

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

The Assembly met in the Assembly Chamber, Shillong, at 11 a.m., on Monday, the 18th March, 1946

P R E S E N T .

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the seven Hon'ble Ministers and ninety-three Members

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

The Hon'ble the SPEAKER: Starred Question No.2†. The hon. Srijut Kameswar Das is absent, but he has left written authority for Srijut Mahendra Mohan Chaudhury to put the Question on his behalf. Therefore, I will ask Srijut Mahendra Mohan Chaudhury to put the Question.

Srijut MAHENDRA MOHAN CHAUDHURY: Sir, I will not put the Question.

Khan Bahadur Maulavi ABUAL MAJID ZIOSH SHAMS: Sir, can anybody else ask the Question on behalf of the hon. Questioner?

The Hon'ble the SPEAKER: When there is a written authority, the hon. Member authorised might put the Question. The written authority was in favour of Srijut Mahendra Mohan Chaudhury. He declined to put the Question. Therefore, it lapses.

Maulavi ABDUL MATIN CHAUDHURI: Sir, in view of the importance of the Question, will the Hon'ble Minister be prepared to reply?

The Hon'ble the SPEAKER: I am afraid, in the face of the standing rule I cannot ask the Hon. Minister to reply when the Question has not been put.

Maulavi ABDUL MATIN CHAUDHURI: Sir, in the past there has been a practice that whenever there is an important Question and the hon. Questioner is absent, the Chair on request from other Members asks the Hon'ble Minister to reply to the Question.

The Hon'ble the SPEAKER: In this case the hon. Questioner has left written authority in favour of another hon. Member and when that hon. Member declines to put the Question, I am afraid, I cannot help.

**The Hon'ble Mr. BASANTA KUMAR DAS: Sir, the position is this. When a Member does not want to put a Question and if the Question be of public importance then at the request of the Hon'ble Minister-in-charge he may be allowed to reply the Question.

Maulavi MUNAWWAR ALI: Does the Hon'ble Minister request the Chair?

The Hon'ble Srijut BISHNU RAM MEDHI: I do not think it is necessary to request the Chair when the hon. Member who is authorised to put the Question does not like to do so.

†Srijut KAMESWAR DAS to ask:

*2. Will Government be pleased to state under what regulations the professional Grazing Reserves are continued and what laws govern their dereservation?

**Speech not corrected.

The Hon'ble the SPEAKER :— Does Srijut Mahendra Mohan Chaudhury want to put his Question No.3† ?

Srijut MAHENDRA MOHAN CHAUDHURY: Sir, I am not going to put my Question.

Maulavi MUNAWWAR ALI: Sir, in view of the importance of the Question does the Hon'ble Minister request the Chair for permission to answer ?

The Hon'ble Srijut BISHNU RAM MEDHI: As the hon. Member who is interested in the Question does not like to put the Question and most probably he is satisfied with the material already obtained by him, I do not like to request the Chair.

Maulavi ABDUL BARI CHAUDHURY: Sir, all the Members are interested.

Scale of Pay of Process-servers

Srijut GAURI KANTA TALUKDAR asked :

*4. Will Government be pleased to state—

- (a) The present scale of pay of the process-servers (Peons or Pyadas) of the Province ?
- (b) Whether it is a fact that they are repeatedly urging upon the Government to raise their scale and to adequately increase their pay by resolutions passed in their annual conferences ?
- (c) Whether Government propose to concede to their request ?
- (d) If so, to what extent ?

*5. (a) Are Government aware that the Process-servers dislike to be called 'Pyadas' (প্যাডা) and prefer to be called 'Process-servers' (জারীকারক) ?

(b) If so, do Government propose to give effect to this request ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

4. (a)—The present scales of pay of Process-servers are as follows:—

In plains districts—Rs. 13—1/3—16—1/5—18 (Old). Rs. 12—1/3—15—1/5—17 (New).

In hill districts—except Khasi and Jaintia Hills—Rs. 15—1/3—18—1/5—20 (Old). Rs. 14—1/3—17—1/5—19 (New).

In the Khasi and Jaintia Hills—Rs. 18—1/5—22 (Old). Rs. 17—1/2—20 (New).

(b)—Yes.

(c) & (d)—The matter is still under detailed consideration.

5. (a)—Yes.

(b)—It will take time to familiarize the general public speaking in regional languages with a word like 'Jari-karak', and it rests largely with the Process-servers themselves to disseminate their desire to be known by that term. The High Court Rules (Civil) use the term 'Process-server' and the Code of Civil Procedure uses terms like 'proper officer' or 'serving officer'. In English these terms are gradually supplanting the word 'Piyada' or 'Peon', but it is a question of time, before nomenclature to which Process-servers take a dislike can be wholly eradicated.

†Srijut MAHENDRA MOHAN CHAUDHURY to ask :

*3. (a) Will the Hon'ble Minister-in-charge of Revenue be pleased to state the names of Professional Grazing Reserves in the Assam Valley ? (To be shown separately Subdivision by Subdivision with their respective areas.)

(b) Will the Hon'ble Minister-in-charge be pleased to state the are a encroached upon by trespassers in each of the said Reserves ?

(c) Does the Hon'ble Minister-in-charge propose to issue immediate orders to free the Professional Grazing Reserves from encroachers ?

(d) Does the Hon'ble Minister-in-charge propose to make some laws for the maintenance and protection of the Professional Grazing Reserves ?

Srijut GAURI KANTA TALUKDAR: Sir, do Government propose to give a direction to the effect that the word 'Jari Karak' should be substituted or used in Government offices by Government officers in place of 'Pyada' as the Process—servers dislike it.

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, Sir, the Government will look into the question and consider whether such a circular can be issued or not.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I know Sir, whether the term 'Pyada' is a term of opprobrium?

The Hon'ble Mr. BASANTA KUMAR DAS: Sir, I do not know whether it is so; but the Process servers consider the term to be not a dignified one.

UNSTARRED QUESTIONS

(To which answers were laid on the table).

Re: Subdivisional Medical Officers

Srijut KAMESWAR DAS asked:

33. Will Government be pleased to state—

(a) If it is the Government intention to put Non-M. B. Assistant Surgeons as Subdivisional Medical Officers in the backward Subdivisions and keep the M. B. Assistant Surgeons in the comparatively advanced ones?

(b) If so, whether Government propose to change the practice forthwith by putting experienced M. B. Assistant Surgeons in the backward Subdivisions where generally there are no M. B. Doctors available locally and put less experienced M. B. Doctors and Non-M. B. Assistant Surgeons in the advanced and the headquarter subdivisions where there are the Civil Surgeons or other M. B. Doctors available locally?

34. (a) Are Government aware that there is not a single M. B. Doctor at Barpeta and that there is a considerable public agitation for an experienced M. B. Doctor there in the Barpeta Dispensary as Subdivisional Medical Officer?

(b) Do Government propose to place an experienced M. B. Assistant Surgeon in charge there as Subdivisional Medical Officer?

The Hon'ble Srijut RAMNATH DAS replied:

33. (a)—No.

(b)—Does not arise.

34. (a)—Yes.

(b)—The suggestion of the hon. Member will receive due consideration from Government.

Installation of X-Ray plant in the Sylhet Civil Hospital

Babu JATINDRA NATH BHADRA asked:

35. Will Government be pleased to state—

(a) Whether they are aware of a donation of fifteen thousand rupees (Rs.15,000) made by Babu Rohini Kumar Bhattacharjee of Sylhet town for the installation of an X-Ray plant in the Sylhet Civil Hospital?

- (b) If so, whether they have approved of the plan by setting up the X-Ray plant in the said Hospital and placed order for it ?

The Hon'ble Srijut RAMNATH DAS replied :

35. (a)—Yes.

(b)—Yes, but the plant could not yet been procured.

Babu JATINDRA NATH BHADRA : With regard to Question No.35 (b), now that the war is over I think an X-Ray plant can be had from outside India if one is not found in the war-stock materials in India. Will the Hon'ble Minister therefore be pleased to order for the plant without any further delay ?

The Hon'ble Srijut RAMNATH DAS : Attempts are being made, Sir, to procure a suitable plant and as soon as it will be available, it will be installed.

Dr. C. G. TERRELL : Is the Hon'ble Minister aware that many first class X-Ray outfits are available as surplus for disposal from the American Military Hospitals and if so, whether in the interest of economy enquiries can be made as to their availability ?

The Hon'ble Srijut RAMNATH DAS : Government is aware of that Sir, and the suggestion of the hon. Member will be taken into consideration.

Dr. C. G. TERRELL : Is the Hon. Minister aware of a scheme for a tuberculosis clinic and hospital at Sylhet which also includes an X-Ray outfit ? If so, would consideration be given to the advisability of having one first class outfit, instead of two, to cover the requirements of the tuberculosis clinic and the Civil Hospital's requirements, in the interests of economy ?

The Hon'ble Srijut RAMNATH DAS : The suggestion of the hon. Member will be considered, Sir.

Establishment of Government managed dispensary at Lakeswar

Babu JATINDRA NATH BHADRA asked :

36. Will Government be pleased to state—

(a) Whether they are aware of a proposal of making a gift of the buildings and a donation of five thousand rupees (Rs.5,000) by Babu Rohini Kumar Bhattacharjee of Sylhet town for the establishment of a Government managed dispensary at Lakeswar, in the Sunamganj Sub-division of the Sylhet District ?

(b) If so, whether they have decided to accept the offer ?

The Hon'ble Srijut RAMNATH DAS replied :

36. (a)—Yes.

(b)—The matter is under consideration.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY : With regard to (b), may I know whether Government is going to adopt the blind policy of opening a dispensary whenever a person comes up with a donation for a particular area ?

The Hon'ble Srijut RAM NATH DAS : I cannot follow, Sir, what the hon. Member means by "blind policy".

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURY : I mean the blind method of accepting a donation for establishing a dispensary at a particular place when a person of that place comes up with a donation for an amount.

The Hon'ble Srijut RAMNATH DAS : I think this is a matter of opinion, Sir.

Maulavi MUNAWWAR ALI : Will the Hon. Minister be pleased to tell me whether this proposal is one for the establishment of a new dispensary or provincialisation of an old one ?

The Hon'ble Srijut RAMNATH DAS: The request of the donor is, Sir, to establish a new dispensary.

Persons undergoing imprisonment or under any restrictive orders for their political activities

Srijut KAMESWAR DAS asked:

37. Will Government be pleased to state—

- (a) The names of persons who are at present undergoing imprisonment or are under any restrictive orders for their political activities?
- (b) Whether any of them are granted any allowance?
- (c) If so, who are they and what is the allowance given to each of them?
- (d) Whether Government propose to release them forthwith?

The Hon'ble Mr. BASANTA KUMAR DAS replied:

37. (a)—None.

(b), (c) and (d)—The questions do not arise.

General discussion of the Budget

The Hon'ble the SPEAKER: Now we pass on to the general discussion of the Budget. Will the hon. Leader of the Opposition kindly let me know whether he will take more than half an hour?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I would request you to give me 40 minutes, Sir, though I shall try to finish my speech within half an hour.

The Hon'ble the SPEAKER: Will the Hon'ble Finance Minister take more than an hour for his reply?

The Hon'ble Srijut BISHNURAM MEDHI: I am afraid, Sir, it is difficult to say anything.

The Hon'ble the SPEAKER: There are two hon. Members who also want to speak. I shall allow 10 minutes to each of them. I would now call upon Maulavi Abdur Rasheed to speak.

Maulavi ABDUR RASHEED: Mr. Speaker, Sir, this is the first time that I have the honour and privilege of participating in the discussions and deliberations of this Hon'ble House. Being a novice in the line I had to keep silent during the last few days trying to gather some knowledge of the procedure. Now as it is the closing day of the Budget speeches, I feel inclined to come forward with a few words. Many an hon. Member has criticised the Budget Estimates for 1946-47 in their respective ways and thought. But, Sir, I find that a very heated discussion on the problem of the immigrants of Assam Valley went on during the last three days from both the Opposition as well as the Government benches. In this connection I first of all like to quote a few lines from the Budget speech of the Hon'ble Finance Minister showing the policy of the Government towards the immigrants. In one place of his speech the Hon'ble Finance Minister says, "Sir Muhammad Saadulla fully realised the injustice done to the people of the soil and convened a conference of all parties which came to an agreement with the Hon'ble Srijut Bardoloi and Srijut Rohini Kumar Chaudhuri. In pursuance to that agreement it was decided by the last Government that recent encroachers should be forthwith

evicted from all Professional Grazing Reserves and a Resolution dated the 13th July 1945 to that effect was published in the Gazette". This explains that the present Government are not responsible for eviction of the immigrants from the Professional Grazing Reserves and the desirability of the eviction at issue was realised by the last League Coalition Ministry also.

In another place of the Budget speech, the Hon'ble Finance Minister says, "We stand for a planned settlement of the arable waste land. For that purpose we propose to have an enumeration of the landless people and devise measures by which the landless as well as those who have got uneconomical holdings are settled in better and more economic holdings. The figures of available arable waste land are being collected and on receipt of all these figures we propose to consider how best we can solve the problem of land settlement. We have full sympathy for those immigrants who have been brought under various pretexts for the interest of the Dewaniyas or Matabbars. **** I appeal to those who have recently encroached on the Professional Grazing Reserves to go out of the reserves peacefully so that their case may also be considered after providing land to the indigenous landless people". From this quotation we find that the present Government are not for turning out the immigrants from the Province of Assam ; rather they have every sympathy for them.

In such a state of affairs, Sir, it would have been, in my humble opinion, better for the parties concerned to come to a mutual understanding as to how these poor and helpless immigrants could be saved while a devastating famine is apprehended in the near future. In view of all these circumstances, I appeal from the core of my heart, to all parties concerned to forget for a while the heated discussions which went on for the last few days. Let us for once be above all bitterness and mutual jealousies and sit together for devising ways and means as to how all the human beings living in the Province of Assam can be saved from the impending famine. With this appeal to the Hon'ble House I resume my seat.

Srijut OMEMO KUMAR DAS: Mr. Speaker, Sir, I had no mind to participate in the discussion of this Budget, but certain statement made by some of the hon. Members on the opposite have goaded me to do so at this fag end of the discussions.

An impression is sought to be created not only in this House but also outside that Assam has millions of acres of land lying fallow only waiting for the plough to be cultivated and that Assam has been following a 'Dog in the manger' policy. Sir, I submit that this is a mere propaganda and this propaganda is carried on throughout the length and breadth of India and I am amazed to find that the venerable Leader, Qaid-i-Azam Maulavi Muhammad Ali Jinnah, has fallen a victim to this propaganda. I have the greatest respect for him and I remember having passed some happy afternoons at his Malabar Hill residence with a friend from Sibsagar when I was in Bombay. I am sorry to state that no Member of this House nor leaders of All-India repute have approached this problem from an economic stand-point. This is an economic problem after all and we must approach this problem from the economic point of view. Assam is an agricultural country and its economy is based on agriculture and so I have to ask the Members of this House to approach this problem from the stand-point of agricultural economy so that we can help the people in improving their lot, so that the common man may increase his earning and have a higher standard of living.

Previously before the introduction of Provincial Autonomy, the Governments that were functioning not only in this Province but also in other Provinces of India, did not appear to have taken any active interest in the rural problems of the people. But after the introduction of Provincial Autonomy and with the popular Ministries coming to take charge of the administration we find that Governments have been taking active interest in the rural problems and as such our previous

Hon'ble Premier, Sir Muhammad Saadulla, conscious as he was of the duties and responsibilities to the people of Assam whether Hindus or Muslims, indigenous or immigrants, approached the problem and tried to solve it in his own way. After many conferences he came to an agreement with the then Opposition and I am amazed to find that some Members sitting behind him today repudiate that agreement. I have to ask those hon. Members whether it is fair to repudiate the agreement arrived at and to repudiate their own Leader who is revered by all sections of the people of Assam. The present Ministry does not want to make any departure from that policy which was evolved in that agreement and which found its expression in a Resolution dated the 13th July 1945.

Sir, we were told that 'freedom from want' was one of the aims of the last war. At least we heard late Mr. Roosevelt announcing so from overseas. If we are going to usher in a new economic order it is necessary that we must assure the common man employment and he must be assured of a living wage consistent with the needs of modern life.

No one can challenge me if I say that agriculture in our country is based on deficit economy. Here we find the Land System to be antiquated—which does not leave any impetus to the tiller of the soil. Here, we find the land which the cultivator esteems as the only valuable possession in his life is passing off from his hands to a class of people who are rent-receivers and crop-sharers. Here we find that the system of agricultural finance through village Co-operative Societies, which were introduced to help the *raiya*s substantially, have failed. Here we find that pressure on land has been increasing and holdings becoming smaller and smaller and uneconomic. Here we find that the road system developed not with a view to help the *raiya*s but to help the rich trading classes. Here we find railway rates not favourable for the cultivators. Here we find agriculture has been left to the illiterate and ignorant masses and the educated classes deem it beneath dignity to take to the plough. Here we find agriculture in its primitive stage and we have not yet adopted scientific methods of agriculture and mechanised agriculture is still unknown. I would like to emphasise in this connection that a proper policy on the part of Government must include in it as a basic plank the question of land reform. And for this we require an economic enquiry. Punjab has a Board of Economic Enquiry. And I suggest that our Government should have also such a Board. Unless we can bring about a change, unless we can enlarge the holdings of *raiya*s, and make them economic, unless we can stop this fragmentation of holdings, unless we can stop the exactions of a class of rent-receivers and crop-sharers, we cannot increase the productivity of the soil. It is time now that we review our rural problem in all its general aspects so as to enable us to visualise it as a whole and make plan for the future. I have to appeal to my Friends to address themselves mainly to this aspect of the problem. We must make an effort how we can modernise, rehabilitate, revitalise and rebuild our rural economy in harmony with the needs of modern life.

