

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

The Assembly met in the Assembly Chamber, Shillong, at 11 a.m., on
Tuesday, the 2nd April, 1946.

P R E S E N T

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, six Hon'ble
Ministers and seventy-four Members.

QUESTIONS AND ANSWERS

SHORT NOTICE QUESTIONS

(To which answers were laid on the table)

Landed properties acquired under the Defence of India Act

Srijut LAKSHESVAR BOROOAH asked :

1. (a) Is it a fact that the Military authorities are gradually releasing the
landed properties and buildings acquired under the Defence of India Act in
Dibrugarh and other parts of Assam.?

(b) Will the Hon'ble Minister-in-charge of Revenue be pleased to state
whether he proposes to restore the said properties to their respective owners on
payment of the market value of the properties ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

1. (a) & (b)—The number of landed properties and buildings acquired (as
distinct from requisitioned) for the Military authorities is comparatively small.
For the most part they have only been acquired (as in the case of pucca runways)
because the expense of restoring them to their original condition would have
been greater than the cost of acquisition. Such lands vest in the Government
of India, who have announced their intention of disposing of them only if they are
not required by them, with first refusal to the Provincial Government in case they
wish to utilise such properties. If neither Government is interested in their
retention the properties will presumably be sold for their market value. No
instructions have yet been received from the Central Government on this point
but it is understood that the original owners would have first refusal. If the
Provincial Government is entrusted with this duty they would follow the principles
set forth in chapter XV of the Land Acquisition Manual.

Srijut LAKSHESVAR BOROOAH: Sir, past Provincial Government
proposed to move the Central Government to give the original owner the right
of first refusal. Will the Hon'ble Minister please inform the District authorities
accordingly ?

The Hon'ble Srijut BISHNU RAM MEDHI: On receipt of a reply from
the Central Government the proper authorities will be informed.

Mr. W. D. RUTHERFURD: Mr. Speaker, Sir, can you please give me
any idea about a question of mine sent some six weeks ago and actually admitted
on the 27th February, on practically the same subject—that was a question
regarding non-payment of compensation for lands requisitioned for road widening
in the Sylhet District. That question has not yet come up for answer. I also had
two other questions admitted at the same time, one under Forest and one under
Supply. They too, have not come up for answer.

The Hon'ble the SPEAKER: I thank the hon. Member for giving me the information. I will surely enquire into the matter and let the hon. Member know after lunch.

*Babu PURNENDU KISHORE SEN GUPTA: There were questions in my name also, but they have not come up before the House, Sir.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I ask the Hon'ble Minister what has become of the lands?

The Hon'ble the SPEAKER: Order, order. Let us first finish the Questions.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: I am asking supplementary questions in respect of this Short Notice Question, Sir. May I ask the Hon'ble Minister what has become of the land that was requisitioned by the Military in village Akhalia near Sylhet town? Can he give me an answer?

The Hon'ble Srijut BISHNU RAM MEDHI: That is a different matter, Sir. This is with regard to Lakhimpur District and acquisition of property but the supplementary Question is with regard to requisition. There have been so many requisitions that it will not be possible for a Minister to answer the question unless he gets notice of it.

New reinforced concrete building at the north end of Keatinge Road

Mrs. BONILY KHONGMEN asked:

2. (a) Are Government aware that new reinforced concrete two storied buildings are now being erected at the north end of the Keatinge Road opposite to Messrs. Sheriff's shop in Shillong encroaching on the road itself making it considerably narrower?

(b) Is it not a fact that the Shillong Municipality Bye-laws do not allow buildings to be erected within about six feet of a public thorough-fare?

(c) If so, do Government propose to direct the Chairman of the Shillong Municipal Board immediately to see that the said buildings be erected according to the Bye-laws and not to encroach on the road?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied:

2. (a)—Government have received such a report.

(b)—The rule quoted is No.103(b) of the Bye-laws. The rule requires prior sanction of the Board to make construction within 6 feet of the road.

(c)—Government have called for a report from the Deputy Commissioner.

STARRED QUESTIONS

(To which oral answers were given)

Madan Mohan Madhab Charan Girls' High English School

Babu RABINDRA NATH ADI'YA asked:

*29. Will Government be pleased to state—

(a) How long is the present Managing Committee of the Madan Mohan Madhab Charan Girls' High English School, Karimganj, functioning?

- (b) When were the guardians' representatives elected for the formation of the next Managing Committee ?
 (c) The reason for deferring the nomination of the members of the Committee by Government as required by the rules ?
 (d) The normal length of life for a High School Managing Committee ?
 (e) Whether Government propose to take steps for the formation of a new Managing Committee at an early date ?

**The Hon'ble Mr. BASANTA KUMAR DAS replied :

29. (a)—Since 30th March 1941.
 (b)—7th January 1945.
 (c)—There was delay in obtaining nomination of two members from the Chairman, Municipal Board.
 (d)—Three years.
 (e)—The Managing Committee has since been reconstituted.

Agencies for procurement and distribution of foodstuffs

†Srijut KAMESWAR DAS asked :

- *30. Will Government be pleased to state—
 (a) The names of the different classes of the Agencies employed by them for procurement and distribution of foodstuffs other than rice and paddy with their respective areas of operation and functions ?
 (b) The capital outlay, if any, they are to make themselves in discharging their respective functions and for how long ?
 (c) What are the terms and conditions on which they are so employed ?
 (d) If they propose to discharge forthwith at least some of these Agencies during the continuance of the control with a view to minimising the cost, delay, corruption and irregular supply ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

30. (a)—(1) Messrs. Shaw Wallace and Company, Calcutta—Agents for procurement of imported foodstuffs.

(2) Messrs. Surma Valley Supply Agency—Agents for distribution of foodstuffs in the Districts of Sylhet, Cachar (except North Cachar Hills) and the Municipal area of Shillong.

(3) Messrs. Assam Valley Supply Syndicate—Agents for distribution of foodstuffs in the Assam Valley excluding Sadiya Frontier Tract, Naga Hills and Garo Hills.

(4) There was another Agency styled Messrs. Assam Mercantile Agency, for procurement of indigenous mustard seeds and Matikalai, operating in the Assam Valley during the year, but this has now ceased to function.

(b)—The Agents are not to make any capital outlay but must provide their working expenses. The Agents named in (2) to (4) above also make payment for the godown rents, handling charges and freight, etc., in the first instance and are reimbursed subsequently on their submission of bills to Government.

**The Questions were replied to by Hon'ble Mr. Pasanta Kumar Das in the absence of Hon'ble Prime Minister.

†Srijut Mahendramohan Choudhury put the question on authorisation as the Questioner was absent.

(c)—Copies of letters and of agreements containing the terms and conditions are placed on the Library table.

(d)—Government intend to take all possible measures to eradicate faults in the system of procurement and distribution and have their systems under examination.

Srijut MAHENDRAMOHAN CHOUDHURY: Will the Hon'ble Minister please state the number of intermediaries from procurers to consumers and their respective commissions?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: This question does not arise, Sir. I require notice of that question.

†Srijut LAKSHESVAR BOROOAH: Are Government aware that Messrs. Shaw Wallace and Company do not generally supply satisfactory food-stuffs?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I could not exactly follow what was the question, Sir.

†Srijut LAKSHESVAR BOROOAH: Will the Hon'ble Minister be pleased to state whether it is a fact that the stuff supplied by Messrs. Shaw Wallace and Company are not generally found satisfactory?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Might be, Sir. Messrs. Shaw Wallace and Company cannot be blamed alone because they do not produce the foodstuffs. They receive them from the exporting provinces and they simply supply those commodities to us. It might be so, and Government are taking necessary steps. As I told yesterday, Sir, the importing provinces took advantage of the traders of this Province and supplied bad stuff and therefore we are short of commodities.

Srijut GAURIKANTA TALUKDAR: Are Government aware that Messrs. Shaw Wallace and Company purchased unwholesome stuffs from other provinces?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am not ready to accept that position, Sir.

Srijut LAKSHESVAR BOROOAH: Are Government aware that there is a general complaint that unwholesome stuff is being supplied? Are they taking steps that such unwholesome stuff is not supplied to the public?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: For the information of the House I can say this much that they have been instructed not to export commodities which are not in good condition.

Maulavi ABDUL BARI CHAUDHURY: Regarding answer to question No. 30(c), may I know from the Hon'ble Minister when the agreement with Messrs. Shaw Wallace and Company will terminate?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: The agreement by correspondence was entered into before 1943.

Maulavi MUNAWWAR ALI: When will that agreement terminate?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: A copy of the correspondence (agreement) has been laid on the Library table.

Maulavi ABDUL BARI CHAUDHURY: May I know when the agreement will terminate?

The Hon'ble the SPEAKER: The Hon'ble Minister is not aware of the particular time.

Babu PURNENDU KISHORE SEN GUPTA: Was this agreement made after calling for tenders?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: No, Sir.

Babu PURNENDU KISHORE SEN GUPTA: Is it the policy of the Government to enter into an agreement without calling for tenders?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Not of the present Government, Sir. As a matter of fact these agreements are not at all satisfactory because they are one-sided as the hon. Members will see from the agreements.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I know whether this Government will in future insist on their traders that proper stuff is supplied?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Does the hon. Member mean the agents?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Yes, it may be agents or traders.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Of course, they will, so far as the agents are concerned.

Maulavi ABDUL BARI CHAUDHURY: May I know from the Hon'ble Minister whether he has seen the report of the Public Accounts Committee for 1943-44 which states that even at that time there was no agreement with Messrs. Shaw Wallace and Company, Sir? Are we to understand that the agreement was entered into after 1943-44?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: A copy of the agreement or correspondence will be found on the Library table, and the hon. Member can see for himself when the agreement was entered into.

Maulavi ABDUL BARI CHAUDHURY: The Hon'ble Minister, it seems is not aware of the date of agreement.

The Hon'ble the SPEAKER: Apparently. Hon. Srijut Mahendramohan Choudhury put a question—what are the intermediary agencies from procurement to consumers and the reply given by the Hon'ble Minister was not, in my opinion, satisfactory from the consideration of the privileges of the hon. Members of this House. The Hon'ble Minister in reply only said—does not arise. From a reading of question No. 30(a), asking for names of the different classes of the agencies employed by them for procurement and distribution, I find that this different classes of agencies probably cover the intermediary agencies also. In my opinion, an Hon'ble Minister belonging to a popular Government should try to disclose as much information as is within his power.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: That much information I have already given, Sir. Foodstuffs are received by these agencies and they supply them to the wholesalers and they in their turn supply them to retailers. There is nothing special in this. I cannot say if the question is about how many wholesalers and retailers there are, but that question has already been replied to. Wholesalers are not under the employ of Government.

