael—a perfect gentleman, a thorough sympathiser of Indian aspirations, one imbued with a very broad outlook, a great revenue officer whose name will be remembered by the people of Assam for it was he who introduced 3-anna remission in land revenue at a time when it was very greatly needed. Sir, not only as a Government official, but also in social life, he showed what a perfect gentleman he was. He has left his land mark in various spheres of the uplift of the province, and I deem it my duty to place before the House a suggestion that we mourn his loss and send a message of condolence to Lady Keane, and as a mark of respect adjourn at least for some time to-day. Sir, my heart is full. I do not wish to take up the time of the House. In him I have lost a personal and intimate friend.

RAI BAHADUR PROMODE CHANDRA DATTA: Sir, I find no language which could adequately express my feelings at the sudden death of Sir Michael Keane. He took leave of us only the other day full of life and vigour and we had wished him years of well earned rest. Little did we think at the time that his end was so near. Sir, I had the privilege of working with him in close association for 3 years, and I had ample opportunity of studying him both as a man and as an administrator. As a man he was a true Christian and would not hurt even a fly; as an administrator his name ranks very high in the annals of the I.C.S. His reputation as a revenue officer stood very high, and as a statesman he did great service to this province; on the social side he mixed with us as if he was one of us. At the present moment our hearts go out in sympathy to Lady Keane who lived amongst us as one of us and did so much for the Indian ladies of this province. Her grief is terrible, but if it is any consolation to her to hear that her grief is shared by us, she has had it from us in ample measure. May God grant peace to the departed soul and consolation to his bereaved widow and children. May I suggest that we adjourn the business of the day and take up to-morrow, if the hon. Chief Minister will agree.

MR. F. W. HOCKENHULL: Sir, We have met to-day in melancholy circumstances and the news of the death of Sir Michael Keane has come with such a shock that we are almost stunned by it. Only a few weeks ago he was the guest of honour at the Assam Dinner, and we had no suspicion that he was in failing health, and yet it would appear that he has suffered much of which we had no knowledge. Some six years ago when he was offered the Governorship of this province he might have elected to assume the ease and leisure of retirement after 35 years of service in this country, but he chose to return to duty and retired after 40 years of service. He was a great parliamentarian; he had served in the United Provinces as its first Speaker; he was in the Central Assembly as their representative, and throughout his stay in this province he was an ardent supporter of the Reforms.

He was a genial and entertaining host, and those of us with less experience invariably found him accessible and ready to help. We mourn his loss deeply, and we wish to be associated in the message of condolence which you will send to Lady Keane and his family.

MR. NABA KUMAR DUTTA: Sir, I fully associate myself with what has been said by the previous speakers. The news of the demise of Sir Michael Keane soon after he has left this province came as a rude shock to us. This is not an occasion to dilate upon the various works that he has done for the province, but we the planters will always remember

him as an administrator who always recognised the importance of the Tea Industry in the province. During his regime the Tea Restriction Scheme came into being, and he played no small a part in its development. We had hoped that he would be a support for this province at home, but God has taken him away so soon. I only hope and pray that his soul may rest in peace.

MR. HIRENDRA CHANDRA CHAKRAVARTY: Sir, on behalf of myself and the people of my district of Cachar, I express our deep sorrow at the sudden and premature demise of our *ex*-Governor Sir Michael Keane. Sir, as the Governor of the province it was his great desire to do all he possibly could for the province, and I think everyone of us will remember with admiration what he tried to do for us. Sir, as a gentleman he was so perfect that whoever visited him received very kind and sympathetic treatment.

Sir, every one who saw him was simply charmed by his excellent qualities. He did a lot for us and we wish to associate ourselves with the message of condolence that the House proposes to send.

KHAN BAHADUR MAULAVI KERAMAT ALI: Sir, the death of Sir Michael Keane has come as a great shock to all of us. That he was a great Governor is illustrated by the fact that as soon as he came to know about the condition of the poor peasants of the Assam Valley, he granted a remission of three annas in the rupee in the land revenue. And on the floor of this House he once said that although a remission of three annas was given, the poor cultivators of the Assam Valley districts have not been able to pay their land revenue regularly, not because they did not want to pay it, but because they were so poor that even after the remission was granted they were not able to pay. Such was the sympathy of that kind hearted Governor and, therefore, I am sure his name will be ever remembered by the poor people of the Assam Valley districts and they will also mourn his death.

MR. ABDUL MATIN CHAUDHURY: On behalf of the Moslem League Party, I desire to associate ourselves with the motion of condolence that has been moved by the Hon'ble the Chief Minister. My acquaintance with Sir Michael Keane dated from the year 1926 when he was a member of the Indian Legislative Assembly, long before he came to this province. He was a perfect gentleman, as the Hon'ble the Chief Minister has said, a gentleman in the truest sense of the word. The grace and the charm of his manners, his courtesy, his innate nobility of character, won for him many friends and admirers in Delhi and Simla. His outlook was liberal and, as the Hon'ble Chief Minister has mentioned, he was very very sympathetic towards Indian aspirations. As a Governor of this province, I think not one public man fought so hard for a fair financial adjustment for this province as Sir Michael Keane did. He identified himself wholeheartedly with the interests of the province over which he was called upon to rule. Some of the expressions that he used in fighting for the financial adjustment of this province have been classic.

Sir, we never thought that he would pass away so soon. We would request you to convey our message of condolence to Lady Keane and adjourn the business of this House as a mark of respect.