In this connection I have to state that the Governments that preceded the inauguration of Provincial Autonomy did not follow a systematic plan in the matter of settlement of land. The immigrants from Bengal who were forced to come to Assam being oppressed by the Zeminders were permitted to squat on the low-lying lands on the banks of the Brahmaputra. Some of these lands were under the occupation of the indigenous people for their '*pam*' cultivation. These low-lying areas were generally inundated during the high flood of the Brahmaputra and the soil was only suitable for the cultivation of mustard seeds, etc. And the indigenous people grew in these low-lying areas on the banks of the Brahmaputra mustard seed etc. as their money crops but with the settlement of these lands with the immigrants, the indigenous people were left to eke out their livelihood by growing one crop only, namely paddy and this is an economic factor which we must not overlook.

The other day my hon. Friend from Mankachar, Mr. Abul Kasem, complained of annual visitation of flood in Mankachar and Sukchar areas. I submit Sir, this is not confined to Mankachar and Sukchar only, but it extends to other low-lying places near the banks of the Brahmaputra. Settlement of these lands with immigrants helped neither the immigrants nor the Government. They have not been profited by this and the Government also have been put to great difficulties. When high floods overflow these areas they have to ask for flood relief measures and also land revenue remission.

Then I have to mention another fact in this connection. Sometime ago a submontane area in Mangaldoi was settled with the immigrants and the place was somewhat unhealthy and the immigrants had to leave that area because they could not stand malaria.

The other day my hon. Friend, Mr. Abdul Matin Chaudhuri, was mentioning some figures showing that 27 lakhs Bighas of land are still available but I have to submit, Sir, for the consideration of this House a Memorandum on Assam's waste land and immigration policy which was prepared at a time when Mr. Abdul Matin Chaudhuri was a Member of the Cabinet and my hon. Friend, Mr. Munawwar Ali, was entrusted with the Land Revenue portfolio. Let me read from this Memorandum to enlighten the Members of this House.

Paragraph 3.—“ This brings us to a consideration of the amount of waste land which is available and fit for cultivation. It is not known what figures have been taken by the Government of India as representing the area but if they are going by the figures published in Agricultural Statistics of Assam by the Agricultural Department in which enormous areas are shown as ‘Land not cultivated’ they are liable to misapprehend the true position very considerably. The total uncultivated land (excluding current fallows) shown in Table II of the Agricultural Statistics for 1940-41 amounts to 177 lakhs of acres of which 130 lakhs fall in the Hill Districts and Frontier Areas (The North Cachar Hills are included in Cachar and the Mikir Hills in Nowgong and Sibsagar figures). Very little of this land is really cultivable and such cultivation as is generally done there is of the Jhuming variety which no Government wishes to encourage owing to its effect on soil erosion. This leaves 47 lakhs of acres of which about 42 lakhs are situated in the six districts of the Assam Valley. This figure includes hills, swamps, roads and other uncultivable land. No figures are available to show the area of really culturable waste, much of which lies in non-cadastral areas hitherto unsurveyed but a Committee which examined the immigration question in 1938 made an attempt to secure estimates from local officers of the area which could be cultivated in the districts visited by them. In every case the estimate was rather less than half the area shown as uncultivated. This estimate has been confirmed by a more recent enquiry made by the Agricultural Department in response to a request from the Government of India, and the following rough figures may be accepted in the opinion of the Government of Assam, to be as near a correct estimate as possible of the cultivable waste areas in the plain districts of the Province :—

Goalpara	...	...	...	...	...	2½	lakhs of acres.
Kamrup	...	...	...	...	...	3	” ” ”
Nowgong	...	...	...	...	...	1½	” ” ”
Darrang	...	...	...	...	...	3	” ” ”
Sibsagar	...	...	...	...	...	4	” ” ”
Lakhimpur	...	...	...	...	...	4½	” ” ”
Sylhet	...	...	...	...	...	2½	” ” ”
Cachar	...	...	...	...	...	1½	” ” ”
Total	...	...	...	...	...	21½	” ” ”

These are the figures. My hon. Friend mentioned the figures only, but he probably forgot to read the remarks below. And let me read these two lines also. "Much of this land would require considerable labour to bring under the plough and cannot be regarded as capable of yielding substantial food within a short period".

So I have to ask my Friends sitting opposite, if we will help these immigrants by settling these lands which will be of no use to them.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir whether any land was settled after that ?

Srijut OMEMO KUMAR DAS: Yes, Sir. Land was settled after that to the extent of 51,000 Bighas with the immigrants only in 1942. I do not know what was the area settled in 1943-44 and the following years.

I have to repeat again, Sir, that this question should not be viewed from communal angle of vision but it should be viewed from an economic angle. Land question agitates people even though they are brothers in faith, even though they profess the same culture and speak the same language. In this connection I have to ask the hon. Members of this House why a Punjabi, be he a Muslim, is not welcome in Sindh ? Why is this proverb prevalent in the Punjabi language,—"If you meet a Sindhi and a snake on your path at the same time, kill the Sindhi first and then think of killing the snake, if it is necessary" ? Why is this outlook on a Sindhi by a Punjabi ? I submit, Sir, there is the economic factor behind it. A Punjabi is not a welcome neighbour in Sindh's irrigated areas even though the Government of India had spent more than 30 crores of rupees to irrigate these areas.

My Friends on the opposite seek to utilise the campaign for Grow-More-Food when India is confronted with an acute food crisis. Little do they remember that the immigrant from Bengal is not a grower of cereals. He is more interested in raising money crops than growing of paddy. He grows only Aus paddy. From the agricultural statistics I find that even with this influx of immigrant population into Assam paddy area has not increased in proportion to the jute area. Paddy area has increased to the extent of 30 per cent. while jute area has increased by thousand per cent. in some districts. In Darrang, paddy area since 1910-11 has increased from 2½ lakhs of acres to nearly 3½ lakhs acres. In Assam Valley, 20 lakhs of acres of paddy area has increased to 29 lakhs of acres whereas jute area has increased from 52 thousand acres to 3 lakhs of acres during these 30 years and this shows that paddy area has not increased much even though there has been an influx of immigrants from Bengal. And these are the statistics of the Agricultural Department.

Then I have to ask my hon. Friends to look into this matter from another stand-point and it is this. Compare the economic condition of an average immigrant cultivator with that of an average Assamese cultivator, leaving aside the few Matabbars and Dewaniyas who are very rich and own lands to the extent of thousands of Bighas or more than that and have a large number of under-tenants. Why the economic condition of an average immigrant cultivator is not better, if not worse, inspite of his industrious habits ? Will you not enquire why it is so ? I say, on the one hand he is the victim of exploitation of this class of rent-receivers and crop-sharers, on the other, his fortune is dependant on the fluctuations of the jute market.

Next I come to the question of eviction. Eviction, I submit, from the village or Professional Grazing Reserves, is not a new thing. It happened also when the party in Opposition to-day was in charge of administration. I do not intend to refer to the eviction before the introduction of Provincial Autonomy. In 1937 when Sir Muhammad Saadulla was the Hon'ble Premier, more than 100 Miri families were evicted from a Professional Grazing Reserve in Dibrugarh Subdivision. A few years before, a few villagers of Pasigaon village in Jamuguri in Tezpur

were evicted because they encroached into the village grazing ground. Even their Namghar had to be demolished because it encroached a few yards into the grazing ground. In Komorakhat Chapari which is at present settled with the immigrants, Assamese cultivators were evicted previously because they encroached into the Professional Grazing Reserve. Even in last April when the previous Ministry was in power, 54 families of immigrants were evicted from Champupathar and Pukhuripar Grazing Reserve. In last June, 300 Mikir families and *ex-tea* garden labourers were evicted, their houses were burnt, because they were found to have encroached into a Forest Reserve. The story of these Mikirs is this. Illiterate and ignorant as they were, they did not know when their lands came to be included within tea garden grants. However, they found themselves converted into tea garden labourers within these gardens. They had been submitting petitions to the Government to provide lands for them, but to no effect. Last year, they were shown to settle at a place by some subordinate staff of the Land Records Department. And when they went there to settle and commenced ploughing land, their houses were burnt and they were fined Rs.25 each because they were found to have encroached into the Biswanath Forest Reserve.

My Friend Mr. Whittaker, Leader of the European Group, objected to the Hon'ble Finance Minister remarking India as one of the richest countries of the world before the advent of the British rulers. Attempting to play the part of a historian he felt glad that he was born in this age because the lot of the common man was worse before. I have to ask him to turn the pages of Dadabhoi Naoroji's and R. C. Dutta's Economic History of India under British Rule. He will profit by reading Lecky's History of England in the 18th Century and Impeachment of Warren Hastings and Robert Clive. With the advent of British rule and the systematic suppression of our village industries, there was disturbance in the occupational distribution of the people. People engaged in various cottage industries were driven from their occupations to eke out a miserable existence by cultivation. And thus pressure on land increased.

Sir, I submit that the number of floating population, *i.e.*, landless people is steadily rising throughout India. It was 18.7 millions in 1891 and it had risen to 33 millions in 1931 according to the Census Report and I do not know how it stands to-day as 1941 Census Report has not yet seen the light of the day. Between the years of 1911 to 1931 the number of labourers per thousand cultivators rose from 254 to 417.

With this increase in pressure on land and gradual subdivision and fragmentation of holdings, agriculture has become uneconomic and incapable of maintaining an average cultivator with the minimum necessities of life, not to speak of other amenities of modern life.

Dr. Rao in a book entitled the National Income of British India 1931-32 estimates that "agriculture despite its predominance in the country's occupational distribution, contributes only Rs. 6,000 millions or 38 per cent. to India's national income. Even incomes from services including trade, transport, Government service etc., in which only 13 per cent. of the total workers are employed, amount to Rs. 4,000 millions, or 23 per cent. of the total income. The result is that income per worker in services is Rs. 307; in industry, Rs. 195; in agriculture, Rs. 133. The low income from agriculture is the major symptom of India's general poverty." And if we are to root out poverty we cannot do it by settling lands without any plan.

Then let me come to our average agricultural holdings. We will be amazed if we compare our holdings with those of other Provinces not to speak of other foreign countries and we have to remember that agriculture is the predominant occupation of our people. In United States of America it is 145 acres; in Denmark, 40 acres; in England, 20 acres; in India, 5 acres. Then let me compare the figures of the Provinces of India.

In Madras it is 4.91 acres, *i.e.*, more than 16 Bighas ; in Bombay, it is 12 acres ; in Bengal, 3.12 acres, *i.e.*, more than 12 Bighas ; in Assam, 2.5 acres *i.e.*, 8 Bighas.

With this question of land is connected the question of poverty which Sir Archibald Rowland referred in the Central Legislative Assembly as the most formidable enemy. If we are serious about fighting this enemy-poverty, we must increase the average size of our holdings so that an average cultivator can maintain a higher standard of living. We will have to find occupation for this floating population in industries. We will have to seek new avenues for engaging the surplus population in many industries. We will have to harness the turbulent rivers not only to control its surplus water which disastrously affects the standing crop but also to produce electricity for development of industries. I have to appeal to my Friends opposite to address themselves seriously to this problem—how we can improve the lot of the common man, be he indigenous, be he immigrant, be he a Hindu, be he a Muslim.

The problem of land cannot be solved by such unsystematic settlement of land. I have with me the Rowlands Committee Report on the Bengal Administration and I find therefrom that Bengal has 53 lakhs of acres of cultivable waste land, that is more than a crore of bighas of cultivable land lying fallow whereas Assam has only 27 lakhs of bighas. I ask my Friends why the League Ministry which had been in power for long 9 years was not able to solve this problem of these landless people, why they could not throw out this vast cultivable waste land open for cultivation ? We will have to bring about a radical reform in our land system. We will have to make a radical change in our outlook. Assam has a few lakhs of Bighas of cultivable waste land. Shall we not keep this area for future expansion, shall we not keep this area for the natural growth of the population ? Or shall we allow our country to be the dumping ground for the surplus population of India ?

During the war a country like Great Britain which is not a surplus country in the matter of food, rather one with a large deficit, could feed its population fairly satisfactorily. But India in spite of the fact that agriculture plays a predominant part in our life was confronted with a food crisis and even now when the war is over is faced with another food crisis ?

Lastly, to conclude I must say that if we are determined to fight this enemy *viz.*, poverty, successfully, we must have independence and for achievement of this independence the Congress is fighting for. I would request my hon Friend opposite to close our ranks and to fight for independence (*hear, hear*).

Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I rise with some diffidence to take part in the general discussion of the Budget, as in the introductory speech of my Hon'ble Friend, the Finance Minister, he has given us so meagre a material on the Budget paper. His speech would have been more appropriate in a meeting outside than as a speech on the Budget Estimates of the Province. I will follow his example and dilate on matters which do not appertain to the Budget Estimates. I listened with rapt attention to the speech when it was delivered in the House. I went through it critically at home and I have marked certain passages to place my remarks thereon before the House. The speech can be very easily divided into three parts. First part is the condemnation of the British Rule in India leading to the exploitation of the masses and impoverishment of the people at large. I am not here as counsel on behalf of the British Government and I will not therefore advance any remark on the subject.

The next theme of my Hon'ble Friend, the Finance Minister, is commendation of Congress policy, introduction of taxation according to Congress economy and a recommendation to all to fall in line with them, but the third and the most unkindest of all is his theme, is the uninformed criticism of the previous Governments.

I start, Sir, with his second theme, namely, commendation of the Congress ideals, Congress politics, Congress economy. For fear of taking much valuable time of this august House, I will only take up what has been mentioned in the Budget speech by my Friend as regards their economic policy. He said that the previous Governments were responsible for all the present anomalies. This innuendo means that the previous Governments had neither inclination nor the courage to introduce taxation measures in the House and it was with the idea of supplementing the Provincial Exchequer for the benefit of the public that the Congress-Coalition Ministry introduced certain taxation measures in the years 1938-39, which have been enumerated in page 3 of the printed speech. He advanced the argument that in all Congress measures of taxation great care is taken to see that the burden of taxation falls on the rich and not on the poor. He has expressed gleefully that the Agricultural Income-tax alone which is a contribution from the Congress-Coalition Ministry, has given the Province during the last ten years, Rupees 2 crores and 70 lakhs and odd. I and those who were with me at the time of this taxation measure before the House were not opposed to any Agricultural Income-tax, but I pointed out then and point out even now that by this Agricultural Income-tax, 80 per cent. of which falls upon the tea industry of Assam, they were adopting the policy of "killing the goose that lays golden eggs". At that time the Province of Assam with a big tea industry was asked to contribute a large amount to the Exchequer in the shape of Agricultural Income-tax. Assam has not the monopoly of that commodity. Even through in India there are other areas, such as Bengal, Madras Presidency and to a very small extent, the Punjab, which produce tea, the taxation fell on Assam only. We had very formidable opponents of Indian tea from the growers of China and Java. It was at that time extremely unwise to put a handicap on the Assam tea industry, for in the world competition, the tea industry in Assam being burdened with Agricultural Income-tax would not have survived the competition from Java and China. The position now on account of the war has changed a little. Java is now in the fight for Independence. During the Japanese occupation and subsequent liberation, the Industry there has either been demolished or disorganised. To a vast extent, the same is the case with China. Therefore, we hope at least for the next five years, there will be no true competition with our tea. But for the war which compelled His Majesty's Government to buy the entire produce of our tea gardens, probably, Assam would not have been able to realise the amount of Agricultural income-tax that we are now getting from that measure of the Congress-Coalition Government. But every student of political economy knows that if a commodity is taxed at the source of production, the tax is ultimately thrown on the consumers. Luckily the Assamese public form only a small percentage and, therefore, the burden of taxation has fallen comparatively lightly on them.

The other taxes which have been enumerated by my Hon'ble Friend are the Assam Amusement and Betting Tax, Assam Motor Vehicles Taxation and Assam taxes on sale of motor spirit and lubricants. I believe there are more competent persons than myself to speak about the burden of taxation on cinemas. Though my ration in cinema-show is once in 18 months, I know some cinema goers who prefer to have a look on cinemas twice a week, and I found that the poor man's block is simply cramped to suffocation, whereas the seats occupied by the richer people are practically vacant. Although the claim is that the burden

of this amusement tax will fall on the few rich, the poor toilers, the Assistants of Government offices who take a week's amusement by going to the cinema, will suffer most. If we had race courses like those of Calcutta, Bombay and Madras and if we had the betting tax of the same magnitude, I would have welcomed that, but to tax the simple luxury of a cinema-show does not uphold the principle of taxation for giving relief to the poorer classes. As to taxation measures as regards motor vehicles and taxation of motor spirit, a little consideration of a few minutes will convince every one that just like the amusement tax they also fall to a high degree upon the poor. If there is in Assam, a thousand private vehicles used by the rich, there used to be before the requisition of Assam Transport fleet catering to the needs of the travelling public for war emergency in 1942, a thousand motor buses plying on the public roads of Assam. These cater to the needs and convenience of the poor people in the country side. Any tax on motor vehicles will be thrown on the passengers of the taxi or bus. The result will be that it will fall upon passengers who are simple villagers of the country side. If you put on a tax on motor spirit the rich people will have to pay it ungrudgingly but the same spirit if taxed on public vehicles, the burden is at once transferred to the shoulders of the poor people.

Mr. Speaker, Sir, I need not labour this point to show that these taxation measures were not merely on the rich but it fell quite heavily upon the consumers whether they enjoy the luxury of cinema-show or as passengers using the motor transport system. I would not have raised this point at all had not my Friend, the Hon'ble Finance Minister, cast an insinuation to the effect that although they were the producers of this wealth they could not utilise it for the benefit of the poor but latter Governments have squandered this amount in giving fat salaries to unwanted officers quite arbitrarily. In one place he says that we very nearly left him with a bankrupt Budget.