The Hon'ble the SPEAKER: I hope the Hon'ble Minister has not appreciated the import of the question. In questions (a), (b) and (c) the question of intermediaries arises.

The Hon'ble Mr. BASANTA KUMAR DAS: May I respectfully point out one thing, Sir?—You have held that as the question wanted informations about all classes of agents those who are intermediaries come within the scope of the question. I submit, Sir, that these intermediaries do not come within the category of Government's agents. The answer is—Messrs. Shaw Wallace and Company and others—these are the agents employed by Government but the intermediaries are not employed by Government; so how the Government can reply about intermediaries? The question should have been made more explicit to include these intermediaries, about whom the supplementary question has been put.

The Hon'ble the SPEAKER : All these intermediary wholesalers are approved by Government. I think, hon. Members are within their rights to know something about these intermediaries. There are three or four classes of these intermediaries.

The Hon'ble Mr. BASANTA KUMAR DAS : But the approval of the intermediaries does not make them agents of Government.

Srijut MAHENDRAMOHAN CHOUDHURY : My question was about the different classes of agencies for procurement and distribution. I did not mean by the question that I only wanted the information about procurement.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I have given my reply about all classes of agencies but the others are not agents of Government under their employ.

The Hon'ble Rev. J. J. M. NICHOLS-ROY : May I speak, Sir ? The Hon'ble Minister has stated about those agents employed by Government. The question asks for information of agents "employed by Government" so the question of intermediaries does not come in as they are not employed by Government. The emphasis of the question is in the term "employed by Government"

The Hon'ble the SPEAKER : The question was that the Government give the licenses so they are to know the names of the licensees.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : I can give the answer as to who are the licensees. But that is a different question.

Srijut GAURIKANTA TALUKDAR : Who appointed the wholesalers ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Government, Sir.

†Srijut PURNA CHANDRA SARMA : Are not A, B, and C—three different classes of intermediaries between the Government and the consumers through whom Government purchase paddy from the producers ?

The Hon'ble the SPEAKER : We are not discussing paddy and rice.

†Srijut GAURIKANTA TALUKDAR : Do Government realise that wholesalers are absolutely unnecessary and that their existence interferes with fair distribution.

The Hon'ble the SPEAKER : That is a question of policy.

†Srijut DANDESWAR HAZARIKA : Will the Hon'ble Minister in-charge be pleased to say when the agreement made by the Assam Government with Messrs. Steel Brothers will terminate ?

†The Hon'ble Mr. BAIDYANATH MOOKERJEE : So far as Messrs. Steel Brothers are concerned the agreement which was in existence terminated on the 31st March. But we have extended that for some time, because in the meantime we want to make some arrangements of our own. On the 30th June next the agreement will expire. So far as Messrs. Shaw Wallace and Company is concerned we have taken up this matter and we are going to substitute the present system by a new one. The time taken will not be much.

†RAJA AJIT NARAYAN DEB of Sidli : For how long will it be extended ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Upto 30th June 1946.

Srijut RAJENDRA NATH BARUA : Will Government be pleased to state whether the Assam Valley Supply Syndicate is a direct agent of the Government ?

†The Hon'ble Mr. BAIDYANATH MOOKERJEE : Sometimes they come as wholesaler. But Government have taken up this question and this will be solved before the end of 30th June. All these existing arrangements are going to be changed and we require some time so that we can make satisfactory arrangements.

Srijut RAJENDRA NATH BARUA : Will Government be pleased to state whether they think that the Assam Valley Supply Syndicate is not functioning to the satisfaction of the public ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : That is why we have taken up the question. We are going to make necessary changes.

Disposal of buildings in the Shamshernagar Aerodrome

†Maulavi Dewan ABDUL BASITH asked :

*31. (a) Are Government aware that commodious buildings in the Shamshernagar "Aerodrome" are at present lying vacant and are going to be sold in auction ?

(b) Do Government propose to take over these buildings and utilise them for some beneficial industrial project under the Post-War Reconstruction Scheme ?

(c) If not, do Government propose to help any private enterprise to secure these buildings and also to help them to start a mill or a factory there ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

31. (a)—According to the latest information received by Government, no buildings other than a few temporary *bashas* are being disposed of at present by the military authorities.

(b)—No, these temporary *bashas* will be of no use to Government ; but there is a proposal under consideration for taking over the airfield for the Agricultural Department.

(c)—Does not arise at this stage.

Deaths in connection with the Military projects

†Maulavi Dewan ABDUL BASITH asked :

*32. (a) Are Government aware that several hundred labourers lost their lives while at work in connection with the Military projects in the Province ?

(b) If so, will Government be pleased to state the number of lives thus lost and in how many cases compensation has been awarded, and at what rate ?

(c) Have Government received information to the effect that the families of the deceased labourers are now in great distress ?

(d) Do Government propose to take necessary steps for giving relief to the families of these labourers without further delay ?

The Hon'ble Srijut RAMNATH DAS replied :

32. (a), (b), (c) and (d)—All these informations cannot be collected within so short a period. Facts are being ascertained from different sources.

*Maulavi Nasir-ud-Din Ahmed put the questions on authorisation as the Questioner was absent.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Will Government supply the information when received ?
The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

Construction of Inspection Bungalow at Barpeta Road Station

†Srijut KAMESWAR DAS asked :

*33. (a) Are Government aware that the need and importance of the subordinate staging hut at Barpeta Road Station have now increased several times more than when it was first constructed ?

(b) Are Government aware that the volume of work of the Public Works Department Officers has also increased since ?

(c) Are Government aware that the accommodation there is quite inadequate for the large number of touring officers visiting the place ?

(d) In view of the increasing urgency do Government propose to construct an Inspection Bungalow at Barpeta Road ?

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

33. (a) and (c)—The number of touring officers of all departments has greatly increased since the subordinate staging hut was first constructed. As such, accommodation available for them now is insufficient.

(b)—Yes. But this, in itself, does not call for extra accommodation being provided.

(d)—The matter will be considered by Government.

B.Sc. (Engineering) Degree of the Benares Hindu University

Srijut GAURI KANTA TALUKDAR asked :

*34. (a) Are Government aware that the B.Sc. (Engineering) Degree of the Benares Hindu University is recognised by the Government of Bengal as equivalent to the B.E. Degree of the Sibpur Engineering College ?

(b) Are Government aware that the Federal Public Service Commission recognise the said Degree of the Benares Hindu University to be valid for appointment to the Indian Service of Engineers and Indian Railway Engineering Service ?

(c) Will Government be pleased to state whether this Government hold the said Benares Hindu University Degree of B.Sc. (Engineering) to be as good as the B.E. Degree of the Sibpur Engineering College ?

(d) Are Government aware that there is no separate Degree course in Civil Engineering in the Benares Hindu University and that the B.Sc. (Engineering) Degree of the said University covers Civil Engineering also ?

(e) Are Government aware that in the Rules for recruitment to the Assam Engineering Service, the Assam Public Service Commission include the B.Sc. in Civil Engineering of the Benares Hindu University in the list of Degree-holders eligible for appointment in the Assam Engineering Service ?

†Srijut Mahendramohan Choudhury put the question on authorisation as the Questioner was absent.

(f) Is it a fact that on the ground of a B.Sc. (Engineering) Degree Certificate of the Benares Hindu University not explicitly showing that it includes Civil Engineering also—candidates holding B.Sc. (Engineering) Degree of the said Benares Hindu University are not given the same privileges as are given to the B.E. Degree-holders from the Sibpur Engineering College by this Government ?

(g) Do Government propose to see that the word "Civil" occurring in the Rules for recruitment to the Assam Engineering Service is expunged early with regard to candidates holding B.Sc. (Engineering) Degree of the Benares Hindu University ?

(h) Do Government propose to give henceforth to a B.Sc. (Engineering) Degree-holder of the Benares Hindu University the same privileges as are given to a B.E. Degree-holder of the Sibpur Engineering College ?

(i) If not, why not ?

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

34. (a)—Government have no exact information. They are making enquiries.

(b)—Yes. (By Indian Service of Engineers is presumably meant Central Engineering Service, Class I.)

(c)—Our present information is that the Benares course is in Mechanical and Electrical Engineering thus the two cannot be compared.

(d)—Government have no exact information. Government are enquiring.

(e)—Yes.

(f)—Yes.

(g) & (h)—The matter will be considered by Government after collecting all information.

(i)—Does not arise.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to enquire if the B. Sc. Engineering Degree of the Benares Hindu University includes Civil Engineering also ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already said that the matter will be enquired into.

Seamen serving abroad during the war

†Maulavi Dewan ABDUL BASITH asked :

*35. (a) Are Government aware that hundreds of seamen belonging to the District of Sylhet lost their lives in the high seas by enemy action during the war ?

(b) Are Government aware that many of these seamen are still untraced and their families are in the dark about their whereabouts ?

(c) Are Government aware that dependants of many of these seamen have not as yet got any compensation and in some cases compensation granted is very inadequate ?

(d) Are Government aware that a great deal of hardship is being experienced by the dependants of the deceased seamen for not receiving their compensation already granted ?

(e) Do Government propose to appoint a Seamen Welfare Officer for the Province of Assam with adequate number of subordinates to be stationed in seamen areas to look to the welfare of the seamen and their dependants in this Province ?

†Maulavi Nasir-ud-Din Ahmed put the question on authorisation as the Questioner was absent.

The Hon'ble Mr. BASANTA KUMAR DAS replied :

35. (a) & (b)—Government are aware that a number of seamen lost their lives, but this being a Central subject, as the hon. Member perhaps knows they have no statistics in the matter.

(c)—(e)—Government are aware that there has been delay in investigating and paying claims, and at their instance the Central Government has appointed two temporary Sub-Deputy Collectors to expedite enquiries.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Are Government aware that the compensation awarded to the widows of the deceased seamen is always to be taken by these widows from the Sylhet and other Subdivisional treasuries ?

†The Hon'ble Mr. BASANTA KUMAR DAS: I cannot answer this question straightway. It may be so. I accept the information that has been supplied by the hon. Member.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: In view of the hardship caused to the widows for going to the treasuries concerned, will Government be pleased to see that they get this allowance through money orders ?