SRIJUT GOPINATH BARDOLOI: On behalf of this section of the House we also desire to associate ourselves with the many expressions of sorrow and condolence that have been given utterance to by the various speakers, particularly by the Leader of the House.

With reference to the suggestion that was made by my hon. friend Rai Bahadur Promode Chandra Dutt, I think, Sir, these two hours which we would otherwise have, might very profitably be given us to-morrow. I do

not think the pressure of Government business would be so heavy ; and my suggestion is that these two hours should be given to us to-morrow. If the whole of the two hours is not available, we may have, I suppose at least one hour or a little more, on the next recess day.

We again associate ourselves with the expression of condolence.

MAULAVI MUNAWWARALI: Sir, the sudden demise of Sir Michael Keane, *ex-Governor* of this province came to us as a rude shock. Sir, he was full of sympathy for the Indians and he was one of the greatest sympathisers of the Indian aspirations. In opening the Council sessions, when he used to speak by the side of the President, we would be wondering if his speech was not characteristic of an Indian Nationalist Leader. I remember the occasion when on the floor of the House he was dilating on the subject of subvention and the meagre treatment meted out to Assam by the British Government and the Government of India in the matter of financial adjustments, he it was that inspired the House and electrified the members by saying that "loyalty in politics in these days does not pay". Sir, such expressions only befit the lips of an Indian Nationalist Leader.

That he was full of sympathy for the Indian aspirations and for the upliftment of this province no one can deny.

His heart was also full of the milk of human kindness for the needy and the poor and the distressed. I will cite only one instance. When the floods of June 1934 devastated the Sylhet district and the plight of the distressed was brought to the notice of Sir Michael Keane he did not lose a moment in proceeding straight to the locality to see the sufferings of humanity. And when he was convinced that the human sufferings there were real, he at once decided that no amount of money shall be denied for relieving the distress and ordered distribution of relief accordingly.

Sir, the memory which Sir Michael Keane leaves behind in this province shall ever remain green in the hearts of the people of this province. Sir, on behalf of the party that I represent and on my own behalf, I associate with this motion of condolence and wish that that the Catholic Irishman whose sympathies and outlook were both catholic and humane, might find as high a place in the celestial region as he enjoyed in this.

MR. KEDARMAL BRAHMIN: Sir, on behalf of the merchant community, I fully associate myself with my hon. friends who have already spoken on this motion. Sir, I came across Sir Michael Keane at Gauhati and he was very sympathetic towards the domiciled as well as the indigenous people of Assam. Assam was so dear to him that he tried his best for the uplift of the people. Especially he was greatly interested in the improvement of commerce, industry and education. Sir, we are very sorry for his untimely death and pray God that his soul may rest in peace.

KUMAR AJIT NARAYAN DEB: Sir, on behalf of the people of my district I must join in this motion of condolence. Sir, many things have been said about Sir Michael Keane regarding his character as a gentleman and as an administrator, so much so that I have very little to add to what they have said. But I feel it my duty to say something on this motion. I had no opportunity to know him as an administrator, but I had the opportunity of knowing him as a gentleman. After my very first visit to him at Dhubri he became quite friendly with me. Though an aged man of about 60 years, he used to play tennis regularly at the club, and I had the occasion of playing with him too. He was a real sportsman and took interest in all sorts of games and physical exercises. Again, Sir, we had the opportunity of knowing Lady Keane also who used to move about among us like one of our ladies. I think most of the permanent settlers of

Shillong will remember her and how she used to work day and night for staging a charity performance in Shillong Club last year. She worked day and night staging a drama for raising some money for some hospital. Sir, with these few words I join the motion of condolence.

THE HON'BLE THE SPEAKER: I also fully associate myself with the expression of grief that has been voiced by the Hon'ble Leader of the House and the other hon. members who have followed him. Of course it is certainly a sad event that Sir Michael Keane, soon after his retirement from the service of India, to which he had given so many strenuous years of work, should be taken away by the cruel hand of death. I had not the privilege to be acquainted with him, but the hon. members of this House who were intimately acquainted with him have given eloquent expression to the various qualities of Sir Michael Keane, which manifested themselves in the various spheres of his activity during the tenure of his office as a Governor of the Province. I had an occasion to meet him for a few minutes, and the manner in which he talked with me impressed me with his affability. Certainly the death of a Governor, who was in this province for full five years and who, as hon. members have already expressed, did much for the province, must be a matter of great grief to all. Though Sir Michael Keane was not connected with the present Legislature of the Province, the fact that he was at the head of this administration just before the inauguration of the Assembly cannot be ignored. And as it is the desire of this House that the Assembly should be adjourned for the rest of the day as a mark of respect to his memory, I would certainly adjourn the House from now. A message of condolence in accordance with the desire of this House will also be sent to Lady Keane.

I adjourn the House till 11 a.m. to-morrow.

RAI BAHADUR PROMODE CHANDRA DATTA: May I know, Sir, what is to become of the business of to-day?

THE HON'BLE MAULAVI SAIYID SIR MUHAMMAD SAADULLA: I think, Sir, Government business to-morrow is not so heavy, as to require the whole day.

So we can fix to-morrow after lunch for the business of to-day.

THE HON'BLE THE SPEAKER: To-day's work may be taken up to-morrow afternoon.

(The Assembly was then adjourned till 11 a. m. on Saturday, the 14th August 1937.)

Shillong:

The 17th September 1937. }

A. K. BARUA,

Secretary, Assam Legislative Assembly.

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