Mr. Speaker, Sir, it has always been my policy not to controvert any argument by mere words when I find sound array of figures and I will show from his own Budget figures that his charge is entirely unjustified. Any one who has gone through the Budget Estimates whether drawn up by the previous Government or drawn up by the present Government or in the words of my hon. Friend Mr. Whittaker drawn up by the Finance Department will find that the amount which has been spent, or according to my hon. Friend mis-spent, on unwanted posts and special allowance amount to a paltry sum of two lakhs of rupees. They will also find that this Service brought in 10 lakhs of rupees to the Exchequer of the Province. I will substantiate this from the document which the Hon'ble Finance Minister has laid before this House. Every hon. Member of this House must have a household Budget and I will not insult their intelligence by saying that they do not know a little bit of addition and subtraction. The Hon'ble the Finance Minister has stated in his speech that the opening balance in one of these years, namely, for 1943-44 was only Rs.29,29,000. The next year this balance has increased to the substantial sum of Rs. 1,94,94, 000 Now I leave it to the judgment of the hon. Members, whether sitting behind the Treasury Benches or sitting with me on this side, to use a little bit of subtraction they learnt in their primary schools to see whether the Government is left as a bankrupt one. (Voices: No liability? What about stock position?) Mr. Speaker, Sir, it has never been my principle to interject and disturb the line of thought of any hon. speaker. Perhaps my Friends are born orators and whatever be the amount of interruptions they do not feel dismayed. An unaccustomed and inexperienced man like myself (*laughter*) do really object to such interjections and interruptions. I hope, my hon. Friends would not take advantage of that failing in me.

After making certain deductions, my Hon'ble Friend, the Minister in-charge, has been pleased to admit that the closing balance though not as high as 1,94 lakhs is still over a crore and seven lakhs. Again I would leave it to the judgment and good sense of the House to say whether there is not still a substantial balance in the coffers of the Provincial Government at a time when we left office and my friends stepped in.

I heard interjections about the stock positions, interjection whether we had liabilities. It is true, we had liabilities and my Hon'ble Friend, the Hon'ble Finance Minister, has himself mentioned one. I refer to the Provident Fund Account. He is correct in this. That is a liability of the Provincial Exchequer. But I say, Sir, this is a liability which is so ultimate, which is so far removed that you need not be afraid of your budgetary position by the bogey of the Provident Fund payment. Again I will prove my contention by a quotation from his own document, the Memorandum on the Budget Estimates. For information of those Members who do not know about this Provident Fund, I will just give a short idea how it is operated. Prior to 1937 the Provident Fund was in charge of the Government of India, but from 1937 this has been made a provincial liability. Provident Fund is made up of a small monthly contribution from Government officers and an equal contribution is paid by Government and the sum is put into the credit of that Government servant's Provident Fund account. The officer in question gets this sum as a lump at the time of his discharge or pension or if he dies earlier, the Provident Fund accrues to his family. One can never think that the entire body of Government servants will be discharged, dismissed or die at the same time. It has been found on actuarial calculation that the average contribution to the Provident Fund is greater than the disbursement of that Fund.

It has been stated in the Budget Memorandum itself at page 12 under 5(b)—
 "The estimate of Trs. 17,42 on receipt side represents the subscriptions to the various Provident Funds, while the estimate of Trs. 12,14 on the expenditure side covers final withdrawals from the Funds on retirement and also the temporary advances made during the year."

So the hon. Members will find that the income to this Fund is over 17 lakhs and outgoings from this Fund annually is only 12 lakhs. Therefore, the capital is increasing more than the liability. It may be noted that the total liability on this Fund on the 1st of April 1945 amounted to Trs. 1,25,28 and this will, it is estimated, rise to about Trs. 1,30,00 on the 1st April 1946. So, Sir, this bogey of liability for this Provident Fund Account which has been stated in the Budget speech is really a phantom and nobody need think of this to frighten us.

At page 5 of the printed speech hon. Members will find it stated that the increase in the opening balance is to be counterbalanced by a decrease of 12 lakhs odd under Land Revenue on account of the poor economic condition of the peasants who were unable to pay land revenue in time. That is about the middle of page 5 but at the bottom of the page it is stated under Revised Estimates, 1945-46, sub-para (2) "Land Revenue shows an increase of Trs. 2,37 due to expansion of settlement and probably arrear realisation of the previous year." It is for the hon. Members to judge for themselves whether this increase in land revenue really represents a very substantial quantity of land settled either with immigrant population or with indigenous population. I will come to settlement of land later on. But I am surprised at a statement made at page 7 of the Budget speech to the effect that "it is apprehended that there will be huge losses probably amounting to more than a crore and a half" in the Supply Department's accounts. Never to my knowledge a statement of this magnitude has been so lightheartedly made. I enquire of my Hon'ble Friend opposite, the Finance Minister, who gave him this figure? Whether he has any basis for making this statement before the public? I initiated the Supply Department in 1942 at a time when, on the first bombing

of Assam in May 1942, that community which has practically the monopoly of trade and commerce in the Province had betaken themselves post-haste to their sandy but safe soil in Rajputana and there were chaos and apprehension about the availability of various articles of food which we do not grow; at such a time the Government stepped in. We brought the goods from outside. Government arranged transport, though meagre, by the railways and steamers to bring the food-stuff. In order to safeguard the interest of the general tax-payers, Government was compelled to levy a small cess of $6\frac{1}{2}\%$, a step which has been severely criticised by my hon. Friend, Mr. Whittaker. Before taking up the question of cess, I will apprise the House of the results of the operations of the Supply Department. I will place before them a certain statement made in the Appropriation Accounts of 1943-44 and the Audit Report of 1945, a document which has been handed to us on the opening day by no less a person than my Hon'ble Friend, the Finance Minister. If hon. Members will turn to page 159 they will find that "the year closed with a net profit of Rs. 9,95,739 as against Rs. 10,08,298 in the previous year. The losses due to devaluation of indigenous commodities to controlled rates and to shrinkage and losses in transit amounted to Rs. 14,96,788 which have not yet been formally written off by Government. No proper stock accounts were maintained from which other losses occurring at different stages of trading could be computed. The balance sheet and the profit and loss accounts have been drawn up on the basis of certain accounts and returns prepared by the Deputy Commissioners and Subdivisional Officers, which could not be examined and verified due to their late submission". This Supply Department, which has been criticised from various quarters, has not only justified its existence, but has by means of this small surcharge been able to bear every kind of loss and every kind of expenditure and has even contributed a small sum to the Provincial Exchequer. Of all persons, my hon. Friend, Mr. Whittaker, knows that certain Provincial Governments of India have made huge profits in supplying wheat to other areas, so much so that a huge amount of debt was wiped off and a substantial reserve of very many crores was built up. This was objected to not only by this Provincial Government but also by my Friends of the European Group not only here but also in the Central Assembly. We, the Assam Government, were more humane; we refused to bargain on the miseries of our own brethren outside the Province due to shortage of rice. We refused to exploit the starvation of our friends in Bengal or the people of Madras in Southern India. We procured the surplus quantity of rice from our cultivators and sold it to those places where they were badly needed, only charging a small cess. Now, everyone who is acquainted with the transfer of goods from one place to the other knows about the shortage, shrinkage, pilferage and, when the commodities are stored in a godown, of the depredation of rats and deterioration through the humid atmosphere of Assam. We undertook a very great liability, *i.e.*, of buying the surplus produce of our cultivators giving them a good return and sending the same outside to those places where it was needed. But often times due to change of temperature and difference in atmospheric condition — not to speak of depredation by human agencies in transit — the quantity that was sent was a little less. This Government had to bear the losses due to shortage and shrinkage. The Assam Government wanted to safeguard themselves — by themselves, I mean the general tax-payers of Assam — by levying this cess. Where is the inhumanity or injustice of this small cess I fail to see. It is due to this cess that the Assam Government has derived a little profit, but we were not a trading concern and we never wanted to make a profit. Under the instructions of the Government of India, the amount realised from the cess—the surplus which will be left after final stock taking—was to be devoted to the improvement of the cultivation of those commodities of the Province.

Sir, I have laid my cards bare. If any hon. gentleman even after this has either the reason or the hardihood to criticise this policy of Government over

which I presided I am open to the charge, but I say, and say boldly, that the policy which I adopted was the best for all concerned, *viz.*, the hungry persons outside Assam and our own cultivators. By the operation of this much condemned Supply Department how much Assam cultivators have benefited I request every hon. Member to think. From 1943 to 1945, on average, the Assam Government was required by the Central Government, on their basic plan to supply one lakh tons of rice. We supplied as much as 40 lakhs maunds of rice in a year. In 1943 we delivered to the Government of Bengal 15 lakhs maunds of rice which went to save some people from the famine condition that prevailed there. We supplied as much as 25 lakhs maunds to the Military that were stationed in the Province. In 1943, the average price the Assam cultivator got per maund of rice was in the neighbourhood of Rs. 15—let me take it to Rs. 12 per maund. Thus a sum of very nearly 5 crores came to the pockets of our cultivators. In 1944, the price and the quantity were very nearly the same as in 1943. In 1945 price in the Surma Valley deteriorated a little, but it was due to the condition which was beyond our control. Certain outside public originally wanted the Boro rice that is grown in the Surma Valley, but after inspection they refused to take this Boro rice. We sought permission from the Government of India to export this Boro rice to Eastern Bengal where there was a demand for it, and we were able, through the courtesy and approval of the Central Government, to export 30 thousand tons of this rice. Our Aus paddy was indented for by another Province, *viz.*, Bihar, but after examining the sample they refused to take delivery saying that that kind of rice was not eaten by the people of that Province and as a result we could not export the quantity of Aus and Boro paddy that we bought in the Surma Valley. Even then the price did not go below 10 rupees of Sali paddy—the price of Aus and Boro was a little less. Here again I request the hon. Members to consider whether our cultivators were not benefited by the maximum procurement policy that was adopted both by the Centre and the Provincial Government. I could dilate on the subject, but I refrain from doing so for want of time.

The Hon'ble the SPEAKER: May I point out to the Opposition Leader that he has taken 45 minutes so far?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will cut short as far as possible. I had many things to say, but I will come to the burning question.

The third theme of my hon. Friend was the criticism of the previous Government over which I had the honour to preside. His first criticism was that I left the Province bankrupt by mismanagement of the Supply Department and as such the Supply Department was coming to face a loss of a crore and a half of rupees. I have repudiated that in detail. He has been charitable enough to say that the new schemes for various Departments which were formulated by us were not up to his expectation and beyond his own creed and policy and so he would not take them into consideration. The Post-War Reconstruction schemes, which had advanced very considerably towards the fulfilment of our plan, could not be agreed to by him or probably because he had no time to go through them. In either case, Sir, I say, he has followed the wrong policy and probably the people of Assam will suffer on account of that wrong policy. There is a popular saying that "If you spit on the heaven the spittle falls on your own face". Consider the position. From the end of March 1945, I had the honour to work with five Hon'ble Members in my team all selected by my Friend, the then Opposition Leader, Srijut Gopinath Bardoloi. Mention has been made of a certain agreement between Srijut Gopinath Bardoloi, Srijut Rohini Kumar Chaudhuri and myself. It is said, "If human memory is short, official memory is shorter still". So everyone has forgotten that my Cabinet

was constituted on 50/50 basis, between five Muslim Leaguers and five chosen representatives of the Congress. Yet, Sir, you could not trust the doing of that body. He says that he will be considering the new schemes in the next Session of the House in July next—if there be a Session then. I think my Hon'ble Friends, the Minister and his Colleagues, have taken legal opinion whether they could bring any new schemes in the July Session. Under the convention, financial canon that applies to Budget framing, new schemes in a subsequent Session of the Budget will mean a Supplementary Budget and only things which could not be foreseen at the time of the preparation of the original Budget, could be included. If any technical objection is raised at the time—a technical objection, I am pretty sure, is based on the financial rules and canons of Budget framing—and if the Chair upholds the objection, then there will be no new schemes throughout the year and the public will suffer.

Next as regards the Post-War Reconstruction Schemes. In January 1945, I was at Delhi in another connection. The authorities of the Planning Department of the Government of India put me to task that although all the other Provinces submitted their schemes, Assam had lagged behind. I had to wire from Delhi to the Assam Government here to expedite the submission of our schemes. A hurried pamphlet was printed and despatched which was subsequently elaborated to a scheme and sent to the Government of India. They had to scrutinise, not merely that but the then Member-in-charge of the Post War-Reconstruction and Planning Department, I mean my Friend Sir Ardeshir Dalal came up to Shillong and discussed with us the details of those schemes. The schemes are now ready. We have asked the Government of India to give us a contribution of $13\frac{1}{2}$ crores in place of their minimum of $8\frac{1}{2}$ crores and the maximum $11\frac{1}{2}$. If you do not hurry up on the plea that you are not satisfied with those schemes and for your delay in offering your schemes for consideration, Assam's share of the money may go by default. Therefore I say that the policy which you have adopted is not fair to your Friends who were with me at the time of framing of that scheme whose approval we had got. One of them is adorning the Treasury Bench even now and one has been sent to adorn higher sphere of activities—I refer to Mr. Rohini Kumār Chaudhuri.

Sir, I am now coming to the most burning question that is agitating the Opposition and the public in general. It is the question of land settlement in Assam. This is a subject over which I have given my best consideration—the subject which bristles with difficulties but which is capable of solution if there is a heart to co-operate. Not once, but thrice, during the last five years I have discussed this complicated question with representatives of various groups, with representatives having interest on the subject from the three districts where the question is very very acute. The first one was in 1940 when I had my Friend, Srijut Sarveswar Barua, whom I do not see in the present House and my Friend, Srijut Kameswar Das, who is absent today. Next I held another conference in 1941 and we evolved a plan which we thought was satisfactory to everyone. Our plan was to survey Government waste lands in the three districts concerned and reserve thirty per cent. of the available Government waste lands for future expansion and to divide the remaining land among Muslims, Hindus, indigenous and immigrants and tribal people. A scheme was actually started in the Nowgong district when, however, due to defection of one of my colleagues, I tendered my resignation of the Cabinet and that was not translated into action. When again the country emerged from the section 93 Administration, the matter engaged my consideration. It culminated in a conference in which my hon. Friend, the Prime Minister of the day, was present as well as Mr. Rohini Chaudhuri who subsequently held the charge of the Revenue Department. We came to certain conclusions and with a slight

variation, this was published as a Government Resolution on the 13th July 1945. I never repudiated any points of the agreement. Why should I after laying down almost on the previous lines the land settlement policy of the Assam Government? We made two or three general provisions. One was that the Professional Grazing Reserves should be kept free from encroachment. But certain exemptions were also decided upon. First exemption was that if a man had been in occupation from before 1938 he should not be evicted or removed. The second was that if a man proved that he was a Patta-holder or settlement-holder under the Assam Government but his land had been requisitioned by the Government or if his land was eroded by the work of nature then he should be allowed to stay and he should be given land outside. Barring these exemptions there were the cases of hardship if reported to Government. All these exemptions prove that a thorough enquiry was envisaged before evicting any one. Whatever may be the case of other parts I can boldly say that so far as the unfortunate Champapathar Pukhripar area is concerned there has been no regular enquiry. It was said during the course of the reply to the Adjournment Motion the other day by the Hon'ble Revenue Minister that the then Minister Mr. Rohini Kumar Chaudhuri did hold an enquiry locally and he ordered that eviction. Sir, whatever may be the wish of my the then colleague, the representative of the Congress Party in the then Cabinet, such an enquiry was not approved by the authorities of that Cabinet. I have been to many of these grazing reserves. I heard the then Hon'ble Minister Mr. Rohini Kumar Chaudhuri proceeded to the spot and within half an hour he finished the enquiry and ordered eviction. Did he give people notice to produce their documents or any previous *pattas* and revenue receipts? If you call this an enquiry then I have to quarrel with the term 'enquiry'.

Then again, Sir, after Mr. Rohini Kumar Chaudhuri resigned on the 20th January 1946, I requested my Hon'ble Colleague opposite—my Hon'ble Friend, Mr. Mookerjee—to take the portfolio of the Revenue Department and he was kind enough to take charge. An appeal was filed before him by Khan Bahadur Wajed Ali, an Advocate of Gauhati, as regards these Pukhripar and Champapather areas, whereon he tagged the judgment of Mr. Higgins, who was then the Commissioner of Assam Valley in 1931, where it was abundantly made clear that in that Pukhripar area these immigrants had been possessing lands from before 1931. As my Hon'ble Friend, the Hon'ble Mr. Mookerjee, was new to the job and was not cognisant of all what had happened between me and Mr. Rohini Kumar Chaudhuri, I requested him to come to my room in the Constitution Hall; and in my presence the pleader placed his case. I do not know, Sir, what has happened to that case. But I remember that my Hon'ble Friend, Mr. Mookerjee, said that he would ask for an enquiry from the Deputy Commissioner. But if it was sent to the Deputy Commissioner and the enquiry has not been finished then there ought to have been no eviction. Well, if my Hon'ble Friend did not take any action, I can only deplore his action and at the same time say that when possession of these encroachers in that Grazing Reserve is mentioned in a judgment of 1931 it is apparent that at least, if not all, some were exempted under the terms of agreement which came into existence in March, 1945. My friends on the opposite have criticised that this block has converted the Budget debate to one on the land settlement policy. But we have been forced to this position, Sir, by the action of the present Government. The present Government admits that they had no time to go through the Budget prepared by the previous Government and through the list of schemes to come to the conclusion whether they should or should not adopt some of those schemes. Everyone of them could not be bad from their point of view also. They admit that they had no time to go through the Post-War Reconstruction Schemes prepared

by the previous Government and stress Government of India, as we did, for higher contribution to Assam. But they have time for one thing, that is, evicting the Mymensingias (Voices: *Hear, hear*).

If my Hon'ble Friends opposite say that they have not ordered any eviction, how is it that almost all my colleagues on this side have got so many telegrams to this effect. We received one from Gauhati which says—'Four hundred families in Baghpuri, Hatipuri, Kharpuri, Misamari coming to Assam about 20 years back served with notices of eviction. Four thousand people sure to starve impending food crisis. Pray enquiry and settlement with those occupying else all will die'. We received another telegram on 3rd March from Md. Korban Ali, which says—'Fifty four families evicted'. Another from Barpeta on the 13th March, says—'Two hundred eighty families in possession last four years Subdivisional Officer throwing them out'.

Sir, for this state of affairs, that there has been extreme and undue haste in carrying out only one part of the policy without giving effect to the exemptions, the Muslims throughout Assam, from the distant corner of Habiganj right up to Dekhijuli are observing hartal and protest meetings. One telegram from Kulaura says—'The Kulaura Muslims assembled in meeting yesterday protested Government evicting immigrants destroying houses praying take steps stopping recurrence'; another telegram from Bijni runs thus—'Vast Muslim League meeting held at Bijni on fourteenth condemned action against Line System'. Besides these there are other telegrams from Habiganj, Badarpur, Dekhijuli, etc. I have cited these telegrams to the hon. Members of the House only to show the indignation of the people of the country on the matter.