†The Hon'ble Mr. BASANTA KUMAR DAS: Government will be very pleased to consider this suggestion and look into the matter.

Last Assembly election at Sylhet

Babu PURNENDU KISHORE SEN GUPTA asked :

*36. (a) Are Government aware that the staff car belonging to the Public Works Department and the Government Propaganda car fitted with Microphone were used for carrying voters in connection with the last Assembly election on the 21st January, 1946 at Sylhet ?

(b) Do Government propose to take any action in the matter ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

36. (a) & (b)—Government are informed that the Executive Engineer in the course of his movements on duty used his staff car in order to visit the polling booth. They have no information as to the allegation in regard to the Propaganda car, but have called for a report.

Babu PURNENDU KISHORE SEN GUPTA: Are Government aware of a telegram sent by Maulavi Md. Mobarak to His Excellency the Governor on the matter ?

The Hon'ble Mr. BASANTA KUMAR DAS: Government cannot say whether His Excellency the Governor received any such telegram. I am not aware if it was transmitted to Government.

Babu PURNENDU KISHORE SEN GUPTA: May I read the copy of the telegram for the information of the Hon'ble Minister ?

The Hon'ble the SPEAKER: How will that help the hon. Member ?

The Hon'ble Mr. BASANTA KUMAR DAS: There is a good deal of difference between sending a telegram to His Excellency the Governor and sending it to Government. His Excellency the Governor has got his own Secretariat.

Babu PURNENDU KISHORE SEN GUPTA: I want to read the telegram in order to give information about the incidents on that date.

The Hon'ble the SPEAKER: Very well, the hon. Member may read the telegram.

Babu PURNENDU KISHORE SEN GUPTA: The telegram reads as follows:

"In election Sadr Sylhet Central Muhammadan Constituency on 21st instant League hooliganism was rampant stop Certain Government officials became active League partisans stop At Government Sylhet Girls' School Centre women voters were intimidated by Miss Khairunnessa Khanam Assistant Inspectress stop She trespassed into polling booth ignoring Presiding Officer snatched ballot papers from my voters and herself cast those in box for League candidate stop At Girls' School gate Leaguers assaulted my volunteers stop My brother while carrying ladies in car was dragged out and injured by Leaguers stop Moulvi Mukhtadirali Magistrate Presiding Officer Deputy Commissioner's Office Centre left polling booth and went to Ladies Centre twice and with motives interfered with free exercise of votes stop At Murarichand College Centre Leaguers beat and fainted my polling agent stop Timely police intervention could prevent mischief at different centres stop Government Publicity Microphone fitted in League car went round polling centres exciting communal passion and class hatred and instructed Leaguers to obstruct my voters with deadly weapons stop Their militant attitude frightened my voters and many left without casting votes stop Leaguers threw brickbats on houses of my supporters stop Pray enquiry into official conduct and Leaguers' methodical hooliganism."

The Hon'ble Mr. BASANTA KUMAR DAS: May I submit one thing, Sir? The question was with regard to the Government Propaganda car and Public Works Department staff car. Of course, there is mention of a Propaganda car in the last part of the telegram, but the other part of the telegram is quite irrelevant to this question.

Babu PURNENDU KISHORE SEN GUPTA: Unfortunately some questions were disallowed due to certain irregularities in the questions. So, I read out the telegram.

Maulavi MUNAWWAR ALI: What authority has the hon. Member got to read out the telegram, Sir? Has he got any authority from the sender of the telegram to read it out on the floor of this House?

The Hon'ble the SPEAKER: The hon. Member could have raised a point of order. I do not know of any procedure or practice by which an hon. Member can question the authority of the Chair.

Maulavi MUNAWWAR ALI: I rise on a point of order, Sir.

The Hon'ble the SPEAKER: But the hon. Member is too late.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: May I submit, Sir, that the authority of the Chair was not questioned! My hon. Friend was asking the hon. Questioner, through you, whether he had any authority from the sender of the telegram to read that out.

The Hon'ble the SPEAKER: The point of order should have been raised when the hon. Member was seeking my permission to read out the telegram. After asking my permission he paused and I also paused, but nobody objected. I then took it that it was the sense of the House that they would like to hear the contents of the telegram, and then on my permission only the hon. Member read out the contents. Mischief, if any, has already been done. After all this, how can an hon. Member question the authority of the Chair for permitting the contents of the telegram?

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, it was a supplementary question put to the hon. Member, through you, whether he had any authority from the sender to read out the telegram.

The Hon'ble Mr. BASANTA KUMAR DAS: This question should have been raised before the Chair permitted the hon. Questioner to read out the telegram.

The Hon'ble the SPEAKER: Yes, I paused, but nobody objected.

The Hon'ble Mr. BASANTA KUMAR DAS: Of course we are obliged to the hon. Questioner for having read out the telegram taking advantage of the answer given to the question he put. Government will enquire into the matter and see whether such a telegram was received by His Excellency the Governor.

(Starred questions Nos. 37 and 38 were not put and answered as the Questioner was absent)

Starting of an Agricultural Farm near Dhubri Town

Srijut GAURI KANTA TALUKDAR asked :

*39. Will Government be pleased to state—

(a) Whether it is a fact that the Government of Assam have sanctioned 3 lakhs of rupees for starting an Agricultural Farm near Dhubri town ?

(b) Whether it is a fact that officers of the Agriculture Department have already gone there from Shillong to select the site ?

*40. If the reply to the above question be in the affirmative, will Government be pleased to state—

(a) Whether the sanction has been given by the past or the present Ministry ?

(b) What is the nature of the proposed Farm and what are its main objects ?

(c) Whether Government propose to make a thorough examination of the scheme with regard to its usefulness commensurate with such a huge amount proposed to be spent ?

(d) Whether Government propose to place the proposal for the consideration of the Assembly before the scheme is put into action and to suspend the scheme till it is discussed by the Assembly ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

39. (a)—No.

(b)—No.

40. (a), (b), (c) and (d)—Do not arise.

UNSTARRED QUESTIONS

(To which answers were laid on the table.)

Nowgong District Co-operative Federation, Limited

Srijut HALADHAR BHUYAN asked :

111. Will Government be pleased to state—

(a) The date of the inaugural general meeting of the Nowgong District Co-operative Federation, Limited, and the date of its registration ?

(b) The date of the inaugural general meeting of the Nowgong Cloth and Yarn Dealers' Co-operative Whole-sale Society, Limited, and the date of its registration ?

(c) Whether it is a fact that the Government took 7 months from September 1944 to March 1945 for registration of the Nowgong

District Co-operative Federation, Limited, and only a few days for the Nowgong Cloth and Yarn Dealers' Co-operative Whole-sale Society, Limited ?

- (d) If so, what was the consideration on the part of the Registrar, Co-operative Societies, in effecting registration of the latter in hot haste and unusual delay in case of the former ?
- (e) Whether it is a fact that the Registrar of Co-operative Societies, Assam issued a circular insisting that the signatures in the application for registration of a Co-operative Society are to be certified as genuine by a responsible officer ?
- (f) If so, who was the officer that certified the signatures in the application for registration of the Nowgong Cloth and Yarn Dealers' Co-operative Whole-sale Society, Limited ?
- (g) Why the Nowgong District Co-operative Federation, Limited, was refused membership of the Assam Provincial Co-operative Textile Supply Society, Limited ?
- (h) Why Government refused to allow the Nowgong District Co-operative Federation, Limited, to act as a Whole-saler for cloth and other controlled commodities for the Co-operative Societies in the District of Nowgong ?

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

111. (a)—Date of the inaugural general meeting of the Nowgong District Co-operative Federation, Limited, is 27th August 1944. Date of registration is 21st March 1945.

(b)—Date of the inaugural general meeting of the Nowgong Cloth and Yarn Dealers Co-operative Whole-sale Society, is 21st December 1944. Date of registration is 9th January 1945.

(c)—Yes.

(d)—The Nowgong Cloth Society was registered immediately as it conformed to the bye-laws prescribed by Department and immediate registration was necessary for implementing the Government plan of distribution of cloth.

As regards the registration of the Nowgong Federation, the papers received in September, 1944 were found to be defective and returned to the Inspector of Co-operative Societies concerned for removal of the defects. These were received back towards the end of December, 1944. Due to heavy rush of work, there was some delay in its registration partly under the impression that the wholesaler under the then existing orders of the Supply Department could start work pending the process of registration.

(e)—Yes, in case of Consumers Co-operative Stores Societies only.

(f)—There was no necessity as this was a Cloth Dealers' Society.

(g)—The matter is being enquired into.

(h)—It has been reported that Deputy Commissioner, Nowgong was not in favour of treating it as a wholesaler in respect of distribution of controlled goods and it is the local Deputy Commissioner who appoints wholesalers. The Government have nothing to do.

Srijut HALADHAR BHUYAN: With regard to (d), Sir, my question was "if so, what was the consideration on the part of the Registrar, Co-operative Societies, in effecting registration of the latter in hot haste and unusual delay in case of the former?" The answer is "The Nowgong Cloth Society was registered immediately as it conformed to the bye-laws prescribed by Department and immediate registration was necessary for implementing the Government plan of distribution of cloth."

As regards the registration of the Nowgong Federation, the papers received in September, 1944, were found to be defective and returned to the Inspector of Co-operative Societies concerned for removal of the defects. These were received back towards the end of December, 1944. Due to heavy rush of work, there was some delay in its registration partly under the impression that the wholesaler under the then existing orders of the Supply Department could start work pending the process of registration."

The Hon'ble the SPEAKER: What is the question, please? The hon. Member need not read out the printed answers.

Srijut HALADHAR BHUYAN: How is it that the heavy rush of work affected the Nowgong District Co-operative Federation and not the Cloth and Yarn Society in the matter of registration although the Registrar received the corrected by-laws of the Federation in the same month about the same date?

The Hon'ble the SPEAKER: The question is why this difference in treatment?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, the information that I have received on this matter has already been given. It was for two reasons, first due to heavy rush of work and secondly due to the impression that the Wholesaler under the then existing orders of the Supply Department could start work pending the process of registration.