Now let me remove a few misconceptions as regards this question of eviction. It has been stated by various Friends opposite that it is a planned immigration. My Hon'ble Friend, the Minister-in-charge also has some misconceptions, for in his Budget speech he makes an appeal to the Bengal Government to dissuade these people to come to Assam. Now, every student of politics knows that Muslims are in majority in Bengal only by about 56 per cent. And do you think that the Muslims of Bengal are so foolish as to jeopardise their meagre majority by a planned drive to send Muslim people to Assam?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Then there is something else behind it?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: In your imagination, yes.

Sir, there is this misconception in the minds of many, in spite of the fact that the Hon'ble Finance Minister has been charitable enough to admit that immigration has been going on for long 20 years. The insinuation has been that since the passing of the Pakistan Resolution in December 1940, at Lahore, we have started bringing in these people. I will quote from the census figures. The Muslim population in the Assam Valley in the 1911 census was very nearly three and half lacs. Then in 1931 this has increased to 9,53,299, that is in 20 years, the increase in the Muslim population has been 200 per cent. This increase is partially due to the normal increase in the decade and it is admitted from the Census Report that the Muslims are more virile and whereas the average increase of the Province is 13 per cent., Muslim increase in same decade goes up to 23 per cent. even in those areas where there is no immigration. Then in 1941, we must remember the date 11th April, 1941; the census was taken and our population in the Assam Valley has become 13,49,000.

No one can conceive of any planned immigration between January 1946 and March 1946. The bulk of the immigration has already been there from before and not after the Pakistan Resolution of December 1940. How can you say that there has been influx in order to convert this Province into a Muslim majority Province according to the Lahore Resolution of 1940? Absurdity cannot go further than this.

The Hon'ble the SPEAKER: Will the hon. Member please finish his speech as it is already past 1-0 ?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I will take another ten minutes to finish.

Sir, this question is a burning topic and is very important for everyone concerned. We should consider this matter very dispassionately without bringing in any question of sentiment or community. If you consider from the point of view of community, I cannot but say that whereas there is absolutely no opposition from the people of Assam—indigenous people of Assam, both Hindus and Muslims against the Colonisation of Assam by the "labour" people who have come from Central India to the Tea Estates, immigration of 95 per cent. Muslim and 5 per cent. Namasudra from East Bengal has made them to howl and protest. Anyone who has gone through the Census figures knows fully well that there are ten lakhs of labour forces coming from outside the Province serving in our tea gardens and there is a standing provision in our Assam Land Revenue Manual that preference should be given in certain Government waste lands for settlement with these discharged labour forces. Let me inform the House that seven lakhs of these *ex-tea* garden labourers have already settled in Government waste lands of Assam (*Hear, hear*), whereas the entire Muslim population is thirteen lakhs which increased from three and half lakhs in 30 years. With the increase in indigenous Muslim population up to 1941 in the Assam Valley, we have only got six lakhs of immigrants, yet the cries against them are rending the skies while not even a sigh escapes from our Congress party against those eighteen lakhs of tea-garden labourers. Before the war, a regular recruitment of one and half lakhs of tea labourers was the order of the day; lakhs of them came from Central India, right from Bombay Presidency to the Ganjam district of Madras. My Hon'ble Friend Mr. Baidyanath Mookerjee knows it fully well because he has got three tea gardens of his own. So much on the communal cry.

Now, let us examine the question from the stand point which my hon. Friend Srijut Omeo Kumar Das has placed before the House. The immigrants grow mostly jute in the areas which the indigenous population of Assam would not look at. These lands were lying fallow without bringing in any wealth. Now, through the labour and enterprise of these immigrants, Assam grows 7 per cent. of the world jute produce. (*Hear, hear*). Then, Sir, they have produced food crop as well. My Friend, Srijut Omeo Kumar Das is not correct when he says that these immigrants grow jute and nothing else. I have seen the immigrants growing jute and paddy in the same field. They grow broadcast paddy immediately after harvesting jute. The quantity of land that has been settled with these 6 lakhs of immigrants cannot be very big because on average calculation of five men per family, 1 lakh and 20 thousand families have come and 20 lakhs of bighas of land have been given to them. But from the figure of land revenue realised, it is seen that a greater quantity of land has gone to the indigenous population in the fresh settlements. In 1927-28, Sir, the total receipts of the Assam Government from Land Revenue was 99 lakhs of rupees and in the Budget that has been presented this Session, the Land Revenue expected for 1946-47 is Rs. 1 crore 79 lakhs, or very nearly Rs. 80 lakhs increase. It is no secret to anyone that the average incidence of land revenue is 13 annas per bigha or Rs. 2-8-0 per acre. From the 60 lakhs of bighas on calculation you will find that there is a big gap between the land revenue that is paid by the immigrants and the total amount. Where from does it come? It comes from settlement of land with non-Mymensingee and indigenous people. Sir, these immigrant people have increased the national wealth of the Province and they have been the means of allowing the indigenous people of Assam to fulfil some of their cherished programmes. From the jute which the immigrants produce the Assam Government has been for the last ten years getting an average of 12 lakhs of rupees per year, by way of refund on

export duty on jute. Hon. Members will remember that in 1936 there was a meeting of the Parliamentary Board held in London which decided to give Assam 12 lakhs of rupees per year from jute duty and Assam Government so far got 1 crore and 20 lakhs of rupees and this is due only to the Mymensing immigrants.

Sir, Assam was the blackest spot so far as consumption of opium was concerned. This opium habit is prohibited both by the Hindu and Muslim religions and we call it 'haram'. We as well as my Friends opposite have been wanting that this drug habit must be got rid of by the Assamese people. Various means were adopted in my time by way of gradual reduction by rationing, but in 1938-39, my Friends in the Congress Coalition Ministry started a campaign in two districts for total prohibition of this drug. The policy is the same but some have wanted to accelerate the pace, by taking the risk of consequent smuggling. In his Budget speech, my Hon'ble Friend had to admit that big scale smuggling is going on in the Province. I do not blame him. However, the fact remains that whereas I had seen in my own times that there was an income of 50 lakhs of rupees from opium, it had dwindled to nothing. The Assam Government could sacrifice this 50 lakhs of rupees as the Mymensinghians had given this vast amount to Assam.

We all want to spread education amongst our people. In 1927-28 the Education Budget showed an expenditure of Rs.26,36,000. In 1946-47 the Education Budget of the Province is Rs.62,74,000. The expenditure is more than double. Wherefrom has this money come unless there has been growing revenue from other sources? This has come as a growing revenue from the jute export duties and the revenue from expansion of land settlement. Therefore the question has got to be seen from a detached point of view. It is all very well that in pursuance of a policy we evict these people, thereby rendering certain people homeless. They will suffer in consequence of being under the roof of sky and rain. We should consider application of the policy from the humanitarian point of view. We have to consider their cases because these people have given some benefit to the Province. I have proved abundantly that they have contributed more than their quota.

Then as regards food, my hon. Friends who are in communication with Bombay know better than myself what is the guiding policy of the Congress. Only yesterday, I read a fifteen point programme of the Congress—

“Everyone who possess any land should in the shortest time grow as much foodstuff on it as he can, all the cultivable land lying waste should be speedily brought under the plough and every facility should be given for this purpose”.

Sir, this is the instruction of the High Command of the Congress. I therefore appeal to my hon. Friends on the opposite if they are not guided on humanitarian ground, if they are not to follow the constitutional procedure of having a thorough examination of the exempted persons in these areas and throw to the winds whatever was done in Joint Conference of their Leaders and my humble self, they should take hint from Mahatma Gandhi and consolidate production of food crops there. Then, I think, the appeal which the Hon'ble Friend opposite advanced for a calm atmosphere on a spirit of co-operation will be met; the hand of collaboration that had been extended to us will be grasped not by human hand but by grip of steel. (*Applause*).

The Hon'ble the SPEAKER: We have encroached upon the lunch time by quarter of an hour. Will it inconvenience the hon. Members if we adjourn till 2 P.M. (*Voice—21-15.*) In that case hon. Members will be expected to continue after 4 P.M.

Adjournment

The Assembly was then adjourned for lunch till 2-15 P.M.

(After Lunch)

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, at the outset I beg to tell the Members of the hon. House that after hearing patiently for the last three days it will not be possible for me within the limited time at my disposal to reply to all the points raised in course of the debate. If I make an omission to reply to any of the points raised by my hon. Friends, they will excuse me and they would not infer that I would not take those suggestions into consideration. All the suggestions that have been offered to us by our kind Friends, the Members of the Opposition as well as the other Parties will be duly taken into consideration and with the best of intentions we will try to do as far as possible under the circumstances. But we as a Party cannot look to one side only and ignore the claims of the other side. We will have to look to the interest of all classes and communities, the indigenous people, the Tribals, the Labourers, and all parties who are living here in this motherland of ours and also I will not neglect those persons who have come recently; even their cases will also be taken into consideration. But the fact is that we cannot agree with many Members of the Opposition. Their idea is to give preference to those who have recently come to Assam, if necessary, by ignoring the claims of the indigenous Muslims, Hindus, Tribals, Miris, Garos and Tea garden labourers. That we are not in a position to do. We must first look to the interest of those who are already here and if any newcomers have come they must wait and see how we solve the problem that confronts us to-day. With these few preliminary remarks I must say that at any rate my appeal for co-operation has got a response from the hon. Leader of the Opposition. Some of his followers styled my speech as a declaration of war against certain section of the people. I even appeal to those Friends to coolly consider the matter. I even now believe that at their cooler moments free from anger and wrath and leaving out the question of propoganda they will be in a position to help us and give us suggestion for the solution of so difficult and complicated a problem like the land settlement. My Friends, I am a believer in non-violence and truth. I appeal to those who do not agree with us to come to our help in the solution of the difficult problem that faces us. With these few remarks, before dealing with the points in details, I would like to remove the impression that has been in the minds of the hon. Members.

It has been said by the hon. Leader of the Opposition that eviction proceedings are being started without due enquiry and he specifically mentioned Champathar Reserve in Pukari area. With all the strength and humility that I can command I can say that his statement that this eviction took place without any enquiry is not supported by the reports that I find in the file, the reports that were sent to Shillong during his regime. Of course, I know that the then Hon'ble Premier was very busy and had little time to look into affairs of other Departments and so he was not in a position to know whether this enquiry was made or it might have been due to his forgetfulness. I tell you, Sir, from records that we are not responsible for that enquiry that was made in the month of April, 1945. This Champathar Grazing Reserve, Sir, as I told you at the time of the Adjournment Motion, is a grazing reserve constituted of a plot of land covered by annual pattas of Assamese Hindus; Cacharis and Muslims of the locality. All these are known to the hon. Leader of the Opposition. Sir, I have no personal knowledge of all these. What I say, I say from the files.

*Maulavi MUNAWWAR ALI: Sir, may I intervene for a moment? Will the Hon'ble Finance Minister say when he went through the report of Mr. N. N. Phukan, the Additional Deputy Commissioner, Kamrup?

The Hon'ble Srijut BISHNURAM MEDHI: I went through the report of Mr. N. N. Phukan, exhaustively. I am a man who deliberately and purposely go through all the papers and I do not pass any order without going through the papers.

Sir, from the records I find that these very people—54 families in number—were evicted after due and full enquiry and this enquiry was not held during our time but during the time when our Friends Maulavi Munawwar Ali, Maulavi Abdul Matin Chaudhury and our hon. Leader of the Opposition were the Members of the Cabinet.

*Maulavi MUNAWWAR ALI: And Hon'ble Srijut R. K. Chaudhuri was the Minister in charge of Revenue.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Chaudhuri is not here. I do not want to pass any remark about any one who is not in the House. I am not a coward. I do not stab any one in the back. I am a straightforward man. I fight from the front and not from behind.

*Maulavi MUNAWWAR ALI: I referred his name because the old Cabinet was mentioned.

*Srijut GAURI KANTA TALUKDAR: Sir, should the hon. Members interrupt the Hon'ble Finance Minister.

The Hon'ble the SPEAKER: The Hon'ble Finance Minister may go on.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, it may be the intention of my hon. Friend Maulavi Munawwar Ali that if he goes on interrupting in this fashion he will be able to disturb my thought and prevent me from making my statement in the way in which I like. I hope he will not interrupt in this fashion so that my thought may not be disturbed.

Now, Sir, this enquiry was held before April 1945, and after due enquiry it was found that not a single of those 54 families came under any category of those who were protected by the Resolution of July 1945. So, the statement made that there was no enquiry seems not correct, or at any rate not justified from the records available in the Secretariat. The enquiry and eviction in April took place while our hon. Friend the Leader of the Opposition was the Premier as the Leader of the Muslim League Party. So, Sir, are we responsible in any way for the eviction of these 54 families? Now, Sir, what happened after that is this: out of 54 families some left the place and about 40 to 44 families sometime after again encroached the reserve. By the strength of the Government Resolution if persons evicted again encroach a Professional Grazing Reserve, no further enquiry is necessary regarding them because they were found not to be protected by the Resolution. Now, Sir, these people were evicted in April and when they came back again naturally they were evicted. Who evicted them, Sir? There was a Muslim Colonisation Officer, the Head of the District was a Muslim, who submitted the reports and other facts I mentioned at the time the Adjournment Motion was moved.

Now, as regards the other Grazing Reserves, I have had no time to go to all the different reserves to satisfy myself with the records that are available in the different localities of the District or Subdivision but I paid a flying visit to Barpeta and found there from the records that the enquiry had been completed. Who completed the enquiry, Sir? It was the Muslim Subdivisional Officer who made the enquiry in the presence of the Sub-Deputy Collector and other persons, *viz.*, the Colonisation Officer and others. He prepared a list of protected and non-protected immigrants as defined under the terms of the Agreement of July 1945. Now, Sir, I had been to a reserve, which was close by, on the very day I arrived at Barpeta. I had made a note of what I found in that reserve, so that

I might not commit any mistake. I will just read out that portion of the note which relates to Theka Professional Grazing Reserve. Now, as I said before, I found the complete list of those who were protected and who were not. It also passes my comprehension why, under the able leadership of Sir Muhammad Saadulla, can an enquiry be not completed in course of a year. Sir, more than six months have elapsed since the Government Resolution, and I do not consider that the Government was so inefficient that an enquiry relating to evictions could not be completed. Any way, Sir, my note reads thus: "I visited the Theka and Betbari Professional Grazing Reserve in the afternoon of the 23rd February 1946, accompanied by the Sub-Deputy Collector, the Circle Sub-Deputy Collector, a few local gentlemen and the Subdivisional Officer. I found from a distance that the Professional Grazing Reserve was spotted with small skeleton huts without walls. On close approach I saw on one side about 25 to 30 skeleton and incomplete huts, some made of jute sticks and others made of thatching grass which were being erected near the graziers' Khutis. These are all new encroachers. On being questioned, a few of them on the spot told me that they had come there from the houses of Dewanyais about 10 or 15 days back and had begun to erect the houses in the way in which I saw them. Batches after batches are encroaching the Professional Grazing Reserve which indicates that it is an encroachment with a view to occupy the entire Professional Grazing Reserve in defiance of law and order and drive out the graziers by threats or harassment. There have already been a few incidents. One of the Nepali's ear was chopped off and the legs of a few calves had already been broken. It was reported that some of the graziers for fear of molestation had already left the reserve. These new encroachers had neither begun to plough the land nor had grown any crop here in the Professional Grazing Reserve. Delay in eviction is likely to encourage new batches to come and encroach the reserve in defiance of law and order and it would complicate matters if these new-comers take to plough and grow crop. The Subdivisional Officer also admits that eviction should start immediately." Sir, this Subdivisional Officer is not a Hindu; he is a Muslim who was transferred to that place during the time of Sir Muhammad Saadulla. It was he who prepared the list of persons to be evicted. I was satisfied not only from the records but also the statement of the Subdivisional Officer that the list of persons to be evicted had been prepared after full and thorough enquiry, but the Subdivisional Officer pleaded that on account of the recent death of his wife he was not in a position to start eviction immediately.

Sir, after visiting the reserve I invited my hon. Friend Mr. Rouf to enquire what was the position and asked him how he could support this encroachment within 10 or 15 days. I asked him whether he sticks to the Resolution adopted by his own Government. I also sought co-operation from another hon. Member of this House who is absent to-day. I asked their advice, but instead of giving advice one of them retorted that if a man had entered a certain place in defiance of law and order even for a day, he should be allowed to remain there. After that, Sir, what advice can I seek from the hon. Member who thinks like that? I wanted help and co-operation and told them that if these people defy the law in this way, it would be detrimental to the interests of not only the Hindus and Muslims of Assam but also of those immigrants who have been living in the soil since 1938, and who had been declared as protected by the Government Resolution. This House will make its own inference from the statement my Friend made in this House that the Resolution which was adopted by the Cabinet is being repudiated now. They do not stand by it but are treating it to be only a scrap of paper. But I consider that there should have been some sanctity to the agreement which was arrived at after due deliberation. I appeal to my Friend that they all should stick to that agreement. I give this assurance that I will personally enquire into the matter and satisfy myself whether, under the terms of

the agreement, they are protected or unprotected immigrants. There was a general remark to this effect that no enquiry was made. I submit that this is not supported by facts and circumstances according to my personal knowledge as well as by record that is available in this House. I really fully appreciate the spirit in which the Leader of the Opposition at any rate tried to keep himself aloof from the communal feeling that was roused in this House by some of my hon. Friends who took part in the Budget discussion early in the session. He tried to remove that impression from the mind of his followers.

Now I will deal with the question of land settlement. It must be admitted that this question in Assam is a very complicated one and for the solution of this we want the co-operation from all sections of the House. The economic aspect of this question has been to some extent dealt with by my Friend Srijut Omeo Kumar Das. I am grateful to him in this respect. It is common knowledge that India is an agricultural country, and specially in Assam about 95 per cent. of the people, I stand subject to correction, are agriculturists and pressure on land in Assam is very great. So this state of things can only be removed by the development of industries and by absorbing the surplus population which cannot be utilised profitably in agricultural operation. These are matters which we are to tackle and I hope to get all possible help from all classes of people, not only in this House but also outside. I have been accused by one of our Friends, Maulavi Abdur Rouf, that I have declared a war, that I have used the word 'Kamla' contemptuously. I have used this expression 'Kamla' without any such intention. For this expression my Friend out of anger cast abuses on me. But if I read out a portion of the Line Enquiry Committee Report which he signed, I am sure, the hon. Members will realise that I was not wrong in using that expression. He was a signatory of that Line Enquiry Report and also a member of that Enquiry Committee. I will read out the portion where the reference of 'Kamla' will be found. *This is in page 5 of the Report.....*

*Maulavi ABDUL MATIN CHOUDHURY: I may point out, Sir, that there were some dissentients also among the signatories.

The Hon'ble Srijut BISHNURAM MEDHI: I am going to read out from a portion which majority of the members signed. Amongst others there were Mr. Hockenbull, Maulavi Abdur Rouf and Khan Bahadur Maulavi Sayidur Rahman. It runs thus: "The majority of us hold strongly the view that the immigrant is a troublesome neighbour, especially when he first comes to this country and he is trying by every means—fair or foul—to get possession of land, to whomsoever it may belong by right".

*Maulavi ABDUL MATIN CHOUDHURY: Sir, the portion just now read out does not refer to the point at issue nor does it appear to have been made by Maulavi Abdur Rouf himself.

The Hon'ble Srijut BISHNURAM MEDHI: I am just laying out bare facts, Sir, before the House. I am here explaining the views of the majority of the signatories of the Report. Next it says that "He is obsessed with a far greater greed for land than the native of the Province, for whom there has always been land in abundance for the asking, and his sense of proportion is considerably unbalanced, whereby he is often driven to commit offences and so disturb the peace and tranquillity of the Province in order to satisfy his greed and obtain possession of land. This greed is not always appeased when he has got possession of as much as he can cultivate, and we have found many instances of immigrants who have acquired, by subsequent purchases for the most part, large blocks of land amounting to as much as five hundred, or even in some cases, a thousand *bighas*."

These he must necessarily sublet or farm out and the presence of these small *zeminderis* undoubtedly accounts for a certain proportion of the landless immigrants or *kar-las* whom he engages to cultivate his land for him. Some of the work, however, is done by a class of immigrant who comes only at the harvest time and returns to his native country afterwards, and there is no doubt that in the immigrant areas there are still a large number of landless families who have not been able to secure land on which to settle or occupy under some larger landholder. Instances were not wanting, and the Subdivisional Officer in Barpeta, in particular, was most emphatic on the subject, that newcomers to the Province are fleeced right and left not only by indigenous inhabitants, but also by the Matabbars and Diwanias, who are the leading men of their community, and who frequently are alleged to take money from them for settling blocks of land with them which belong either to Government or to other people. The newcomer having paid his money squats on the land and even if evicted frequently returns to it on the ground that he has paid a price for it and does not intend to vacate." In this way they left the houses of the Diwanias and encroached on Thekapathar Professional Grazing Reserves because they were asked to go there by the Diwanias. Most probably money was realised from these illiterate and innocent victims of the Diwanias. They are really an object of pity and sympathy. We can only treat them as victims of the landlords and zemindars. I think after having heard this, the accusation made against me that I made deliberately false statement will not be believed or accepted by any hon. Member of this House or even by my Friend who called me a deliberate liar.

Now I come to the second allegation that there are vast tracts of available waste land in Assam and that we the Congress people, whom some of the Members of the Opposition have styled as Hindu Sabhaites and communally-minded Hindus would not allow these vast available plots of lands to be occupied by the people from Bengal because they are Muslims. They tried their utmost to give a communal colouring to all this. The various reports that are available in the Secretariat will clearly show that there is not even sufficient arable land available for settlement with the indigenous people as well as those immigrants who had come before 1938 and made Assam their home. Does the hon. Member want that these immigrants who came in 1938 should be driven out to make room for the newcomers? Will it be beneficial to make those people homeless and settle land with the newcomers and create trouble in this country? It is a very important factor to see whether there are sufficient arable lands to accommodate all those who had come from other parts of India. This problem of decreasing pressure on land will have to be tackled and I think it will be tackled when the National Government will be established in the Centre and all the surplus population will be absorbed in big industries.

We are being accused that in spite of the fact "that although millions of acres of land are available yet the present Government in the name of the Akhand Hindusthan," are driving these Muslims out of the land. I emphatically deny this allegation, Sir. If anybody is not communally minded it is the Congress people who are not communally minded. From the Government report quoted below it will be clear that this accusation is baseless.

"One thing is certainly beyond doubt and that is that, although it is not possible to stop immigration into the Province there is not sufficient suitable waste lands fit for settlement to accommodate all those who are in search of land without seriously prejudicing the interests, not only of the indigenous people but also of those who have already come into this Province from Bengal to settle in this country." The above quotation from the report which was published, I am quite sure, during the time of Sir Muhammad Saadulla shows that even then it was the opinion of the then Government that there was not sufficient available waste lands to accommodate all persons in this way.

Now, I come to another Resolution that was unanimously adopted by the last Cabinet in 1940 after a conference held, in which Maulana Abdul Hamid Khan, President, of the Provincial Muslim League, Maulavi Syed Abdur Rouf, Maulavi Saiyid Sir Muhammad, and Khan Bahadur Maulavi Sayidur Rahman were present. The report runs as follows:—"It is extremely unlikely that any land will be left for settlement with persons coming from outside the Province after the policy laid down in this Resolution meeting the existing needs of the indigenous people and of the other people who have come to this Province before the 1st of January 1938." From these extracts what do we find? This is the declaration made on the 21st of June 1940 by the then Government of which Sir Muhammad Saadulla was the Premier. The Government of Sir Muhammad Saadulla made this declaration and published it in the Gazette that there is no more land available to accommodate any newcomer. How my Friends in face of these documentary evidence can now say that there are vast plots of waste lands available for settlement?

Then another fact is to be taken into consideration. If there is vast arable waste lands then why the immigrants will encroach upon the Grazing Reserves and interfere with the cattle and buffaloes and commit all sorts of breach of peace? From this fact also one can come to the conclusion that there is no available waste lands, *at any rate, in Barpeta*. I do not like to make any inference; I leave it to the Members of the House to make their own inferences. If there was no land available then why this communal cry from some of the Members from that side? Instead of raising communal cries they should have come to discuss the matter with us how to settle this problem. Instead of doing that they are trying to blame us, they are trying to paint us with the blackest dye and some of them are saying that the Congress people are communally-minded and that we are afraid of Pakistan, but our attitude towards Pakistan is absolutely clear. We think and consider that Pakistan is not to the interest of the Muslims as well as the Hindus. The division of India is against the interest of both the communities; and we, the Congress men do not like to impose our views on the people living in an area which the Muslim League want to keep in Pakistan zone. The main difference between the Muslim League and the Congress is that the Muslim League Executives representing the richer and privileged section of the people want to impose their will on the illiterate and backward Muslims living in the area. (*Voices: No, no.*) Otherwise, I think, the Muslim League would have agreed to leave for decision whether a particular area wants to remain as Pakistan or Akhand Hindustan to the adult population living in that particular area. A non-violent men and believers in truth we do not want to force any one to live anywhere and under any Government provided they do not voluntarily agree. We are not afraid of Pakistan at all. If the people of a particular area, Hindus, Muslims, Tribals or Labourers, want to remain as a separate entity from India nobody can prevent them. I have incidentally cleared the misconception that for fear of making Assam a Pakistan we are driving out these innocent people from Grazing Reserves. This impression, I hope, should not be taken into serious consideration by my hon. Friends here.

Now, in my introductory speech I appealed to the Members and other leaders of the party and also the leaders of Bengal to persuade immigrants not to come to Assam but to cultivate vast arable waste lands in Bengal. From a report published in Bengal it will appear that 5,331,186 acres, that means about 1 crore 60 lacs of bighas of arable waste lands are lying waste. Why my Friends opposite should not make a propaganda in Bengal urging those landless people to cultivate the vast areas of waste lands available there instead of coming here and complicating the problem of providing land to the landless indigenous people as well as the immigrants who had already come into Assam and made Assam their home? That is why I made a fervent appeal for constructive suggestion for

solution of the problem. But to my utter disappointment I find that my appeal has gone in vain. Instead of any constructive suggestion hon. my Friend Mr. Syed Abdur Rouf broke all parliamentary convention and used abusive words and on the other hand Maulavi Abdul Matin Chaudhury who was once a responsible Minister not only offered threats of defiance of law and order but also excited immigrants to do so under the protection of this House.

*Khan Bahadur Maulavi SAYIDUR RAHMAN: He is prepared to make the statement outside the House also, Sir.

The Hon'ble Srijut BISHNURAM MEDHI: It is said that we are not considering the case of those immigrants who have come recently. We said that their cases will be considered if there be surplus of land available after settlement of arable waste land with those immigrants who had come before. But my Friends wanted to evict those old immigrants and allow newcomers to come and settle. Can that be considered *to be a reasonable attitude*?

† The Hon'ble the SPEAKER: I think I should point out to the Hon'ble Minister that he has already taken 46 minutes in debating only one point of his reply (*laughter*). I am giving him a quarter of an hour more and I am afraid, I shall have to regret my inability to extend the time any more.

‡ The Hon'ble Srijut BISHNURAM MEDHI: The Leader of the Opposition was given 85 minutes in place of 40 minutes, Sir. So the Hon'ble Speaker as well as the Members of the Opposition will see that I am given a little more time to explain the matters that have been raised in the debate for the last three days.

‡*Maulavi ABDUL HAMID: Sir, in fairness to the Hon'ble Minister he should be given a little more time.

The Hon'ble Srijut BISHNURAM MEDHI: Now as regards eviction from the Reserves an enquiry was set up by the last Government and an officer was deputed to ascertain the necessity and the amount of land necessary for graziers. Mr. Desai was appointed for the purpose and some of my Friends from opposite said that so much grazing lands are not necessary at all. I will quote the statement of the very officer who was appointed not by us but by the last Government, by our hon. Sir Muhammad Saadulla. "The areas actually available for the Professional Grazing Reserves are much less than even one-sixth of the actual requirements. Were it not for the fact that the graziers have utilised the waste lands outside these Professional Grazing Reserves they and their animals would have found it difficult to survive!" So from this report of an officer appointed by them it is quite clear that the Professional Grazing Reserves area is not even sufficient for the existing cattle. ✓

*Maulavi MUNAWWAR ALI: What is the page, Sir?

The Hon'ble Srijut BISHNURAM MEDHI: Page 7, Sir. I could understand that this report was not published by the last Government because I think they were reluctant to do so as it does not recommend dereservation.

*Maulavi MUNAWWAR ALI: On a point of order, Sir, may I point out that the report was made available to the hon. Members of this House?

(*Voices—It was not a fault. The report was not given to the hon. Members.*)

The Hon'ble the SPEAKER: Will the hon. Leader of the Opposition please enlighten the House whether copies of the report was given to the hon. Members of this House?

*Maulavi Sayid Sir MUHAMMAD SAADULDA: It was not given to each and every hon. Member but to those who wanted to speak on the subject.

The Hon'ble SPEAKER: The Leader of the Opposition says that the copies were not given to every one but to some of the hon. Members who wanted to speak.

The Hon'ble Srijut BISHNURAM MEDHI: So after that report there was a Conference of all Parties; it was decided then that the Reserves should be opened. All the factors were taken into consideration in that Conference and in that Conference the Resolution was adopted and unanimously accepted by the Cabinet of which my hon. Friends, Maulavi Abdul Matin Chaudhuri, Maulavi Mudabbir Hussain Chaudhuri and Maulavi Munawwar Ali were Members.

*Maulavi MUNAWWAR ALI: When two Hon'ble Ministers were absent in Simla.

The Hon'ble Srijut BISHNURAM MEDHI: I know, when the case is weak the opponent comes and interrupts.

Now, from this Report you can see whether we have gone a word beyond the terms agreed upon and published on 13th July 1943. We have not gone a word beyond what was agreed upon. I may say that we are accused by people that by accepting this Resolution we have sacrificed the interests of the indigenous people and in spite of such accusation from our own men we are accepting all the terms of the agreement and want to abide by these terms for the preservation of peace and tranquillity. I may cite paragraph 4 which runs like this:—

“No systematic settlement can be undertaken until at least a rough approximation can be arrived at of the amount of cultivable waste land which is at the disposal of Government, for reservation of future needs and for immediate allotment to landless persons—indigenous and immigrants. Government regret that a good deal of misapprehension has been caused in the last few years by a confusion between uncultivated land and cultivable waste land.”—Resulting in gross overestimate of the latter in millions of acres as has been told by some Members in this House and in needless acrimonious controversies over plans for its disposal. Instructions have been issued to collect accurate figures of the total settled land and unsettled land and total cultivable waste land in every cadastral village and also of the area of non-cadastral villages. As all these reports are not yet available, we are pursuing the same policy and trying to find persons who have no economic holdings or lands, indigenous as well as immigrants who came to Assam before 1938, or those persons who have lost their lands by erosion—all these factors will be considered and interests of all those persons will be protected and are safe in the hands of this Government.

Regarding maintenance of Reserves, I will read paragraph 7 of the Resolution of July 1945. In the Conference the matter was fully discussed and the Government was in possession of Mr. Desai's Report that the available land in the Professional Grazing Reserves is quite insufficient for the grazing of the existing buffaloes and cattle and the Members came to this conclusion that the maintenance of reserves was essential. With a view to making the remainder of the Reserve adaptable to its proper use as a Reserve Government were unable to regard the heavy encroachments which have taken place in some areas with equanimity. Government have engaged to recognise encroachments of long standing, dating from before the 1st January, 1938, though in some cases it may be necessary to shift the encroachers so as to concentrate in one part of the Reserve with a view to avoiding clashes between graziers and encroachers. We stand by that Resolution and we are not going to evict any one who is protected under the Resolution. If they had encroached these Grazing Reserves and had come to Assam before January 1938, they will not be disturbed till land elsewhere can be given. Those who have lost their lands by erosion will also be provided with lands. Government will take care that no more encroachment happens in future

*Speech not corrected

and will take steps to demarcate the Reserves so that there may not be trouble. Under the terms of the agreement these people in Champapathar in Pukhuri-par area were evicted after service of due notice in April 1945. After their eviction they again re-encroached and the then Revenue Minister visited the locality and directed eviction. They were evicted in accordance with the terms of the agreement. The provision of Rule 18(2) of the Settlement Rules will apply to all such cases of eviction that if a person is wrongly evicted he has got the right to appeal to the Revenue Tribunal under the terms of agreement. ✓

*Maulavi ABDUL HAMID: Does the Hon'ble Minister suggest that this summary eviction.....

The Hon'ble Srijut BISHNURAM MEDHI: I am not yielding. If my Friend wants enlightenment on the point he may come to me and I shall discuss matters with him. In case there be any hardship, the aggrieved persons might have moved the Government and Government will always sympathetically consider in all such cases.

*Maulavi ABDUL HAMID: What about those who are evicted illegally?

The Hon'ble Srijut BISHNURAM MEDHI: Appeals lie in the Revenue Tribunal presided by an Englishman.

My hon. Friends should advise those persons who consider that they had been evicted illegally, to go to the Revenue Tribunal. But instead of doing so they have excited them to commit offences, to defy law, to squat themselves against the spirit of this Resolution. (*A voice—provoked by Government measures.*)

My Friends on the opposite made a mistake by making that statement that we are vindictive. We are not at all in any way vindictive. I think better sense will prevail on them so that they do not defy law. I even now hope that my hon. Friends will not embarrass the Government in this fashion and force the hands of Government to take action for the preservation of law and order in the country. We are always reluctant to take any coercive measures as we ourselves are sufferers in this cause. So I appeal to them not to complicate matters in this fashion by exciting people in this way. My hon. Friend was just referring to certain telegrams coming from different parts of the land. But I request him to consider whether these telegrams were not in the nature of propaganda. I received a telegram forwarded to me by His Excellency the Governor. There the report is that millions of persons have been evicted from the Professional Grazing Reserves. These are all imagination pure and simple. By such propaganda, attempt is made to make the Government which wants honestly to solve the problem, unpopular to the Muslims. I also appeal on behalf of Government to give up this sort of propaganda. Practically eviction has not been started except in Champapathar-Pukhuri-par area,

*Maulavi ABDUL MATIN CHAUDHURI: Will it stop there?

The Hon'ble Srijut BISHNURAM MEDHI: We will carry out the spirit of the Resolution. If there is any hardship we will consider it. But there is no reason why Friends on the opposite should incite them to defy law and order. In view of all these facts and circumstances, I appeal to the House to consider all these.

There is another point that has been raised not only by some of the Members but by the Leader of the Opposition also. ✓ Incidentally, he spoke about grow-more-food by throwing open the Reserves, if I could understand him correctly. But I will place a few facts just before the hon. House. What amount of food crops are really being grown by the immigrants? Generally in the places where

they occupy land they grow Aus and Jute crops, Chilly, Brinjals and other vegetables. Only Aus crop is grown by them. From the figures of export during the last two years what is the amount of Aus crop exported from the country? It will be remembered that during the time of my Friend Maulavi Munawwar Ali, about 2 lakhs bighas of land were settled from the year 1943. In 1945-46 the total export was 75,000 tons of rice which consist of 60,000 tons of Sali crop which is never grown by the immigrants. What amount of Aus was exported? Fifteen hundred tons only, after cultivating an area of two lakhs of bighas. These 1,500 tons of Aus exported include the crop grown by the indigenous people also. (*Laughter.*)

Then I give another figure of 1944-45. Out of total export of 78,500 tons of rice one thousand tons of Aus were exported. Under the circumstances the ground for opening land to immigrants for growing more food is only a plea to occupy land so that it may be more difficult to clear the Reserves. If my hon. Friend is bent on acquiring the Reserve where will they get cattle to plough with? This is not America where we have motor ploughs and tractors to cultivate the land. We will have to depend on bullocks and buffaloes. We will have to get bullocks and buffaloes. It must be remembered that a nation's economic conditions cannot be changed at a moment's notice. It will take time to organise the country to adopt the method of stall-feeding of cattle. We are being hampered at every stage. Give us a chance. I have just forgotten the amount which was sent to this Government by the Central Government for the Grow-More-Food Campaign. What was the result of the "Grow-More-Food Campaign"? I have already remarked that it was not a success at all. We the Congress people feel for the distressed. We are prepared to alleviate the distress outside Assam; they are our brothers suffering for want of food, due to scarcity of cereals and other things. We will exert our utmost to send every ounce of rice and paddy that will be left after feeding our people. (*Applause from the European group.*)

Also we have made in accordance with the direction of the Central Government a reduction of cereals to 12 ounces only. But we find some difficulty in placing absolute reliance on the present official figures. We remember what happened in connection with the Bengal famine. Even a month before people began to die in thousands. The Muslim League Ministry basing on the official figures had to say that there would be no food shortage but the figures ultimately turned out to be inaccurate resulting in the death of 35 lakh of people. The present Government is only scrutinising the figures from all points and in the meantime regulating the export of rice. From this my Friends on the opposite as well as my Friend Mr. Whittaker should not infer that we do not feel for the people in distress who are suffering for want of food. The feeling is there. We feel much more than any other in this House.