Srijut HALADHAR BHUYAN: Sir, here it is stated that the Deputy Commissioner did not do any wrong by refusing to allow the Federation for the distribution of cloth. But is it not a fact that the Deputy Commissioner could not recommend the name of the Federation because the Registrar delayed to register the Federation in time?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It might be so, Sir. But I have no information about it.

Consumers' Co-operative Societies in Nowgong District

Srijut HALADHAR BHUYAN asked:

112. Will Government be pleased to state—

- (a) The number of Co-operative Consumers' Societies in the District of Nowgong?
- (b) How many of them were members of the Federation?
- (c) How many of them used to take cloths from the Federation?
- (d) How many Consumers' Co-operative Societies were enlisted as members of the Nowgong Cloth and Yarn Dealers' Co-operative Whole-sale Society, Limited, since the Federation was denied quota of cloth?
- (e) Whether Government are aware that the number of Societies that are taking cloths from the Cloth and Yarn Dealers' Co-operative Whole-sale Society is very small?
- (f) Whether it is a fact that the Nowgong Cloth and Yarn Dealers' Society is refusing membership to Co-operative Societies?
- (g) Whether the members of the Cloth and Yarn Dealers' Co-operative Whole-sale Society, Limited, are all genuine cloth dealers?

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

112. (a)—199.

(b) to (g)—Information is being collected.

Local rate and the Tezpur Local Board

Srijut BIJOY CHANDRA BHAGAVATI asked :

113. Will Government be pleased to state—

(a) The amount of local rate credited in the Tezpur Treasury from the Subdivision of Tezpur each year commencing from the 1st April, 1937 upto the 31st March, 1944?

(b) The amount of local rate credited in the Tezpur Treasury from the Subdivision of Tezpur each year commencing from 1st April, 1944 upto the present date ?

114. Will Government be pleased to state—

(a) The amount of compensatory grant made by Government to the Tezpur Local Board each year commencing from the 1st April, 1937 upto the present date ?

(b) Whether the local rate in the Subdivision of Tezpur was increased by four pies per rupee since the 1st April, 1944 ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

113.(a) & (b) & 114.(a)—(b)—Figures from 1937 to 1939 are not available as during this period local rates were credited direct to the Local Boards. For the period from 1939-40 to 1945-46 the information is furnished as per statement shown below :—

Statement showing Tezpur and Nowgong Local Boards' credit under 'Local Rates' to Government and Government grants in lieu thereof since 1939-40

Finance Year	Tezpur Local Board		Nowgong Local Board	
	Local rate credited to Government	Compensatory grant given by Government	Local rate credited to Government	Compensatory grant given by Government
	Rs.	Rs.	Rs.	Rs.
1939-40	87,283	77,810	91,752	77,440
1940-41	73,962	87,283	85,708	91,751
1941-42	66,513	70,044	97,707	93,976
1942-43	94,621	59,068	1,18,296	1,09,708
1943-44	63,866	1,22,728	1,15,664	1,38,884
1944-45	62,755	64,108	1,01,084	1,13,032
1945-46	(b) 62,755	(a) 61,644	(b) 1,01,084	86,504
Total	5,11,755	5,42,755	7,11,295	7,11,295

(a) Excess grant of Rs. 31,000 made subject to adjustment next year.

(b) Anticipated credit during the current year.

(b)—Yes.

Srijut BIJOY CHANDRA BHAGAVATI : How is it, Sir, that the amount credited to Government as local rate has gone down instead of going up in view of the fact that local rate was increased by four pies per rupee since 1st April, 1944?

The Hon'ble Srijut BISHNURAM MEDHI : It is in 1944 that the increase in local rates has come into effect, and the amount credited as shown was that of the previous year. In the current year, I think, this amount will increase. In the next Budget a larger amount would be shown.

Maulavi ABDUL BARI CHAUDHURY : The other day, Sir, the Hon'ble Minister-in-charge of Finance stated that the receipts under local rates for one year were credited to the Local Board in the next year. From the reply to this Question, is he not convinced that it is not so ?

The Hon'ble Srijut BISHNURAM MEDHI : Sometimes more amount is given from these receipts and payment made as compensatory grant. On account of pressing necessity of the Local Board, when they cannot manage the Board, more financial help is given and the amount deducted from the next year's local rates. That is how the receipts from 1939-40 to 1945-46 come to Rs. 5,11,755 in respect of Tezpur Local Board and the amount paid by Government comes to Rs. 5,42,755. Now in the case of Nowgong Local Board the total figures come to Rs. 7,11,295 and the amount paid by Government comes to Rs. 7,11,295. Sometimes according to necessity of the Local Boards and in order to give them some relief some advance is made to enable them to carry on their work without financial impediment.

Maulavi ABDUL BARI CHAUDHURY : Is it not a fact that in some particular year local rates are paid less ?

The Hon'ble Srijut BISHNURAM MEDHI : That may be due to the deduction of the increased grant paid in the previous year.

Maulavi ABDUL BARI CHAUDHURY : Why such amount is deducted, Sir ? There is no hard and fast rule for such deduction.

The Hon'ble Srijut BISHNURAM MEDHI : That increased amount is paid in the shape of advance to the Local Board. So, that is deducted.

Maulavi ABDUL BARI CHAUDHURY : Are Government aware that in such case of deduction the Local Boards find it extremely difficult to frame their budget?

The Hon'ble Srijut BISHNURAM MEDHI : I am not exactly aware of it.

Local rate and the Nowgong Local Board

Srijut MOTIRAM BORA asked :

115. Will Government be pleased to state—

- (a) The amount of local rate credited in the Nowgong Treasury from the District of Nowgong each year commencing from the 1st April, 1937 upto the 31st March, 1944 ?
- (b) The amount of local rate credited in the Nowgong Treasury from the District of Nowgong each year commencing from the 1st April, 1944 upto the present date ?

116. Will Government be pleased to state—

- (a) The amount of compensatory grant made by Government to the Nowgong Local Board each year commencing from the 1st April, 1937 upto the present date ?
- (b) Whether the local rate in the District of Nowgong was increased by four pies per rupee since the 1st April, 1944 ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

115. & 116.—The hon. Member is referred to the answer to similar questions (unstarred question Nos. 113 and 114), asked by Srijut Bijoy Chandra Bhagavati at this Session of the Assembly.

Grow More Food Campaign

SHRI ABALA KANTA GUPTA asked :

117. (a) Is the Hon'ble Minister-in-charge of Agriculture aware of the public feeling that the Grow More Food Campaign carried out by the Agriculture Department for the last few years was not of much success ?

(b) If the reply to question (a) above is in the affirmative does the Hon'ble Minister propose to reorganise the Department and institute an enquiry as to the cause of such failure ?

(c) Is it a fact that a large number of staff was maintained and huge money spent towards this Campaign ?

The Hon'ble MAULAVI ABDUL MATLIB MAZUMDAR replied :

117. (a)—No.

(b)—Does not arise.

(c)—No ; the necessary minimum staff were appointed and the minimum money spent.

Shri ABALA KANTA GUPTA : Sir, with regard to Question No. 117 regarding Grow More Food Campaign, the Government have given different statements at different times and in view of the criticism that took place on the floor of this Hon'ble House, will Government be pleased to revise their answers regarding my questions and enquire into the matter ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Government will enquire if there was any mistake made anywhere.

*Mr. A. WHITTAKER : Sir, with reference to the answer to Question No. 117 (a), will it go to show that the answer given by the Hon'ble Minister is not based on truth ?

The Hon'ble the SPEAKER : In view of the discussion that took place on the floor of this House, the hon. Member is just hinting the attitude of the Government towards the Campaign, and that the answer might be reshaped. That is probably what he meant.

*Babu KAMINI KUMAR SEN : I think the hon. Member is within his right to say that the reply given is not correct.

*Babu JATINDRANATH BHADRA : Sir, may I know from the Hon'ble Minister whether the Grow More Food Campaign is successful ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : That is a question of opinion. But there is no information to the contrary.

*Babu JATINDRANATH BHADRA : Are Government satisfied that the Campaign is a successful one ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : No, it is not wholly successful.

Maulavi Md. ALI HAIDAR KHAN: In reply to Question (c) the Hon'ble Minister says that the necessary minimum staff were appointed and the minimum money spent. May I know, Sir, what is the amount that the Hon'ble Minister considers as minimum?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I require notice, Sir.

The Hon'ble the SPEAKER: When the Hon'ble Minister has replied that the necessary minimum staff were appointed and the minimum money spent, the hon. Member is within his right to put that Question. If the Hon'ble Minister cannot give the information off-hand that is appreciable, but certainly the Question is in order and when the Hon'ble Minister has himself stated that minimum money had been spent the pertinent Question is what is the amount that he considers as minimum?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Sir, the information has been supplied but the exact figures have not been given.

Scientific Assistants in the Agriculture Department

Shri ABALA KANTA GUPTA asked:

118. (a) Will Government be pleased to state the qualifications required for filling up the posts of Scientific Assistants in the Assam Agriculture Department?

(b) Is it a fact that Agriculture graduates with special or Post-graduate training are generally absorbed for such posts?

(c) Will Government be pleased to state what scale of pay has been sanctioned for the Scientific Assistants and what nature of work they are to do?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied:

118. (a)—An agricultural degree.

(b)—Yes.

(c)—Rs. 80—90—100—4—140—6—200; Scientific side of departmental work to which each is suited.

Shri ABALA KANTA GUPTA: Is it not a fact that the scale is very much low for the post of a Scientific Assistant?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That is a matter of opinion, Sir.

Assistant Inspector of Schools for the Plains Tribal Education

Srijut DHIRSING DEURI asked:

119. Will Government be pleased to state—

(a) The date of appointment of Srijut Bandhu Ram Kachari, B.A., as the Assistant Inspector of Schools for the Plains Tribal Education?

(b) The duties and functions of the said post?

(c) Whether the Assistant Inspector of Schools for Plains Tribal Education is authorised to prepare a scheme for the spread of Education among the Tribal people and to make any Budget estimate for the same?

(d) Whether any tribal candidate was appointed in the said post when it was vacated by said Srijut Bandhu Ram Kachari ?

120. Will Government be pleased to state when Srijut Someswar Dewri, at present Sub-Deputy Collector, was transferred from the post of Sub-Inspector of Schools and who has been appointed in his place ?

†The Hon'ble Mr. BASANTA KUMAR DAS replied :

119. (a)—2nd March, 1945.