Sir, we as a Party stand for planned settlement. After the area of land available, and the number of landless people and those having no economic holding are ascertained, we will sit and consider and discuss matters even with the Opposition to bring about a planned settlement of the persons now in Assam. I think, my Friends opposite will render us all possible help in our endeavours.

Sir, it will not be possible for me to reply to all the points raised by the various hon. Members as I have already taken a long time. Sir, before going into details with regard to the various points raised by the hon. Leader of the Opposition I will just say a word. Sir, he being an astute lawyer and senior to me by some years wants to place only those facts which seemingly or apparently are in his favour. He says that the financial position of Assam is very good. Well, he draws that inference from the opening and closing balances of the Budget.

I need not dilate much on this point. I think, he knows for himself that these are illusory pure and simple. I leave it to him to consider whether these are not illusory in view of the treasury bills to the extent of 3½ crores of rupees outstanding.

Then, Sir, he accuses me that I made a statement in my introductory speech that the Supply Department will most probably leave the country almost in a state of bankruptcy, as some 1½ crores loss was anticipated. To rebut that statement he drew attention of the hon. Members of the House to the Audit Report of the year 1943-44. Well, I request him to recollect the procurement policy that was followed in the Surma Valley and that due to the mismanagement he was forced to constitute a Committee of Enquiry. That Committee of Enquiry submitted their report. That report has not yet been published by the last Government. Investigation in the matter is going on even now. We are trying to find out who is responsible for all these mismanagement. I think, my hon. Friend Sir Muhammad, at any rate, will remember the figures that there is an apprehended loss of about 60 lacs according to that report. This I say without divulging any secret. I need not say anything about the finding of the report as to who is responsible, how these things could happen, how this enormous amount was spoiled. No balance sheet has yet been prepared for the year 1944-45 though a year has elapsed. So I thought it was my bounden duty to enlighten the hon. Members of the House with the position of the procurement policy. I think it will be against the public interest to disclose and divulge what has happened and I hope my hon. Friend, the Leader of the Opposition, will not insist to bring in further details at present.

Another thing he has stated in the beginning of his speech. He said that the Agricultural income-tax that was sponsored by the Congress-Coalition Government was not opposed by him on principle. But he even now thinks that at the time he anticipated that the industry on which this tax was levied would collapse. But his anticipations, I think, proved illusory, as will appear from the income derived by the industry and the flourishing condition of the industry in spite of the labour and other difficulties. Prices of tea estates have increased. The industry paid a good dividend to the coffers of the State. All these will show that his anticipation proved illusory and that the tax did not touch the pocket of the poor.

Then as regards the other taxation measures, I remember to have heard him to say the same thing at the time of introduction of these measures that they affect the poorer section of the people. But I submit, Sir, who are the cinema-goers, who are the persons who go to the horse races? What is the percentage of population that is affected? Most probably it is not even one per cent. Well, cinema-goers are those who live in towns, or those who frequent the towns in connection with litigation or for amusement to spend their superfluous money. It is not the cultivators who are affected. So if they are taxed, they are rightly taxed. If a man can spend three ruppas a day in sporting he can very well afford to pay an anna to the Exchequer of the country. This taxation measure, Sir, is not touching the pockets of the poor.

Then with regard to the point raised by the hon. Khan Bahadur Sayidur Rahman, he delivered a moderate speech. I liked his speech. He enquired why this Government did not introduce the Sales Tax Bill, and I owe an explanation of the reason why we are not introducing it in this Session. I do not agree with him that the income will be about Rs. 25 lakhs. If we introduce a Bill of that kind we would like to exempt those articles from taxation which are usually used and consumed by the poorer sections of the people. So, Sir, the list will be an exhaustive one and it takes time to prepare such a list. Secondly, Sir, we know the volume of agitation that is going on in Bengal, and nobody knows whether the sales tax will remain in force after the

establishment of a responsible Government in Bengal. Sir, if this tax be not in force in Bengal and if we impose it here what will be the effect? The entire trade will fly away to Calcutta or Bengal. That will not be to the interest of Assam. These are the factors that have to be considered. If the Bengal rate is lower than Assam in that case also trade will fly to Bengal. So, all these factors have got to be taken into consideration before hurriedly putting in a taxation measure. Sir, we are considering the pros and cons of the question. There are also other measures which will be taken into consideration and the suggestions about increasing the pay of primary school teachers and other low-paid Government servants will also be taken into consideration. The Congress stand is well known. The Congress stands for those who are poor, who get low salaries. We will strive our utmost to improve the lot of those persons who get the lowest among the Government servants. The Congress also stands for taking away the superfluous money from those who do not deserve it.

Then, Sir, another point was raised by Khan Bahadur Maulavi Abual Majid Ziaosh Shams regarding the High Court. He wanted a definite explanation from me regarding Rs. 1,30,000 spent in connection with the expenses incurred in the Calcutta High Court. Our Leader of the Opposition will bear me out when I say that in the year 1933 or 1934 there was a dispute between the Bengal Government and the Assam Government regarding the amount of expenditure to be contributed by Assam for the services rendered to us by the Calcutta High Court, and that dispute was referred to arbitration. In that arbitration Sir Muhammad Saadulla was Assam's representative. That arbitration devised a formula and in accordance with that formula the amount is assessed every year, and this assessment is made by the Comptroller and we put the amount in the Budget. This is how this Rs. 1,30,000 came in the Budget as High Court expenses. Secondly, about Rs. 39,000, the details could not be printed for want of time. The High Court recommended that there should be two Additional Judges, one in the Surma Valley and the other in the Assam Valley and two Sub-Judges. And their salaries and other expenses come up to Rs. 7,000 or something like that. So, we have put that expenditure in the neighbourhood of Rs. 39,000.

Sir, I fully appreciate some of the suggestions made by some Members of the Opposition regarding retrenchment. It appears that they were not biased against us; they made their suggestions which will certainly be duly considered along with other suggestions. Regarding the grievances of different constituencies we shall consider all these factors.

Sir, another accusation made against me is that I have presented the Budget, but have not taken the responsibility for it. I owe an explanation to the House. Sir, under the Government of India Act, the Budget must be presented and passed before the year is out, so that expenditure can be incurred from the first day of April. Unless we present the Budget and get it passed we cannot incur any expenditure. There must be some continuity of Government, past and present. And that is why I stated in my Budget speech that in order to keep continuity of Government we had to present the Budget. I thought I would be given thanks by my hon. Friends of the Opposition because they would get two chances of criticising me, not only now but also at the June or July Session of the Assembly. But, Sir, instead of expressing their gratefulness they are finding fault with me.

Then, Sir, as regards the new schemes, we do not want hastily to hatch up things and place them before this august Assembly. We wanted time to consider them and go about the country and find out the needs of the people and consult leaders of public opinion and then have a new schedule prepared. We also wanted to get criticisms and suggestions from the Leaders of the Parties in this House, so that we might take those suggestions as well into consideration

before finally formulating our schemes. And after formulating them we wanted to place them again in the House for criticisms. Sir, we should have received the congratulations of the Members of this House for having acted in this way. Sir, the Leader of the Opposition said that there may be legal bar in producing these schemes afterwards, but as far as I have been able to ascertain the position there will be no such bar. The 'heads' are there. Take for example 'Education'; if we want to spend more money on that 'head' we can bring in a new schedule and ask for a supplementary demand.

Now I will not be very long. Before finishing I want to speak a word of appreciation for the statement made by Mr. Whittaker on behalf of his Party in regard to the change in the attitude of his Party. I am really very glad to get his hand of co-operation to solve all our difficulties for the good of the people of our country. We heartily welcome the declaration made on the floor of this House by him as Leader of the European Group that they would not ask for any extra privileges and that their views will be given not as representatives of the ruling class but as ordinary citizens of the Province (*Voices: Hear, hear.*) We really appreciate this frank and sincere statement. And we on our part say that if our Friends want to stay in our country they will never be deprived of their rights and privileges as ordinary citizens. Even though there might be some differences of opinions yet there would be enough scope for us all to live in harmony by mutual toleration.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, what about "Quit-India" policy?

The Hon'ble Srijut BISHNURAM MEDHI: "Quit India" means, the ruling power to quit. Neither the Hindus nor the Muslims want this ruling power to continue any more. This misconception is held by great many people. Mr. Whittaker referred to the old history and said that the common man before the advent of the British rule in India was not enjoying the wealth of the country, but only it was shared by the privileged classes. I differ on this point. We remember the villages in those days were self-contented, the village industries supplied the needs of the people, they had sufficient to eat and clothe themselves. They felt no want of food and cloth as we are feeling now. Of course those people could not get the advantages of electricity, motor vehicles, railways, etc. Mr. Whittaker also referred to the running of various trade departments and this will be duly taken into consideration. There is an apprehension in the mind of my hon. Friend that we would feel shy to export experts from outside. I may clear the point that it would not be so—we shall export experts whenever we will feel the necessity. For the development of Industries we will never hesitate to export experts provided they

Clause 2

†Maulavi ABDUL BARI CHAUDHURY to move:

1. That in proviso (i) before the word "No" occurring in the first line, the following be added and for the capital "N" in the said word "No", a small "n" be substituted--

"Notwithstanding anything contained in the Assam Agricultural Income-tax Act, 1939,"

2. That in proviso (i), for the figure "3,000" occurring in the second line, the figure "5,000" be substituted.

3. That in proviso (ii), for the figure "3,000" occurring in the third line, the figure "5,000" be substituted.

are real experts and provided they do not subordinate the interests of our country to that from which they come. Sir, I wanted to speak more, but as I have no time at my disposal I cannot proceed further. So, Sir, with these few observations I conclude my speech. (*Cheers from Congress benches.*)

The Assam Finance Bill, 1946

The Hon'ble the SPEAKER: We now pass on to the next item, *i.e.*, consideration of the Assam Finance Bill, 1946, clause by clause. In this connection I find hon. Maulavi Abdul Bari Chaudhury has tabled †three Amendments. His Amendment No. 2 is important and the other two are consequential upon the first one.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, you have rightly pointed out that the Amendment No. 2 is more important than the other two.

Sir, I beg to move that in proviso (i) in clause 2, for the figure "3,000" occurring in the second line, the figure "5,000" be substituted.

The Assam Agricultural Income-tax Act was passed in the year 1939 when the price index of agricultural produces was much below the present price level. Under this Act it was provided that taxation will be regulated by an annual Financial Bill to suit the economic condition of the tax-payers every year. But unfortunately though there has been a great variation in the price of the agricultural produces and though the condition of the people have considerably deteriorated, the rate of income-tax under the Assam Agricultural Income-tax Act was not revised. Sir, during the last Budget Session I moved almost exactly a similar Amendment and on that occasion I made it clear to the House that it was a much needed change. During the last few years there has been a sharp rise of the price of agricultural produces and this has brought the poor cultivators under the clutches of this Act. This is a thing which was not originally contemplated when the Act was passed. As for example, in 1939 when paddy was selling at Rs. 3 per maund a cultivator with a stock of 1,000 maunds of paddy was exempted from paying tax under the Act. But, Sir, the same person will now be assessed income-tax of Rs. 375 per year. I think similar is the case with potato, but the present higher price of this produce has not improved the economic condition of the agriculturists. There were various control orders which closed the normal trade channels and thus the economic life of the country has been ruined. Then again, the cost of production has gone too much high. With the rise in price of plough cattle and labour, I can safely say that it comes to about 70 per cent. of the total income. The deduction of 10 per cent. which is made now for the purpose of assessment is ludicrously low. Above all the price of paddy and rice is not at a par with other necessities of life.

We have from our personal experience seen, how poor agriculturists have been compelled to pay income-tax though they are unable even to maintain their big families. These simple people—mostly illiterate as they are, do not maintain any account and are thus unable to satisfy the curiosity of the officers. It so happens that wealthy persons go scot free whereas these poor persons are assessed. This Amendment if accepted will give the much needed relief to the cultivators. Of course, cultivator includes, as has been suggested by hon. Mr. Whittaker, a tea planter. From the year 1943 the Tea Industry is not so well off as before. This Amendment will also give relief to the owners of small Tea Estates including Hon'ble Mr. Mockerjee.

There is an additional factor to consider. In the proviso to section 6 of the Act, it has been stated that the Agricultural Income-tax shall have a bearing on

the Central Income-tax. Hon. Members are aware that the Government of India thought it fit to reduce the rate of income-tax and also to raise the taxable minimum. The Hon'ble Finance Member to the Government of India made it absolutely clear that this was done to suit the present economic condition of the people.

There is still another factor. According to experts, India is on the verge of a disastrous famine. It shall have its repercussion on Assam. Much will depend on how we handle our food policy. I submit, Sir, that this is the most opportune moment for giving as much relief as possible to the cultivators.

Sir, on the last occasion when I moved exactly the same Amendment, the Congress Party and the Independent Group lent their whole-hearted and very generous support to the Amendment.

I am tempted to read out extracts from the speeches of some of the hon. Members. This will further establish my case.

Babu KAMINI KUMAR SEN: I rise on a point of order, Sir. My contention is that all these Amendments including the Amendment moved by my hon. Friend Maulavi Abdul Bari Chaudhury are illegal, *ultra vires* and out of order. My contention is based on three grounds. First of all, these Amendments are outside the scope of the Bill. The object of these Amendments is to raise taxable limit of the agricultural income which has been fixed by section 6 of the Assam Agricultural Income-tax Act from Rs. 3,000 to Rs. 5,000, whereas the object of this Bill, as will be clear from the Preamble and some of the subsequent clauses which I shall just read is to fix the rates of Agricultural Income-tax under the provisions of sections 3 and 6 of the Assam Agricultural Income-tax Act and not for the purpose of determining or altering the limits of the Agricultural Income tax which has been fixed by the very same section, I mean section 6. I think I should first of all read the Preamble. The Preamble runs thus: "Whereas it is expedient to fix the rates at which Agricultural Income shall be taxed under the Assam Agricultural Income-tax Act of 1939; it is hereby enacted as follows" and then I refer to clause 2 which runs thus:—"The rates of Agricultural Income-tax for the year beginning on the 1st of April 1946, shall for the purpose of Sections 3 and 6 of the Assam Agricultural Income-tax Act, 1939, be the rates given below" and the Object and Reasons also clearly say that the purpose of the Bill is only to fix the rates.

The Hon'ble the SPEAKER: May I be permitted, with a view to economise time, to anticipate the argument of the hon. Member who has raised this point of order? As it is already 4 p.m. and we have heard the hon. Member's arguments I hold that this Amendment is in order *prime facie*.....

Babu KAMINI KUMAR SEN: But I have got other points to argue. I base my arguments on three points. So before I can have an opportunity to place all my points it would not, I think, be quite fair if you give your ruling. So, I hope, Sir, even if we are late, I should be allowed to proceed.

The Hon'ble the SPEAKER: Surely, but what I was saying is this I propose to uphold the ruling given by my predecessor in this respect and in the identical occasion last year. The Amendment was then allowed.

Babu KAMINI KUMAR SEN: No point of order was raised at that time. Sir, my point is first of all that the purpose of this Amendment is to alter the taxable limit whereas the purpose of this Bill is only to fix the rate of taxation and as such these Amendments are outside the scope of the Bill. The object of this Amendment is to raise the taxable limit of the Agricultural Income-tax which has already been fixed by the parent Act—I mean by section 6 of the Agricultural Income-tax Act, whereas the object of this Bill is to fix only the rate of taxation and not to fix taxable limit which has already been fixed. It is therefore clear that the Amendments are outside the scope of the Finance Bill.

My second point is that if the limit is raised to Rs. 5,000, exemption will be extended from Rs. 3,000 to Rs. 5,000. Of course the rates will not be affected because the rate that has been put down in Clause 2B is like this—

	Rate.
1. On the first Rs.1,500 of total income	... Nil.
2. On the next Rs.3,500 of total income	... Nine pies in the rupee.
3. On the next Rs.5,000 of total income	... One anna and three pies in the rupee.

It does not matter whether the taxable limit is Rs. 3,000 or Rs. 5,000.

But, my second point is that it will be inconsistent with the earlier provisions of the very same clause, to which no Amendment has been tabled, I mean Clause 2. If these Amendments are carried, Clause 2, sub-clause A, minor clause (b) would be infructuous and useless.

The Hon'ble the SPEAKER: Will the hon. Member please refer to the rule?

Babu KAMINI KUMAR SEN: I am referring to Finance Bill, Clause 2.