(b)—The primary duty of this officer is to stimulate educational progress amongst the Plains Tribals and to inspect schools situated in this area. He is required to advise the Inspector of Schools, Assam Valley Circle, on all questions affecting the education of the Plains Tribals.

(c)—Yes.

(d)—The hon. Questioner presumably refers to the post of Sub-Inspector of Schools vacated by Srijut Bandhu Ram Kachari. If so, the reply is 'No'.

120.—The exact date is not known. Maulavi Mufizur Rahman Barua was first appointed in the place of Srijut Someswar Dewri, subsequently Srijut Priyalal Das was appointed.

Establishment of Travelling Dispensaries

Dr. C. G. TERRELL asked :

121. Will Government be pleased to state what steps have been taken, or are proposed, for the provision of travelling dispensaries to tide over the *interim* period until a sufficient number of properly equipped dispensaries are established in outlying districts of the Province ?

The Hon'ble Srijut RAM NATH DAS replied :

121.—Government have not yet been able to re-open all the sanctioned travelling dispensaries in the Hill Districts which were closed during the War. Five out of eight are functioning. Kohima, Garo Hills and Haflong are not yet opened for want of doctors.

Government will consider a scheme of introducing travelling dispensaries in outlying areas when doctors will be available for the purpose.

Dr. C. G. TERRELL: May I ask the Hon'ble Minister when he refers to the shortage of doctors for the travelling dispensaries, does he mean fully qualified registered doctors ?

The Hon'ble Srijut RAM NATH DAS: Yes, Sir.

Dr. C. G. TERRELL: If so, Sir, I would like to ask whether Government have a regular scale of pay for their registered doctors ?

The Hon'ble Srijut RAM NATH DAS: Yes, Sir, there is a definite scale of pay.

Dr. C. G. TERRELL: May I ask what is the starting pay ?

The Hon'ble Srijut RAM NATH DAS: I think, the scale of pay is from Rs. 75 to Rs. 175 per mensem.

Maulavi ABDUL BARI CHAUDHURY: Are we to understand that there is no travelling dispensary in the plains districts at present ?

The Hon'ble Srijut RAM NATH DAS: Not yet, Sir.

†The Questions were replied to by Hon'ble Mr. Basanta Kumar Das in the absence of Hon'ble Prime Minister.

Mr. S. K. Mallick, I. C. S., Assistant Commissioner, Sylhet

Shri ABALA KANTA GUPTA asked :

122. (a) Is it a fact that Mr. S. K. Mallick, I.C.S., Assistant Commissioner, Sylhet, is working under the Deputy Commissioner of Sylhet ?

(b) What particular work or works Mr. Mallick is doing at present at Sylhet ?

(c) Is it a fact that Mr. Mallick is in charge of some of the important supply files at Sylhet ?

(d) Is it a fact that the post of an Additional Deputy Commissioner has been created to help the Deputy Commissioner, Sylhet in the administrative works more particularly in the Supply Branch ?

(e) Is Mr. Mallick doing any Magisterial work at Sylhet ?

(f) Is Mr. Mallick vested with powers of a Magistrate ?

(g) Will Government be pleased to state whether he appeared at any of the departmental examinations during the course of last year ?

(h) If the answer to question (g) above is in the affirmative, will Government be pleased to state in what subject or subjects he appeared and what is his result in each subject ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

122. (a)—Yes.

(b)—Both magisterial work and the charge of certain executive branches of the Deputy Commissioner's office. Government have not a list of his subjects.

(c)—He appears to be in charge of certain files of the Supply branch, but Government are not aware which of them.

(d)—Yes. It should be observed that a subordinate of the Deputy Commissioner in charge of a branch or file is not consequently finally responsible for it, but the Deputy Commissioner or the Additional Deputy Commissioner.

(e)—Yes.

(f)—Yes, with powers of a magistrate of the second class.

(g) & (h)—Yes, but he did not pass: he had passed in Law, Part I by the higher standard and Part II by the Lower Standard in 1944, also in Hindustani with credit. His failure last year was in Law, Part II by the higher standard and Accounts.

Procedure re Settlement of Fishery Beels

Dr. EMRAN HUSAIN CHAUDHURY asked :

123. (a) Will Government be pleased to state the procedure generally adopted in the Province for settlement of fishery *Beels* ?

(b) Whether they are settled by District and Subdivisional Officers in open sales by public auctions or by Government on receipt of applications ?

(c) The names of the *Beels* (i) which have been already settled this year and (ii) which are pending settlement for the year 1946-47 in the Kamrup and Nowgong Districts ?

(d) The amounts for which these *Beels* (i) have been settled or are pending settlement this year and (ii) had been settled at the previous sales within the last 10 years ?

(e) Whether the sales were held by the Subdivisional or District Officers concerned or by Government direct on receipt of applications from parties ?

(f) Whether Government propose to follow the same procedure also in the case of the *Beels* now pending settlement in those districts?

(g) Whether any party submitted any applications to Government offering reasonable sums for settlement of any of those *Beels* this year?

(h) If so, who were those parties and what were their offers and in connection with what *Beels*?

(i) Whether such offer was accepted by Government?

(j) If not, why not?

The Hon'ble Srijut BISHNURAM MEDHI replied :

123. (a) & (b)—Fisheries are generally settled in auction by the Deputy Commissioners and Subdivisional Officers as the case may be, subject to the confirmation by the Commissioner under rules 182-191 of the Fishery Rules at pages 201-203 of the Assam Land Revenue Manual. But in exceptional cases Government settle fisheries direct under Rule 190 A.

(c) (i) & (ii)—The fisheries in the districts of Kamrup and Nowgong have already been settled by the Deputy Commissioners and Subdivisional Officers concerned by auction sale except in the case of two fisheries, viz., (1) Brahmaputra IIK in Gauhati subdivision and (2) Goronga fishery in Nowgong district which were settled direct by Government under rule 190A on receipt of applications from the parties for three years at Rs. 10,000 per year and Rs. 800 per year respectively by last Government. Settlement of eight other fisheries in Barpeta has not yet been confirmed and Government propose to scrutinise the bids received for these fisheries to see if settlement under Rule 190A is desirable.

(d) (i)—*Vide* answer to (c) above.

(ii)—The information is not available here and it is not possible to obtain the information from the local officer within the short time available as the Questions were received in office on the 27th March 1946.

(e)—*Vide* reply to (c) above.

(f)—*Vide* reply to (c) above.

(g)—Government received large numbers of applications from different parties for direct settlement of many fisheries.

(h)—Government see no point in laying on the table a list of petitions received.

(i)—*Vide* reply to (c) above.

(j)—Does not arise.

Bench-clerk of the District Judge's Court at Sylhet

Shri ABALA KANTA GUPTA asked :

124. Will Government be pleased to state—

(a) Who is the Bench-clerk of the District Judge's Court at Sylhet?

(b) When he was first appointed in the establishment of the District Judge, Sylhet?

(c) When he was appointed a Bench-clerk of the District and Sessions Judge, Sylhet?

(d) Whether he has been transferred to any other Subdivision of the Sylhet District during the tenure of his service?

(e) Whether Government are aware that under the High Court Civil Rules and Orders, a Ministerial Officer cannot occupy a particular post for more than five years and that he is liable to be transferred to other posts after he has served a particular post for a period exceeding five years?

- (f) Whether Government are aware of the fact that rules regarding transfer of Bench-clerks are more rigid than that of other ministerial officers ?
- (g) Why the District Judge of Sylhet is not transferring the present Bench-clerk to other posts in his establishment of almost similar grades ?
- (h) What are the ground or grounds which prevented the District Judge to disregard the rules prescribed by the Hon'ble High Court in the matter of transfer of his Bench-clerk ?
- (i) Whether it is a fact that almost all the Bench-clerks of other Civil Courts at Sylhet have been transferred as soon as they completed five years service as Bench-clerks of respective Courts ?
- (j) Whether any complaint has been received by Government to the effect that the present Bench-clerk of District Judge, Sylhet is very unpopular and disliked by the public for various reasons ?
- (k) Whether Government propose to transfer immediately the present Bench-clerk of the District Judge, Sylhet to some other posts in the interest of public service ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

124. (a)—Maulavi Md. Siddique Ali.

(b)—29th October 1927.

(c)—11th January 1937.

(d)—Yes. Sunamganj from 29th October 1927 to 31st March 1930.

(e)—There is no hard and fast rule regarding a ministerial officer not dealing accounts and money.

(f)—The fact is not exactly what is stated. The hon. Member is referred to High Court Civil Rules and Order, Chapter 43, Rules 1007 and 1009.

(g)—No change was considered necessary as the District Judge considers that the present incumbent has been discharging his duties efficiently. Besides, changes tried in 1936 did not prove successful.

(h)—No rules of the Hon'ble High Court were disregarded.

(i)—Yes.

(j)—No.

(k)—Does not arise. But Government take note of the fact that the present incumbent has been too long in his post as the Bench-clerk of the District Judge, Sylhet ?

Number of Sessions cases, suits, etc., tried by different District Judges, Sylhet

Shri ABALA KANTA GUPTA asked :

125. (a) Will Government be pleased to state—The total number of (i) Sessions cases (ii) Miscellaneous cases (iii) Testamentary suits (iv) Will cases (v) Title appeals (vi) Rent appeals (vii) Miscellaneous appeals and (viii) Money appeals disposed by Mr. M. A. Ispahani, the present District Judge, Sylhet in the year 1945 ?

(b) Will Government please state the total number of (i) Sessions cases (ii) Miscellaneous cases (iii) Testamentary suits, (iv) Will cases (v) Title appeals, (vi) Rent appeals, (vii) Miscellaneous appeals and (viii) Money appeals disposed of by Mr. N. L. Hindley, the former District Judge of Sylhet in 1940 ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

125. (a) and (b)—A statement is given below :—

Names of officer and year	Sessions cases	Miscellaneous cases	Testamentary suits**	Title appeals	Rent appeals	Money appeals	Miscellaneous appeals
1945— M. A. Ispahani, Esqr.	32(a)	71	13	76	22	9	99
1940— N. L. Hindley, Esqr.	33	109	4		381		96

** Contested Will cases are treated as testamentary suits.

(a) Excluding 2 cases tried under section 471, Criminal Procedure Code.

Lady Doctor for Barpeta Dispensary

Srijut KAMESWAR DAS asked :

126. (a) Are Government aware that there is a need for a Lady Doctor in the Barpeta Dispensary ?

(b) Are Government aware that it is beyond the financial capacity of both the Local and Municipal Boards to entertain a Lady Doctor there ?

(c) Are Government aware that the people of Barpeta are feeling very keenly the want of a Lady Doctor there ?

(d) Do Government propose to appoint a Lady Doctor in the Barpeta Dispensary ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

126. (a)—Yes.

(b)—Government do not consider the matter beyond the capacity of the Boards to do so.

(c)—Yes.

(d)—Government cannot appoint a Lady Doctor for the Barpeta Dispensary, but may consider a grant-in-aid for the purpose if justified, and if approached by the Local Board.

Gauhati-Shillong and Sylhet-Shillong Roads

Srijut GAURI KANTA TALUKDAR asked :

127. Will Government be pleased to state—

(a) The distance between (i) Gauhati to Shillong and (ii) Sylhet to Shillong ?

(b) The different rates of fares charged by the Commercial Carrying Company Limited, on passengers travelling from Gauhati to Shillong by their Motor Service (to be shown separately class by class) ?

(c) The different rates of fares the passengers have to pay while travelling from Sylhet to Shillong by the United Motor Transport Company's Motor Service (to be shown separately class by class) ?

(d) The rate of fare per mile charged by each of these two Companies on their respective roads on different classes of passenger service ?

(e) The rate of freight per maund charged by the Commercial Carrying Company, Limited on goods carried by them from Gauhati to Shillong and from Shillong to Gauhati?

(f) The rate of freight per maund charged by the United Motor Transport Company, Limited on goods carried by them from Sylhet to Shillong and from Shillong to Sylhet?

(g) The rates of freight *per maund per mile* charged by each of these two Companies on their respective roads?

(h) The authority that fixes the rates of fares and freights for these Companies—whether the Government of Assam or the Companies?

(i) Whether there is any inequality in the rates of fares and freights charged by these two Companies?

(j) If so, whether Government propose to take immediate steps to remove these inequalities and to bring the rates per mile to the same level on both these roads?

(k) Whether the ownership of these two Companies is the same?

(l) If not, whether they are two independent Companies?

(m) If so, what is their relationship?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

127. (a)—Gauhati to Shillong 63 miles.
Shillong to Sylhet 86 miles.

(b)—The rates of fares charged by the Commercial Carrying Company on the Gauhati-Shillong Road according to the Agreement with the Company are—

						Rs.	a.	p.
1st Class	...	...	...	...	...	17	0	0
2nd Class	...	...	...	...	...	10	0	0
Inter Class	...	...	...	...	...	5	0	0
3rd Class	...	...	...	...	...	2	4	0

(c)—The rates of fares charged by the United Motor Transport Company, on the Sylhet-Shillong Road as prescribed in Government Notification No.HMV.118/42/10, dated the 13th February 1943 are—

						Rs.	a.	p.
1st Class	...	...	...	...	...	18	0	0
2nd Class	...	...	...	...	...	8	0	0
Inter Class	...	...	...	...	...	4	0	0
3rd Class	...	...	...	...	...	2	8	0

(d)—Fares and freight rates are not specified on a mileage basis.

Fares for intermediate stages are regulated on the Gauhati-Shillong Road by clause 6 of the Schedule to the Agreement with the Commercial Carrying Company.

A statement showing the fare table as fixed by the United Motor Transport Company, for intermediate stages between Sylhet and Shillong is laid on the Library Table.

						Rs.	a.	p.
(e)—From Gauhati to Shillong	...	0	4	0	per ten seers or part thereof.			
From Shillong to Gauhati	...	0	6	0	Ditto ditto.			
Potatoes	...	1	8	0	per maund.			
(f)—From Shillong to Sylhet and <i>vice versa</i>	...	0	4	0	per ten seers or part thereof.			
Potatoes	...	1	4	0	per maund.			

(g)—The rates of freight are not specified on a mileage basis.

A statement showing the actual rates charged by the operators for intermediate stages between Gauhati and Shillong and Sylhet and Shillong is laid on the Library Table.

(h)—The maxima rates are fixed by the Provincial Government under section 43 of the Motor Vehicles Act, 1939, and the carriers fix their own rates within these maxima for intermediate stages.

(i)—Yes.

(j)—It is presumed that the hon. Member means to suggest that the rates should be brought down for both routes to the lower level, calculated on a mileage basis. This cannot be done so far as the Gauhati-Shillong route is concerned unless the Agreement with Commercial Carrying Company, is terminated by notice.

(k), (l) & (m)—There are two Companies registered separately: the owners of the shares may, so far as Government are aware be identical, but in any event they work in concert and utilise the same staff for certain purposes.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to say what is the basis of fixing the rates of fares and freight?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, the reply to question (d) is that fares and freight rates are not specified on a mileage basis. Fares for intermediate stages are regulated on the Gauhati-Shillong Road by clause 6 of the Schedule to the Agreement with the Commercial Carrying Company. A statement showing the fare table as fixed by the United Motor Transport Company, for intermediate stages between Sylhet and Shillong is laid on the Library Table.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state whether Government fixed these different rates of fares and freights for these two companies?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: When the contract was made it was done by the Government. Government agreed on certain terms and the rate was fixed at that time and for so long that agreement continued and Government did not terminate their contract with the present party. These rates cannot be changed, Sir. We are bound down by that agreement.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state when the term of the lease granted to the Commercial Carrying Company will expire?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: On the 31st of December 1948, Sir.

Srijut GAURI KANTA TALUKDAR: Is it not a fact that the Government can terminate the lease earlier by giving sufficient notice?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir. There is such a clause and it is in the agreement.

Srijut GAURI KANTA TALUKDAR: If that be so, and when there is a glaring disparity of charges made by these two companies and in view of the fact that great injustice is being done to the people on the Assam Valley side of the Province, viz., on the Gauhati-Shillong Road, do Government consider that the lease should be terminated and a new lease be entered into which will do away with this injustice?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, in that case Government shall have to give a substantial compensation to this company. At the same time they will have to prove that this should not be the only ground for termination. The termination cannot be done arbitrarily. There are also some conditions. That is the difficulty.

Srijut GAURI KANTA TALUKDAR: The present disparity I think is certainly a sufficient ground to justify such a termination on payment of suitable compensation.

The Hon'ble the SPEAKER: That is an argument, and probably not a question.

Srijut BIMALAPRASAD CHALIHA: Are Government aware that the company is using unreliable vehicles?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir, Government is aware. As a matter of fact the hon. Questioner himself sent complaints to me and the Government will investigate in the matter and they will see that the company should ply vehicles which are in order and do not put the passengers into inconvenience.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to take steps to remove this public grievance even if any compensation might be required to be paid to the Company?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: If only on this ground Government are asked to terminate the contract and if that is supported by legal opinion then in that case, certainly Government will do so. But, Sir, there are other difficulties which also will have to be taken into consideration.

Srijut MAHENDRAMOHAN CHOUDHURY: Has not the Company committed a breach of contract by allowing unreliable vehicles to ply on the road?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: This is not exactly a breach of contract. When this matter has been brought to our notice, we will certainly take steps, but there is another difficulty and that requires some explanation. When this Company asked for new good vehicles, we could not help them in any way; when they asked for spare parts, we could not help them, as the time was very abnormal and it was very difficult to obtain any spare parts or vehicles. It is not entirely the fault of the Company, Sir, but it is the fault of the present time also. So, Sir, all these points also require sympathetic consideration by Government.

We admit that the rates are very high especially in comparison with rates of other routes, but the Company have also some real grievances.

Impending food crisis in the Province

Maulavi NASIR-UD-DIN AHMED asked:

128. (a) Will Government be pleased to state what measure or measures they have adopted to save the people of this Province from the impending food crisis?

(b) Do Government propose to stop totally the export of rice and paddy from this Province?

(c) Are Government aware that huge quantities of rice and paddy are daily going out of the Province through smugglers and profiteers?

(d) Will Government be pleased to state what effective measures they intend to take to successfully stop this export of rice and paddy from the Province?

(e) Will Government be pleased to state whether they have inquired as to what idea the public entertain regarding the Rice Control Department of the Government?

(f) Do Government propose to seek the co-operation of public organisations and institutes such as the Congress, the Muslim League and the Village Defence Parties to stop the illicit export of rice and paddy from the Province?

(g) Do Government propose to control the movement of rice and paddy in the border areas of the Province with a view to stop the export of the same ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

128. (a)—Government have already promulgated several orders to prevent illicit export of rice and paddy and have also taken measures to strengthen the Rice Control Staff. The Government have also taken all measures in their powers to prevent any shortage of the staple food-grains arising and to procure and distribute other commodities required in the Province. They see no reason for anticipating any crisis in the Province.

(b)—No.

(c)—Government are aware that there has been an increase of smuggling recently. Government have already taken drastic measures to prevent such smuggling.

(d)—They are strengthening the Rice Control Staff.

(e)—The Government are not aware that charges of corruption or inefficiency have been made against the Rice Control Staff. Measures to increase efficiency and to prevent corruption or abuse of powers are being taken by Government.

(f)—Government welcome the co-operation of all parties, public organisations and institutions to tackle the food situation in general and the illicit export of rice and paddy from the Province in particular. Co-operation by Village Defence Parties is already being organised in the border areas of Sylhet.

(g)—Measures in this regard have already been taken. Movement over certain border routes in the Habiganj Subdivision have been prohibited by the Deputy Commissioner, Sylhet who has also cancelled certain licenses. Government are firm in their intention not to permit any illicit or secret movements in the border areas of the Province.

Cattle Mortality in Dharampasha and Tahirpur thanas

Babu JATINDRA NATH BHADRA asked :

129. (a) Are Government aware of the cattle mortality in a very large scale in Dharampasha and Tahirpur thanas of Sunamganj Subdivision during December, 1945, and January, 1946 ?

(b) If so, what steps Government propose to take for the prevention of such mortality in the future ?

(c) Are Government aware that the carcasses of these cattle were thrown into the rivers, the water of which is used as drinking water by large number of people and that no action to prevent this was taken by the local authorities concerned ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

129. (a)—No.

(b)—Does not arise.

(c)—No ; Public Health Department is now enquiring.

Rashidpur-Biswanath Local Board Road

Maulavi Dewan TAIMUR RAZA CHOUDHURY asked :

130. (a) Do Government propose to include the Rashidpur-Biswanath Local Board Road in the Sadar Subdivision of Sylhet District in the Post-War Reconstruction scheme ?