My point is that if these Amendments are carried, they will be inconsistent with Clause 2, sub-clause A, minor clause (b), where the rate has been fixed at four pies in the rupee, if the share of the brother is Rs. 5,000 or less. So, if these Amendments are carried that clause would be infructuous and same sub-clause (a) that is, the rate applicable when the share of a brother exceeds Rs. 5,000 becomes useless. My next point is that if these Amendments are carried, it would be superseding two specific sections of the Parent Act, I mean the Agricultural Income Tax Act of 1939. It will supersede that particular section—section 6 of the Assam Agricultural Income-tax Act, which runs thus 'Agricultural Income-tax shall be payable by persons whose total agricultural income of the previous agricultural year exceeds Rs.3,000 at such rates as may be laid down from year to year in the annual Assam Finance Acts'. And this Finance Bill has been brought forward in accordance with the provision contained in sections 3 and 6. Section 3 runs like this—'Agricultural income-tax at the rate or rates specified in the annual Assam Finance Acts subject to the provisions of section 6 shall be charged for each financial year in accordance with, and subject to, the provisions of this Act on the total agricultural income of the previous year of every individual, Hindu undivided or joint family, company, firm and other association of individuals'.

Sir, I have already read out the provision contained in section 6. I would also refer to another section which is going to be superseded by these Amendments I am reading section 11 which runs thus—'The total agricultural income of a Hindu undivided or joint family shall be treated as the income of one individual and assessed as such:

Provided that if a Hindu undivided or joint family consists of brothers only, or of a brother or brothers and the son or sons of a brother or brothers, the total agricultural income of the family shall be assessed—

(a) at the rate applicable to the share of a brother if such share exceeds Rs. 5,000;

(b) at 4 pies in the rupee, if the share of a brother is Rs. 5,000 or less'. So, if these Amendments are carried this will not only contravene section 6 but it will also supersede section 11 of the Parent Act, I mean the Agricultural Income-tax Act, 1939. And I submit, Sir, that an Amendment in the Finance Bill cannot supersede a specific section of the Parent Act.

Now, I would like to refer to Rule 45(1) and (5) of the Assembly Rules. It will be clear from these rules Sir, that any Amendment which is outside the scope of the Bill or which is inconsistent with an earlier provision of the Bill would be absolutely out of order. So, Sir, my submission is that even if I leave out my third point which may be taken to be a question involving interpretation of law, I think, Sir, according to our Assembly Rules my earlier two points that they are outside the scope of the Bill and that they are inconsistent with the earlier provisions of the very same Bill would be sufficient for you to hold that these Amendments are out of order.

The Hon'ble the SPEAKER: Will the hon. Member please state how rule 45 is attracted?

Babu KAMINI KUMAR SEN: According to rule 45 an Amendment shall have to be relevant to and within the scope of the Motion to which it is proposed. I have already shown that it is outside the scope of the Bill. The Bill has been brought only to fix the rates and not to fix the taxable limit. It is only for the purpose of fixing rates that the Finance Bill is brought annually in this House, Sir. So, Sir, in view of all that I have said, I submit, that these Amendments are illegal, *ultra vires* and absolutely out of order.

The Hon'ble the SPEAKER: Will the hon. Mover please reply to the criticisms as to how we can get over sections 3 and 6 of the Agricultural Income-tax Act?

Maulavi ABDUL BARI CHAUDHURY: Sir, it is rather surprising to me when I find that hon. Srijut Kamini Kumar Sen has raised a point of order. Sir, on the last occasion when exactly a similar Amendment was moved he did not care to come forward with such a point of order. On the other hand, he was enthusiastic in supporting my case. Anyway, I want to reply shortly to the points that have been raised by him. My submission is that these Amendments are within the scope of the Bill. Because, Sir, hon. Members will find that the two provisos form an integral part of the main clause which contain the Schedule of rates. Therefore, when we are going to vary the rates of the Finance Bill we can make changes in the proviso also.

*Mr. A. WHITTAKER: Section 6 when mandatory shall be payable.

The Hon'ble the SPEAKER: That is why I requested the hon. Member to show how he can get over this difficulty.

Maulavi ABDUL BARI CHAUDHURY: The only objection that may be raised is the words 'or less'. I think, Sir, this defect can be cured by a verbal Amendment on the floor of the House.

*Mr. A. WHITTAKER: Has the hon. Member seen section 6?

Maulavi ABDUL BARI CHAUDHURY: I have not got a copy of the Act with me. I did not think, it would be necessary, as on the last occasion, no objection was made against a similar Amendment.

The Hon'ble Mr. BASANTA KUMAR DAS: May I submit one thing, Sir, in regard to the point of order raised by hon. Mr. Sen? Analysing all his arguments, it appears very clear, Sir, that apart from the question whether the Amendment is within the scope of the Bill or it contravenes any provision of the Assam Agricultural Income-tax Act, the most fatal objection is that the Amendment cannot stand as a valid one unless there be other Amendments to the sub-clause under clause 2 of the Bill providing different slabs for assessment with various rates prescribed for the purpose. Mr. Sen has pointed out that; and the force of his contention will appear very clear if we look to the sub-clauses numbered with capital "A" and "B" under clause 2. I draw your attention to the sub-clause with capital "B" and the item numbered with small "(b)" under sub-clause with capital "A". Now if this Amendment is accepted then item small "(b)" will have to be altered and so also some of the other items in order to make

them fit in with it. Slab No. 2 under sub-clause big "B" provides that in the next Rs. 3,500 above Rs. 1,500 the tax to be levied will be at nine pies in the rupee. This amount will have to be raised to exceed Rs. 5,000 and it may either be Rs. 5,500 or more as the House will choose to decide. Similarly, the figures given in the other two items after 2 under big "B" will have to be altered. Thus stands the inconsistency which the hon. Mr. Sen has spoken of. This inconsistency cannot be removed without definite Amendments to these various items under the slabs provided in clause 2 of the Bill as I have indicated. These Amendments ought to have been tabled as necessary Amendments consequential to the acceptance of the Amendment now moved. As the figures to be put in these Amendments will have to be decided upon by the votes of the House, these Amendments cannot be tabled now.

The Hon'ble the SPEAKER: I have heard the hon. Member raising the point of order and also the hon. Members opposing and supporting the same point of order.

The hon. Member who wanted to move this Amendment says that such an Amendment was admitted and discussed and a division was claimed and gone into on a previous occasion, I mean last year in this House. I was also inclined to think in the same line to start with. But since there is no question of waiver or estoppel in the matter, I think, when a point of order is raised on the floor of the House it has to be decided on its merit in each case. I hold that this Amendment is not maintainable because amongst other grounds it offends against specific mandatory sections of the parent Act. I hold it out of order and I shall state the grounds for my ruling day-after-tomorrow.

Maulavi ABDUL BARI CHAUDHURY: Sir, I understand that there is a similar †Amendment standing in the name of hon. Babu Gopesh Chandra Pal. I presume, Sir, that as he belongs to the Government Party, he had the sanction of the Government when he tabled that Amendment. And as such Government accepts the principle of the Amendment. May I request the Hon'ble Finance Minister to come forward with an amending Bill to amend the Assam Agricultural Income Tax Act and also the Finance Bill in the next Session of the House.

The Hon'ble the SPEAKER: Hon. Babu Gopesh Chandra Pal declines to move his Amendment. Even if he wants now, I cannot allow it.

Maulavi ABDUL BARI CHAUDHURY: My point was that Government Benches were also thinking in the same line; if it be so, may I request the Government to come forward with an amending Bill as suggested by me?

*Babu KAMINI KUMAR SEN: That is the proper way.

*The Hon'ble Srijut BISHNU RAM MEDHI: The matter will be considered by Government, but I am not in a position just now to say whether it will be accepted. Only to give word and not to act upon it, is not our habit.

As the Amendments have been held out of order, I beg, Sir, to move that the Assam Finance Bill, 1946 be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Finance Bill, 1946 be passed."

Babu KAMINI KUMAR SEN: Sir, I want to mention here that rule 69 says that when Amendments relating to every clause of the Bill have been dealt with, the Speaker shall put the question that this clause do stand part of the Bill, in the Second Reading.

The Hon'ble Mr. BASANTA KUMAR DAS: That means when an Amendment is accepted. But when the Amendment is ruled out of order there is no need for it.

*Speech not corrected.

†Babu GOPESH CHANDRA PAL to move:—

"That in proviso (i) of clause 2, for the figures "3,000" the figures "5,000" be substituted.

*Maulavi ABDUL HAMID : When there is no Amendment the whole Bill is there.

*The Hon'ble Srijut BISHNU RAM MEDHI : I am glad that there has been one helpful suggestion.

The question is :

“That the Assam Finance Bill, 1946 be passed.”

The Hon'ble the SPEAKER : That is in the discretion of the Chair.

The question was adopted.

THE ASSAM FOREST (AMENDMENT) BILL, 1946

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Sir, I beg leave of the House to introduce the Assam Forest (Amendment) Bill, 1946.

The Bill has been published in the *Assam Gazette*. The reasons for introducing this Bill will be found in the Statement of Objects and Reasons.

The Hon'ble the SPEAKER : The Hon'ble Minister is to move that the Bill be taken into consideration.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Sir, I beg to move that the Assam Forest (Amendment) Bill, 1946 be taken into consideration. There has been certain encroachments on Forest Reserves which have taken a serious form and it has been discovered that under the existing law there is no provision as there is in respect of Government waste lands or grazing reserves, giving Government power to eject encroachers. It is therefore considered necessary to make rules under the Assam Forest Regulation, 1891 analogous to rule 18 of the Settlement Rules framed under section 12(2) of the Assam Land and Revenue Regulation, 1886, for the ejection of encroachers. It is therefore proposed to amend Section 72 of the Assam Forest Regulation to give such powers.

The Hon'ble the SPEAKER : Motion moved :

“That the Assam Forest (Amendment) Bill, 1946, be taken into consideration”.

Mr. W. D. RUTHERFURD : Mr. Speaker, Sir, I rise to say a few words in support of the Assam Forests (Amendment) Bill, 1946. The case for the protection of our Forest Reserves should be apparent to every one who loves his country and wishes to see its natural resources properly protected, and I am glad that this principle has already had the support of the hon. Member, Mr. Bora, in his Budget speech. Wood is one of the three elements essential to industry, —wood, iron and coal—and it is part of our national assets. We cannot grow iron or coal but we *can* grow wood and here we have a source of income for the many schemes which are to come before the Assembly for the improvement of the condition of the people. The greatest loss a country could sustain would be to lose its forests. In protecting our forests we perform a service not only to the living generation, but, what is as much our consideration, a service to the generations that follow.

The classics have already been quoted during this session and I would close by following that example:—The famous Greek warrior Ulysses, on his return from Troy, unrecognised after 10 years' absence at the wars, found his aged father Laertes, planting trees. He asked him, why, being so advanced in years, he put himself to so much fatigue and labour. “Friend”, said Laertes, taking Ulysses for a stranger, “I plant against the home-coming of my son Ulysses”.

May I hope that we likewise may not betray our trust to take care of our Forest Reserves and so build up our national wealth for those coming after us ? With these words, Sir, I beg to support this much needed Bill. (*Applause*)

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Mr. Speaker, Sir, I take my stand to oppose the Motion for taking into consideration the Assam Forest (Amendment) Bill, 1946. At first it may appear somewhat odd that a beneficial measure which has been brought before this House for the protection of our milch cow—the forestry of Assam—should be opposed by these benches. But if one goes deep down and try to trace the origin of this Bill he will be convinced that a subtle policy of eviction has been laid down in it. The Bill to my mind has been conceived in fear and is an outcome of the malice towards the bogy of Pakistan. Sir, these days we have heard much on the floor of the House laurels and praises for the infallibility of the 'Quit India' Resolution of the All-India Congress Working Committee which they had adopted in August 1942. Inspired by their "Quit India" to the Britishers, the Congress Ministry have come here to say "Quit Assam" to the Muslims—"quit Professional Grazing Reserve", "quit other reserves and waste land" and lastly "quit forest reserves". There are so many "quits" in one session.

My Friends of the Congress, it appears, have taken possession of these "quits" and like an impetuous canvasser of a patent medicine, prescribing it as a panacea for all ailments which are found in the province of Assam. If I be permitted, Sir, I can develop my argument with a short story.

The Hon'ble the SPEAKER : Is there any time for story telling ?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Is there any time limit for Members in the consideration stage of a Bill ?

The Hon'ble the SPEAKER : Of course, in respect of any Bill there is no time limit laid down by our standing Rules except the restrictions to be imposed by the good sense of hon. Members.

*The Hon'ble Mr. BAIDYANATH MOOKERJEE : Sir, there is no time to hear stories.

*The Hon'ble Rev. J. J. M. NICHOLS-ROY : I could not hear the hon. Member. How can I reply ?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : It is impossible for me to be louder. I have already said that I want time to develop my argument.

The Hon'ble the SPEAKER : The hon. Member will please speak on the Microphone. I think we should sit till half past five for finishing the day's business.

*The Hon'ble Rev. J. J. M. NICHOLS-ROY : I have heard this much that this Bill has been introduced on account of fear of Pakistan with the purpose of enforcing the 'Quit India' Resolution.

The Hon'ble the SPEAKER : I will request the co-operation of the hon. Members of the House to finish the day's business.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : The Congress Ministry in their Budget speech have admitted that they had no time to go through the Budget, they had no time to go through the schemes which were prepared and laid on their table. But may I ask, Sir, how could they find time to travel throughout the length and breadth of the Province, through all the grazing reserves and forest lands and come up with hot haste prescribing their patent medicine "quit" for all ills ?

*Babu RABINDRA NATH ADITYA : Sir, was not that Bill conceived by the outgoing Ministry ?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : I do not think, Sir. To my knowledge, it has not been prepared by the last Government.

*Babu RABINDRA NATH ADITYA : Sir, will the hon. Member refer to his Leader whether it was conceived during the last Government ?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : If I am interrupted, Sir, in the way in which it is being done, I am afraid, I may forget my trend of thought. (*Laughter*)

The Hon'ble the SPEAKER : Order, order, the hon. Member will please go on.

*The Hon'ble Rev. J. J. M. NICHOLS-ROY : I will request the hon. Member to ask his Colleague by his side whether he conceived the Bill. I will request hon. Maulavi Munawwar Ali to let us know whether he conceived this Bill while he was the Hon'ble Minister-in-charge of Forests.

*Maulavi MUNAWWAR ALI : Sir, I do not remember to have conceived the Bill. (*Laughter*).

The Hon'ble the SPEAKER : Order, order, the hon. Member should go on.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : Then, Sir, we do not know how much land is there for our forests. We are no doubt anxious that we should keep land for regeneration of our forests. We also are quite anxious to see that the land occupied by our forests should not be encroached upon but we cannot give our sanction to a method for preservation of forest land without knowing how much land is required for the purpose. Unless a scheme is prepared and unless the point that how much land is to be preserved for our forests is decided upon by an expert engaged for the purpose we are not going to support a measure that will lead to an indiscriminate eviction of persons who are living for years in our so called Forest Reserves. Sir, there are vast tracts of land included as Forest Reserve which cannot within a reasonable space of time be covered by plantation. Sir, while hon. Maulavi Munawwar Ali was in charge of Revenue and Forests Departments and the war was at its zenith, the Military authorities wanted to construct a temporary aerodrome for the landing of aeroplanes in Habiganj subdivision under the Chunarughat thana. People of some of the villages were served with notices to quit their homes and hearths within 7 days. In order to find out alternative land for these unfortunate people, I accompanied the Hon'ble Minister for Forests, Mr. Munawwar Ali. Near Shahajibazar we were shown a piece of land measuring about 3,000 acres kept as Forest Reserve. Although the land was surrounded by villages and used as a village common the Forest Department insisted that for the future growth of forestry this should be kept reserved. Should not this House, Sir, be definite about what percentage of land should be kept reserved for forests before they give sanction to this measure ?

Again, Sir, the tribal people who have taken shelters and are living in so called Forest Reserves for years should not be disturbed unless and until alternative lands are found for them. They are the most helpless people who need protection at the hands of the Government.

As I have said, Sir, before, the Government have brought this measure only with the intention of evicting the Muslims from Professional Grazing Reserves and lastly from Forest Reserves. Now let us consult the Census figures of 1941 and see how far the fear of my Friend the Hon'ble Finance Minister for the boggy of Pakistan is justifiable.

The Hon'ble the SPEAKER : I think, the hon. Member should confine his arguments to the Bill, and not just try to reply to the Hon'ble Finance Minister on the general discussion of the Budget.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : I want to make clear before the House that the Hon'ble Finance Minister's fear is unreal and that his roaring voice of wail is still resounding in our ears.

With these few words, Sir, I oppose this Bill.

Maulavi ABDUL HAMID : Mr. Speaker, Sir, I beg to move that the Bill be circulated for eliciting public opinion by 15th May, 1946.

Sir, in the Statement of Objects and Reasons we find that this Bill has been introduced for "ejection of encroachers". May I enquire, Sir, whether the Government have not got power under the ordinary law to eject encroachers? Why should Government seek to possess extraordinary power? The reason is that they want summary powers for eviction of the encroachers. The Hon'ble Finance Minister was telling us "we do not say one thing, and do different thing". May I ask him what is the real intention in introducing this Bill asking for summary powers against which the Congress has always protested? I am amazed to find that they have changed their colour as soon as they have gone over to the benches opposite. Sir, the real reason is not far to seek. At the present moment the Assam Government are carrying on with ruthless and barbarous eviction without any sanction of law. Rule 18 of the Land Revenue Regulation has no validity so far as unclassified State Forests are concerned. So, my hon. Friend on my left was right in saying that the Government are going to arm themselves with extraordinary power of eviction, so that they can evict these immigrants from the Professional Grazing Reserves.

Sir, I was very sorry to find that the Hon'ble Finance Minister was trying to mislead the House by quoting from Mr. Desai's Report. What he read referred only to the Mangaldai Reserve. But, Sir, that did not apply to all the Reserves. (*Voice* : —Is he in order, Sir ?).

Yes, I am quite in order. It is not a fact that Grazing Reserves are everywhere insufficient; it is not a fact that it is the immigrants alone who are encroaching on the Grazing Reserves. I have noticed, in the Jorhat Subdivision, the tribals encroached on one Reserve, the indigenous Assamese encroached on as many as three Reserves. Are they also to be evicted in the same harsh way as is done in the case of the immigrants? Government do not care to take recourse to the ordinary law of the land because the Law Courts might carefully consider the position and might even give, say, 3 months' time to the encroachers to clear out. But Government do not like that; they want summary powers to evict mainly the immigrants from Mymensingh in a ruthless way.