(b) Are Government aware that there is no Local Board or Public Works Department Road within Biswanath Police Station in the Sadar Sub-division of the Sylhet District ?

(c) If so, do Government propose to construct a road in that Locality as a Post-War measure ?

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

130. (a)—Yes.

(b)—No. The Surma Trunk Road (West) from Sylhet *via* Sherpur to the Bengal border passes within about a mile from Biswanath. Besides there are some 4 Local Board roads in the Biswanath Area.

(c)—The question does not arise. As stated in reply to Question 130, (a) Government have already included the Rashidpur-Biswanath Road in the Post-War Road Development programme.

Eastern Bengal Commercial Syndicate

Maulavi Dewan TAIMUR RAZA CHOUDHURY asked :

131. (a) Will Government be pleased to state whether the Enquiry Committee set up by Government to enquire into the allegation against the Eastern Bengal Commercial Syndicate has submitted any report to the Government ?

(b) If so, do Government propose to lay on the table a copy of the same ?

(c) Do Government propose to take any step against the wrongdoers, if any, in this matter ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

131. (a)—Yes.

(b)—The report is under the consideration of Government and it will be immature to place it now on the table.

(c)—Yes, if wrong doing is established.

Lower Primary School Teachers

Srijut GAURI KANTA TALUKDAR asked :

132. (a) Are Government aware that most of our Lower Primary teachers have no training in teaching ?

(b) Are Government aware that the Jorhat Guru-training Class which is the only institution for imparting such training in the Assam Valley, can give Guru-training to a limited number of youths only ?

(c) Are Government aware that large number of youths from Lower and Central Assam are eager to receive Guru-training even at their own cost ?

(d) Do Government propose to open a Guru-training Class at Gauhati ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

132. (a)—Yes.

(b)—Yes.

(c)—Government have no information.

(d)—This is under contemplation of Government in connection with Post-War Schemes.

†The reply was given by the Hon'ble Mr. BASANTA KUMAR DAS in the absence of the Hon'ble Prime Minister.

Commencement of the School Session

Maulavi MD. ABUL KASHEM asked :

133. (a) Will Government be pleased to state the reason for shifting the commencement of School Session from January to March and then from March to April in this Province ?

(b) Is it a fact that as a result of such shifting the Matriculation candidates of this Province lose three full months ?

(c) Do Government propose to revise their orders and commence the session from January as before ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

133. (a)—The School year was changed from January to March for the convenience of study and it had again to be shifted to April to make it coincide with the financial year.

(b)—No.

(c)—The entire question of School session is under the consideration of Government.

Government High School at Jowai

Mr. LARSINGH KHYRIEM asked :

134. (a) Are Government aware that the Government High School at Jowai is now accommodated in four different hired buildings which are far from one another ?

(b) Are Government aware that the main buildings of the said High School belong to the Welsh Presbyterian Mission who want to get them back for their Mission Primary Schools ?

(c) If the answer to Questions (a) and (b) above are in the affirmative, will Government be pleased to state whether they propose to construct a High School building and hostels for students coming from the interior villages ?

135. (a) Are Government aware that the lady teachers in the High School at Jowai do not get houses there for their dwelling ?

(b) If so, do Government propose to take necessary steps for constructing quarters for the lady teachers ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

134. (a)—Yes.

(b)—Yes. Government have no information if the Mission authority desire to get back their buildings ?

(c)—The question of constructing buildings for the school with attached hostels is under the consideration of Government.

135. (a)—May be.

(b)—The matter will receive due consideration of Government.

†The reply was given by the Hon'ble Mr. BASANTA KUMAR DAS in the absence of the Hon'ble Prime Minister.

Mr. Samsonsing Engty, Sub-Inspector of Schools

Srijut DHIRSING DEURI asked :

136. Will Government be pleased to state—

- (a) When Mr. Samsonsing Engty, B.A., resigned the post of Sub-Inspector of Schools and when his resignation was accepted ?
- (b) Who has been appointed in the said post and when ?
- (c) Whether it is a fact that the man who was appointed in the said post, was already serving in the Assam School Service ?
- (d) Whether it is a fact that the said post is confined to the Mikir Hills area only ?
- (e) Whether there was any tribal candidate when the said post was vacated by Mr. Samsonsing Engty ?
- (f) Why some one from a community other than the tribal was appointed to that post ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

136. (a)—On the 28th October 1945. His resignation was accepted on the 1st November 1945.

(b)—Srijut Mahesh Chandra Hazarika. He was appointed on the 31st October 1945.

(c)—Yes.

(d)—Yes.

(e)—Might be.

(f)—Because he had previous experience of the circle and as permanent appointments are made in the Assam School Service after a candidate had rendered approved officiating services, he was preferred.

Girls' Colleges at Sylhet and Gauhati

Shri ABALA KANTA GUPTA asked :

137. (a) Will the Hon'ble Minister in charge of Education be pleased to state the principle adopted by Government in filling up appointments in the staff of the two recently provincialised Girls' Colleges at Sylhet and Gauhati ?

(b) Do Government propose to retain the old teaching staff of the two Colleges permanently ?

(c) If not, why not ?

(d) Is it a fact that the practice hitherto followed by Government was that on provincialisation of an institution, the old staff of that institution were retained ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

137. (a)—By direct recruitment through the agency of the Assam Public Service Commission.

(b)—If no qualified female candidate is available in a particular subject, Government will appoint the existing male member of the College of that Department either temporarily or on a contract basis provided he is recommended by the Commission.

(c)—Government have decided to follow the principle of staffing the two Girls' Colleges solely with female teachers.

(d)—Yes, but the present case is a different one.

†The reply was given by the Hon'ble Mr. BASANTA KUMAR DAS in the absence of the Hon'ble Prime Minister.

Earle Law College, Gauhati

Srijut SARAT CHANDRA SINHA asked :

138. (a) Is it a fact that the Earle Law College is the only institution of its kind in Assam ?

(b) Do Government propose to send recommendation to the University of Calcutta for providing a seat in the Senate in the faculty of Law for the Principal of the Earle Law College ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

138. (a) & (b)—As the University Rules and Regulations stand Government cannot make any recommendation of the nature indicated in the Question. Government will, however, consider if any steps should be taken to increase the representation of the Province in the University by one or two more Fellows.

Muslim Hostels attached to Government High schools at Habiganj and Sunamganj

Khan Sahib Maulavi NURUL HOSSAIN KHAN asked :

139. (a) Is it a fact that there are no residential quarters for the Superintendents of the Muslim Hostels attached to the Government High Schools at Habiganj and Sunamganj ?

(b) If so, do Government propose to take necessary steps for the construction of these two quarters during the next year ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

139. (a)—Yes.

(b)—Government have no such proposal at present. The question will receive due consideration if a demand is established.

Lady Keane Girls' High English School, Shillong

Babu GOPESH CHANDRA PAL asked :

140. Will Government be pleased to state —

(a) Whether the Lady Keane Girls' High English School, Shillong receives any grant-in-aid from Government ?

(b) If so, how much ?

(c) How far Government can interfere with the internal administration of a private school ?

(d) Whether Government have lately received any complaint from the public of Shillong or the guardians of students of the said School to the effect that both the Director of Public Instruction and the Inspector of Schools, Assam are interfering with the internal management of the said school ?

(e) Whether Government have recently received any allegation to the effect that the Secretary of the said School is managing the affairs of the school in an autocratic manner being backed by the Director of Public Instruction and the Inspector of Schools ?

†The reply was given by the Hon'ble Mr. BASANTA KUMAR DAS in the absence of the Hon'ble Prime Minister.

- (f) Whether it is a fact that the Government after due consultation with the former Officiating Director of Public Instruction Mr. S. Sen, guardians of students and the members of the Governing Body of the said school recently ordered the revival of the normal constitution of the Governing Body of said school as laid down in the trust deed, from 1st April 1946 and directed that necessary elections should be held in the 3rd week of March, 1946 ?
- (g) Whether it is a fact that on the direction of the present Director of Public Instruction the Governing Body have not carried out the Government order as stated in question (f) above ?
- (h) If so, what steps Government propose to take in the matter as well as on the activities of the Director of Public Instruction as stated above ?

The Hon'ble Mr. BASANTA KUMAR DAS† replied :

140. (a)—Yes.

(b)—Rupees 365 a month.

(c)—If the hon. Member means an Aided School, the Department can withdraw the grant-in-aid if it is not satisfied with the internal administration of the School according to the Departmental Rules and Orders and can withdraw recognition as well.

But if he means a purely private school, the Department can withdraw recognition and also move the University accordingly.

(d)—No.

(e)—Government have received a complaint against the present *ad-hoc* Committee and the Secretary of the Institution.

(f)—Yes.

(g) & (h)—The present Director of Public Instruction has raised certain points about the discontinuance of the existing *ad-hoc* Committee before the expiry of its term and it is now under the consideration of the Government.

Resolutions passed at the Partially Excluded Areas Conference

Srijut RAJENDRANATH BARUA asked :

141. (a) Will Government be pleased to lay on the table the conclusions arrived at on the Resolutions passed in the Partially Excluded Areas Conference convened by the Government in May and July 1939 under the Chairmanship of the Hon'ble Babu Kamini Kumar Sen, the then Judicial Minister ?

(b) Will Government be pleased to state what action on the said Resolutions has been taken by Government during the years 1939 to 1945 ?

The Hon'ble Mr. BASANTA KUMAR DAS replied :

141. (a) & (b)—A statement is placed below.

†The reply was given by the Hon'ble Mr. BASANTA KUMAR DAS in the absence of the Hon'ble Prime Minister.

Resolutions passed at the Partially Excluded Areas Conference

Abstract from the proceeding of the Partially Excluded Areas Conference, 1939 :—

Conclusion so far arrived at on the resolutions of the Partially Excluded Areas Conference, 1939 :—

Resolution No.1

Whereas the provisions of the Chin Hills Regulation, 1896 for expulsion of citizens without trial in operation in the Partially Excluded Areas of Assam are against the established principles of British Jurisprudence inasmuch as they lay the axe at the root of the fundamental right of the British subject to personal freedom and liberty and whereas it is felt that the ordinary laws of the land are sufficient for the maintenance of peace and order in these areas and whereas it is felt that such regulations cannot form part of any permanent legislation for the administration of any area and whereas there being no real necessity for the retention of such arbitrary and extraordinary powers, they are liable to be abused and have been abused and whereas such regulations have not the sanction of the legislature, this Conference is of decided opinion that the provisions of the said Chin Hills Regulations should be forthwith withdrawn from the Partially Excluded Areas of Assam and as already decided by the Assam Government as declared on the 18th August 1937 by the then Hon'ble Chief Minister in the Assam Legislative Council and recently further confirmed by the assurance of the Hon'ble Premier in the Council.