Sir, these Forest Reserves were created long ago. Assam had enough land to spare. In every Forest Reserve you will find enough area where trees are growing. The immigrants and other communities do not settle there, because they need cultivable land. And every forest have enough cultivable area. Is it fair, at the present moment when a dire famine is in front of us that we should evict these people in a summary fashion? Should we not allow these people who have cleared jungles and made arable land in the Forest Reserves to stay? I appeal to the hon. Members opposite that at a time when Mahatma Gandhi is advising you to cultivate all available land, even the flower gardens, is it fair and proper from their own Congress stand point to evict people from village after village and destroy their crop? Is this the way they are going to obey their leader? I submit, Sir, that the Congress, if they were in my position, they would have been the loudest against giving this extraordinary power to Government. To day they are in the Government Benches. If they do not accede to my humble request of circulating this measure for eliciting public opinion, I would say that they have changed their colour and do not even care the opinion of the public. Should they not give an opportunity to the public to express their views before extraordinary power is given to Government for carrying out summary eviction? Mine is a very sensible proposition, Sir, and if the Members opposite do not accept this humble proposal they will not only go back on the policy which they had previously adopted, but will also show a very great disregard for the opinion of the public with whose support they are here.

The Hon'ble the SPEAKER: The Amendment moved:

"That the Assam Forest (Amendment) Bill, 1946, be circulated for eliciting public opinion by 15th May 1946."

Mr. A. WHITTAKER: Mr. Speaker, Sir, as an outsider, and a somewhat disinterested outsider, I am in some difficulty after what my hon. Friend Mr. Abdul Hamid has said. Can the Mover of this Bill give us any idea of the dimension of this problem? We are merely told that there has been a tendency to encroach. Well, have they encroached on 20 acres or 20,000 acres? What precisely is the problem that we are asked to direct our mind to? As a broad proposition my Group are entirely in favour of this Bill, but I think, in view of what two hon. Members of the Opposition said we are entitled to know roughly the size of the problem which confronts the Government before being asked to vote on this measure.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I oppose this Amendment. The Bill is intended only to safeguard the Reserved Forests and does not attempt at all to drive away any settlers. It is to prevent encroachers to encroach the Reserved Forests by force or illegally. There are many instances of encroachments in the past. I find many petitions claiming to settle the lands they encroached already, with them. Some of them are from the Sylhet District. In the Longai Reserve Forest and some other Forest Reserves, petitions were submitted by some persons who occupied lands forcibly. But, Sir, the Forest Department has no power to evict those men unless it goes to the law court. In the Land Settlement Rules framed under the Assam Land and Revenue Regulation, 1886, there are provisions for ejection, but there are no such provisions in the Assam Forest Regulation, and so the Forest Officers are at the mercy of the encroachers if the officers try to evict them. For want of such provisions the encroachers not only go to settle in the Reserves but they cut down valuable trees of the Forests. There are numerous instances of such acts of damages. It is therefore, Sir, with a view to protect the Reserves and the regeneration plants inside them that we want to introduce this Bill.

Mr. A. WHITTAKER: May I know, Sir, the approximate area encroached?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: There is a section, Sir, in the Assam Forest Regulation, VII of 1891, which provides for the punishment of encroachers and I may read it out: "Any person who in a reserved forest--trespasses, or pastures cattle, or permits cattle to trespass, or causes any damage by negligence in felling any tree or cutting or dragging any timber, poisons water or, in contravention of any rules made by the Local Government, hunts, shoots, fishes or sets traps or snares, shall be punished with fine which may extend to fifty rupees...". Sir, a provision has already been there

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Mr. Whittaker wants to know the approximate area of land that has been encroached but I cannot tell him off hand. There have been encroachments last year and perhaps year before that. This matter was dealt with by my predecessor Maulavi Munawwar Ali and it was proposed at that time that there should be this Forest (Amendment) Bill to which he agreed. I find from the file that he felt that it was very necessary so that the Forest Guards and other officers may not be helpless any more to protect the forest trees from being cut down by the encroachers. This Bill does not have any other object nor does it have any political colour or motive. The arguments advanced by some of the hon. Members opposite who spoke against the Congress slogan of "Quit India" and who have opposed this Bill have no grounds at all. My hon. Friend Maulavi Abdul Hamid, in his arguments, has acknowledged that under the present Forest Regulation those encroachers could not be evicted. And this is why we want this Bill to bring the

Forest Regulations to be on the same footing as the Assam Land and Revenue Regulation, to protect our Forest Reserves from being encroached.

Maulavi MUNAWWAR ALI: I think, Sir, the whole question will be elucidated very clearly if the Hon'ble Minister for Forests will reply to two queries which I am going to put to him, *viz.* 1 (a) By the word 'Forests' does he mean 'Forest Reserves proper? (b) Whether or not it includes Unclassed State Forests, and (2) If by Forest Reserves he also includes Unclassed State Forests, whether or not the Professional Grazing Reserves include Unclassed State Forest Reserves? And why do they so much dread these questions? They avoided all these questions in the morning but they are now caught in the meshes of their own net.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, he expects me to reply to these questions now. The hon. Member was the Minister of Forests for a long time and he himself can reply to these questions. (*Laughter.*)

The Hon'ble the SPEAKER: I call out the name of Mr. P. M. Sarwan.

Mr. P. M. SARWAN: Mr. Speaker, Sir, hon. Members want to have power by this Bill to enable them to carry on the administration. But I am afraid, if this Bill is passed into law it will not serve its useful purpose for which it is intended. As a matter of fact, I can cite an example. Some A.R.P. people who have been thrown out of employment and who have been wandering about like wild beasts have at last found shelter in some lands of the Forest Department. But I am afraid this Bill will not give them any benefit rather if it is passed into law it will drive them out. The officers of the Forest Department also are not sympathetic to the people. I am afraid, a large number of people will be driven out from the forests if this Bill is passed. In some area labour people went to clear a reserve that was opened for cultivation. They cleared it. But some Forests officials—the Gaonbura, the Forest Guard—came and took away their *daos*. Though the matter was reported to the Divisional Forest Officer, even after many months, the people have not yet been given their *daos*. I, therefore, request the hon. Members not to pass this Bill just now.

Mr. PRABHUDAYAL HIMATSINGKA. Mr. Speaker, Sir, I rise to oppose the Motion for circulation and to support the Bill. My hon. Friend Mr. Mudabbir Hussain Chaudhuri has been made to oppose this Bill seeking power in the hands of the Government on the apprehension that it is intended to apply against the immigrants and immigrants only. This is a simple Bill seeking power to be given in the hands of the Government to evict "encroachers." Is it fair, I ask, for any hon. Member to support encroachment? The very language of the Bill says: "To provide for the ejection of any person who has encroached upon Forest reserves". The fact that Government is taking power, does not necessarily mean that all the persons who may be on the Forest Reserves will be automatically evicted from the Forest Reserves. The Bill seeks to give power in the hands of the Government to be applied when they think it fit in case of any encroachment. I cannot imagine how such a measure can be opposed by hon. Members—a measure which seeks to empower Government for evicting persons who illegally encroach on Government Forests Reserves. The facts which have been stated by the hon. Mr. Sarwan that a number of persons had to move out of their homes in order to make room for one or two aerodromes in Jorhat and Dibrugarh districts and that they had taken shelter in Forest Reserves, cannot be urged against the Bill. If Government gives sanction to persons to remain on Reserves or otherwise permits them, they will not be "encroachers". Government can be trusted to apply the powers reasonably. If there be power it does not necessarily follow that innocent persons will be harassed. The apprehension of my hon. Friends in the Opposition is imaginary. I, therefore, support the Bill and oppose the Motion for circulation.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS: I had no mind to speak on the Bill but for one reason I want to raise my voice of protes

against the extremely limited character of this Bill. It does not aim at evicting all the encroachers. It has no prospective effect and provisions which have been made there are to be only retrospective in character. It says that it will evict only persons who have already encroached. So the Bill is of an extremely limited character and it will defeat its own purpose if it is thought that this Bill will only evict all the encroachers and at the same time this Bill will also be infructuous. So, Sir, with these words I support this Bill for circulation.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I should like to reply to Mr. Sarwan's narration of the oppression as he has said, that was practised by some of the officers of the Forest Department. I feel very sorry if there is such oppression by any of the officers of the Forest Department. Government no doubt will consider all these questions sympathetically if these cases are brought to the notice of the Government. He has said that the Divisional Forest Officer had ordered that the *daos* should be returned to their owners, and that shows that the Divisional Forest Officer was not so ruthless but he also had some considerations for these poor people. There are some officers in the Forest Department who are very sympathetic officers. They do not want to be ruthless upon the poor people, and I think, Mr. Sarwan and others will realise that Government does not want to make rules in such a way as to empower some of the Forest Officers to eject people mercilessly. This Bill means to give power to Government to make rules to eject people who encroach upon the Forest Reserves. It is really very unfortunate that anyone in this House should support any such forcible encroachment in the Forest Reserves. This Bill does not have any thing to do with any Unclassed State Forest. And those persons who have now encroached the Reserve Forests, their cases will be considered by Government separately according to their merit. Therefore, Sir, I do not see any necessity of the Bill being circulated. I oppose it.

The Hon'ble The SPEAKER. The question is:

"That the Assam Forest (Amendment) Bill, 1946, be circulated for eliciting public opinion by the 15th May, 1946."

The Assembly divided
Ayes—33

- | | |
|---|---|
| 1. Maulavi Md. Abdullah. | 19. Maulavi Mayeenud-Din Ahmed Chowdry. |
| 2. Khan Bahadar Maulavi Abual Majid Ziaosh Shams. | 20. Maulavi Md. Mokshed Ali. |
| 3. Maulavi Muhammad Abul Kashem. | 21. Khan Sahib Maulavi Mudabbir Hussain Chaudhuri. |
| 4. Maulavi Abdul Bari Chadhury. | 22. Mumtazul Muhaddisin Moulana Md. Mufazzal Hussain. |
| 5. Maulavi Dewan Abdul Basith. | 23. Maulavi Munawwar Ali. |
| 6. Maulavi Abdul Hai. | 24. Maulavi Nasir-ud-Din Ahmed. |
| 7. Maulavi Abdul Hamid. | 25. Maulavi Md Nazmal Haque. |
| 8. Maulavi Abdul Khaleque Ahmed. | 26. Khan Sahib Maulavi Nurul Hossain Khan. |
| 9. Maulavi Md. Abdul Latif. | 27. Maulavi Saiyid Sir Muhammad Saadulla. |
| 10. Maulavi Abdul Matin Chaudhuri. | 28. Khan Bahadur Maulavi Sayidur Rahman. |
| 11. Maulavi Dewan Abdur Rob Choudhury. | 29. Maulavi Dewan Taimur Raza Chaudhury. |
| 12. Maulavi Syed Abdur Rouf. | 30. Mr. Binode Kumar J. Sarwan. |
| 13. Maulavi Afazuddin Ahmed. | 31. Mr. Mody Marak. |
| 14. Maulavi Md. Ali Haidar Khan. | 32. Mr. Maniram Marak. |
| 15. Dr. Emran Husain Chaudhury. | 33. Mr. P. M. Sarwan. |
| 16. Maulavi Md. Idris Ali. | |
| 17. Maulavi Md. Mafiz Chaudhury. | |
| 18. Maulavi Makabbir Ali Mozumdar. | |

Noes—64

- | | |
|---|--|
| 1. The Hon'ble Srijut Gopinath Bardaloi. | 30. Srijut Manisankar Basumatari. |
| 2. The Hon'ble Mr. Baidyanath Mookerjee. | 31. Srijut Motiram Bora. |
| 3. The Hon'ble Mr. Basanta Kumar Das. | 32. Professor Nibaran Chandra Laskar. |
| 4. The Hon'ble Srijut Bishnu Ram Medhi. | 33. Babu Nirendra Nath Dev. |
| 5. The Hon'ble Srijut Ram Nath Das. | 34. Srijut Omeo Kumar Das. |
| 6. The Hon'ble Maulavi Abdul Matlib Mazumdar. | 35. Mr. Prabhudayal Himatsingka. |
| 7. The Hon'ble Rev. J.J.M. Nichols-Roy. | 36. Srijut Purandar Sarma. |
| 8. Shri Abala Kanta Gupta. | 37. Srijut Purna Chandra Sarma. |
| 9. Babu Akshay Kumar Das. | 38. Srijut Purnananda Chetia. |
| 10. Srijut Beliram Das. | 39. Babu Purnendu Kishore Sen Gupta. |
| 11. Srijut Bhadra Kanta Gogoi. | 40. Babu Rabindra Nath Aditya. |
| 12. Babu Bidyapati Singha. | 41. Srijut Rajendra Nath Barua. |
| 13. Srijut Bijoya Chandra Bhagawati. | 42. Babu Ramesh Chandra Das Choudhury. |
| 14. Srijut Bejoy Chandra Saikia. | 43. Srijut Santosh Kumar Barua. |
| 15. Srijut Bimalaprosad Chaliha. | 44. Srijut Sarat Chandra Sinha. |
| 16. Srijut Dendeswar Hazarika. | 45. Shri Satindra Mohan Dev. |
| 17. Srijut Gauri Kanta Talukdar. | 46. Srijut Siddhi Nath Sarma. |
| 18. Babu Gopesh Chandra Pal. | 47. Babu Suresh Chandra Biswas. |
| 19. Srijut Haladhar Bhuyan. | 48. Maulavi Abdur Rasheed. |
| 20. Srijut Hareswar Das. | 49. Mr. J. C. Horwood. |
| 21. Srijut Harinarayan Barua. | 50. Mr. E. S. Kaye. |
| 22. Srijut Hem Chandar Hazarika. | 51. Mr. E. W. B. Kenny. |
| 23. Babu Jagat Bandhu Sircar. | 52. Mr. G. Kydd. |
| 24. Babu Jatindranath Bhadra. | 53. Mr. R. A. Palmer. |
| 25. Babu Kamin Kumar Sen. | 54. Mr. W. D. Rutherford. |
| 26. Babu Khagendra Nath Samaddar. | 55. Dr. C. G. Terrell. |
| 27. Srijut Lakshesvar Borooah. | 56. Mr. A. Whittaker. |
| 28. Srijut Lakshmidhar Borah. | 57. Mrs. Bonily Khongmen. |
| 29. Srijut Mahendramohan Choudhry. | 58. Srijut Chanoo Kheria. |
| | 59. Srijut Dalbir Singh Lohar. |
| | 60. Srijut Dharanidhar Basumatari. |
| | 61. Srijut Dhirsing Deuri. |
| | 62. Srijut Jiban Santal. |
| | 63. Srijut Karka Dalay Miri. |
| | 64. Mr. Larsingh Khyriem. |

The question was lost.

The Hon'ble the SPEAKER:—I now take up the original Motion. The question is:

"That the Assam Forest (Amendment) Bill, 1946, be taken into consideration."

The question was carried.

The Hon'ble the SPEAKER:—Now I seek to ascertain the sense of the House whether it wants to rise or wants to continue. I may also remind the hon. Members that the hon. Leader and the Deputy Leader of the Muslim League Party were pleased to say that we should finish the business to-day.

The Hon'ble Srijut GOPINATH BARDOLOI: With utmost reluctance I have to state that it is not possible to adjourn the House at 4 P.M., to-day. The reason is that uptill 25th, we have absolutely no time for doing any business except the voting for Demands for Grants. The 26th is the only day for considering the Motor Vehicles Rules. It is therefore necessary that the Bills have got to be

taken into consideration to-day otherwise the hon. Members will have no time for putting any amendments to them. I suppose, in these circumstances the two Bills which stand before the House namely, the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946 and the Assam Amusements and Betting Tax (Amendment), Bill, 1946, shall have to be taken into consideration to-day.

The Hon'ble the SPEAKER: What is the opinion of the Leader of the European Group?

Mr. A. WHITTAKER: Speaking for myself, I should like to finish the business for to-day. The last two Bills are non-contentious.

The Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946 and to move that the Bill be taken into consideration.

The Hon'ble the Speaker: I should like the Secretary to read out the Message from His Excellency the Governor, under Section 82 of the Government of India Act.

Governors' Message under Section 82 (3) of the Government of India Act, 1935.

The SECRETARY TO THE ASSEMBLY: The message from His Excellency the Governor is as follows: "Under the provisions of sub-section (3) of Section 82 of the Government of India Act, 1935, I, Andrew Gourlay Clow, hereby recommend to the Assam Legislative Assembly the consideration of the Assam Amusements and Betting Tax (Amendment) Bill, 1946 and the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946.

A. G. CLOW,

The Governor of Assam."

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I need not be long because I already stated in my Budget speech that the excise duty has been decreased by the Central Government by 3 annas and to guard against the fall of revenue we have brought forward this measure for increasing the rate.

With these words, Sir, I request the hon. Members to accept the Motion for consideration.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946, be taken into consideration."

There is an Amendment† in the name of Maulavi Abdul Bari Chaudhury.

†Maulavi ABDUL BARI CHAUDHURY: Sir, I will not move it.

The Hon'ble the SPEAKER: The question is:

"That the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946, be taken into consideration."

The question was adopted.

†MAULAVI ABDUL BARI CHAUDHURY to move:—

"That the Bill be circulated for elicity public opinion, by 31st May, 1946".

The Assam Amusements and Betting Tax (Amendment) Bill, 1946.

The Hon'ble Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Amusements and Betting Tax (Amendment) Bill, 1946 and to move that the Bill be taken into consideration.

In this case also, Sir, the Bill is introduced to guard against a fall of revenue. This Bill proposes to increase the rate of tax by 50 per cent. This is a small increase and I think the hon. Members will accept it.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1946, be taken into consideration."

(After a pause.)

The question is:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1946, be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER: I thank you gentlemen for sitting a bit longer and it is gratifying that we have been able to finish the day's business.

Adjournment

The Assembly was then adjourned till 11 A. M. on Tuesday, the 19th March, 1946.

SHILLONG:

The 27th April, 1946.

A. K. BARUA,

Secretary, Legislative Assembly, Assam

A.G.P. (L.A.) No.8-118-1-5-1946.