Resolution No.1

This raises complicated question concerning rights in the hill districts, and the matter has been kept pending, until more modern legislation can be devised.

Resolution No.2

That the Administration of criminal justice in the Partially Excluded Areas of Assam except Khasi and Jaintia Hills shall be placed under the jurisdiction of the High Court as agreed to by the Hon'ble Chief Minister on 27th of October 1937.

Provided that (1) the petty criminal cases shall be tried by such persons or bodies as may be authorised by the Government from time to time, (2) the present practice of trial of petty cases by Dolois, Sardars, Lyngdohs, Mauzadars, Gaonburas, etc., be kept intact and Government be requested to make necessary provision.

Resolution No.2

This was not accepted, since it was considered inappropriate to take such action for other areas, while the course is not adopted in respect of the Khasi and Jaintia Hills.

Resolution No 3

Whereas the Mauzas of Barpathar and Sorupathar enjoyed the privileges of a regularly administered area till the end of 1935 when it was discovered that they fall within the Mikir Hills Tracts and were deprived of the rights of the ordinary administration, and whereas out of a population of 28,000 the Mikirs form only about one per cent. of the population, the Conference recommends that the Mauzas should be restored to the ordinary administration under the civil and criminal jurisdiction of the Hon'ble High Court.

Resolution No.4

That the administration of civil justice in the Partially Excluded Areas of (i) Garo Hills and (ii) Mikir Hill Tracts of Nowgong and Sibsagar Districts be placed under the jurisdiction of the High Court:

Provided that the petty civil cases *upto the value of Rs.200* shall be tried by such persons or bodies as may be authorised by the Government from time to time.

Provided always that the customary rights of inheritance, marriage, divorce, rights over common lands, grazing and fishing, etc., will be preserved in tact in those partially excluded areas of Assam.

Resolution No. 5

This Conference recommends to the Government of Assam that immediate steps be taken to bring the British area within the Municipality and Cantonment of Shillong of the Khasi and Jaintia Hills District under the ordinary Civil Jurisdiction of the Hon'ble High Court.

All Civil laws which are in force in the 'normal areas' of Assam should apply to that area. If these laws are not already in force they should be enforced—provided that customary laws governing inheritance, marriage, divorce, etc., should remain in tact.

Resolution No. 6

The Conference draws the attention of the Government to the difficulties of trying cases between British and British and British and non-British subjects in the administered area of Shillong.

Resolution No.3

Government proposed to bring this area under the ordinary criminal jurisdiction, but found this would require orders by His Majesty in Council, which could not be obtained during the war. The whole matter is again being examined.

Resolution No.4

This was not accepted as suited to the present condition of these areas, and that the second provisos to the recommendation would involve extreme difficulty in fulfilment.

Resolution No.5

The Shillong (attachment of salaries) Act, 1943 and the Shillong (Execution of Decrees) Act, 1943 have become law.

The Shillong Civil Courts and Laws Bill (private) was passed by the Council and introduced into the last Assembly, but has lapsed.

Resolution No.6

This only draws attention of Government to the matter which is covered by Reso'tion No. 5,

Resolution No. 7.

This Conference is of opinion that any pleader (including an Advocate, a Vakil, etc.) who has obtained a Sanad from the Hon'ble High Court or any other Competent Authority ought to be allowed to practise in all British Courts. In all cases in British Courts the parties ought to have the right to be represented by lawyers of their choice.

With regard to the enrolment of pleaders in Shillong Courts the sense of the Conference is that the Government should, in consultation with the Shillong Bar, fix a limit to the number of non-Khasi pleaders applying to practise in Shillong Courts, and with regard to the enrolment of Khasi pleaders there will be no restriction at least till the number of the non-Khasi and Khasi pleaders are equal. But with regard to the pleaders coming from outside on casual engagements there should not be any restriction.

Resolution No. 7.

The first part is a matter concerning the amendment of the Administration Rules (*see* below). The second part has been approved and the Commissioner instructed accordingly.

Resolution No. 8.

A number of amendments to the Rules for the administration of the Partially Excluded Areas.

Resolution No. 8.

This was postponed during the periods of the war as on examination it was found to involve important points of constitutional policy. The question will be re-opened in the light of broader constitutional developments.

Scarcity of cloth in Habiganj Subdivision

Maulavi NASIR-UD-DIN AHMED asked :

142. (a) Are Government aware that the public is suffering very much for want of cloth in the Habiganj Subdivision ?
 (b) Do Government propose to remove this difficulty of the public in near future ?
 (c) Will Government be pleased to state how they are supplying necessary cloths to the public ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

142. (a)—General scarcity of cloth has been reported from many centres including Habiganj.
 (b)—The Government are taking the necessary steps in the matter.
 (c)—The cloth is purchased by the procuring agents, and sent to the Subdivisional Societies, who in turn distribute to the whole-salers and retailers. The principles of distribution are outlined in the Directive on Distribution, a copy of which is laid on the library table.

Deputy Director of Agriculture, Live-stock

Shri ABALA KANTA GUPTA asked :

143. Is it a fact that one Assistant Deputy Director of Agriculture, Live-stock was recently appointed as Deputy Director without the Head of the Department being consulted in the matter ?

144. (a) Is it a fact that a case of fraud is now lying undisposed of before Government in the Agriculture Department for the last six months and that the Officer involved has been recommended to become Additional Director of Agriculture ?

(b) If so, do Government propose to enquire into the matter ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

143.—No.

144. (a)—No ; recommendation was not fruitive.

(b)—Does not arise.

Re : interpretation of Assembly Rule 22—Time for Questions

Maulavi MUNAWWAR ALI: On a point of order, Sir, may I ask for your interpretation of Rule 22, Chapter III, Questions. It reads as follows:—

“ Time for Questions.—

The first hour of every meeting shall be available for the asking and answering of Questions”.

What is your interpretation of this Rule, Sir ? It seems to me that the whole of the first hour must be devoted and it is indispensable if amount of work requires that. But, if necessary and if the Questions are more numerous than one hour can cover, perhaps you can extend the time. That is my interpretation of the Rule. I do not know what opinion you may hold.

The Hon'ble the SPEAKER: The rule is quite clear and I do not understand what is the point of order raised. Time for Questions, Standing Rule 22 reads as follows: “The first hour of every meeting shall be available for the asking and answering of Questions”.

Maulavi MUNAWWAR ALI: I have given my view, Sir, that if necessary, you can extend time. Now, I request interpretation of the Rule by you, Sir.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Sir, the point of order raised is whether you can extend the time of the Question hour. The Standing Rule says definitely that the first hour shall be available for Questions, which you cannot possibly curtail, but whether beyond that you can extend the time for Questions. That is the point of order raised.

The Hon'ble Srijut BISHNURAM MEDHI: That Question does not arise, Sir, because the Hon'ble the Speaker has decided not to extend the time.

The Hon'ble the SPEAKER: The question is interesting and perhaps the hon. Members will feel entertained by a discussion of this point but we have hardly any time to-day for this.

His Excellency's message re Authenticated Schedule of Authorised Expenditure for the year 1946-47.

The Hon'ble the SPEAKER: Before I pass on to the next item, I would request the Secretary, Legislative Assembly to read out the message of His Excellency in respect of authenticated schedules.

SECRETARY TO THE ASSEMBLY: His Excellency's message is as follows:—

"For the purpose of sub section (2) of section 80 of the Government of India Act, 1935, and in pursuance of Rule 19 of the Assam Legislative Assembly (Governor's) Rules, I, Andrew Gourlay Clow, hereby appoint Tuesday, the 2nd April 1946, for placing of authenticated schedules of authorised expenditure before the Assam Legislative Assembly.

This supersedes my order, dated the 2nd March 1946 to the extent to which it refers to placing of authenticated schedules before the Assembly during its March-April, 1946, session.

SHILLONG.

The 1st April 1946.

A.G.CLOW,
Governor."

Presentation of the authenticated schedule of authorised expenditure for the year 1946-47

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg now to place the *authenticated schedule of authorised expenditure for the year 1946-47,

Presentation of Authenticated Schedule of Authorised Expenditure in relation to Supplementary Demands for grants for the year 1945-46

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to place the **authenticated schedule of authorised expenditure in relation to Supplementary Demands for Grants for the year 1945-46.

Message from the Assam Legislative Council re: passing of the Assam Finance Bill, 1946.

The Hon'ble the SPEAKER: Before I pass on to the next item, I would ask the Secretary, Legislative Assembly to read out the message received from the Secretary, Assam Legislative Council.

SECRETARY TO THE ASSEMBLY: The following Message has been sent by the Secretary, Assam Legislative Council:—

"In pursuance of rule 105 of the Assam Legislative Council Rules, I am directed to intimate that on the 29th day of March, 1946, the Assam Legislative Council have agreed to the Assam Finance Bill, 1946 (Assam Legislative Assembly Bill No. 1 of 1946) without any amendments.

Copies of the Bill were laid on the table on the 26th March 1946 and the Bill was not referred to a Select Committee of this Chamber".

The Assam Forest (Amendment) Bill, 1946

The Hon'ble the SPEAKER: We now take up consideration of the Assam Forest (Amendment) Bill, 1946, clause by clause. I find there is an Amendment standing in the name of Khan Sahib Maulavi Nurul Hossain Khan to Clause 2 and I would ask him to move his Amendment, if he so desires.

Khan Sahib Maulavi NURUL HOSSAIN KHAN: Mr. Speaker, Sir, I beg to move that in item (c) under sub-clause (i) of clause 2, after the word 'reserves' the following be added:—

'but who has not built a house or raised atleast one crop'.

My object in moving this Amendment is this, Sir, that a country-wide famine is knocking at our doors and the people are at a loss to find out means to combat the famine. We have got a very bad idea of the famine of 1943, and it is

*Appendix G.

**Appendix H.

not unlikely, Sir, that in the coming famine also lakhs of people may die. There is no justification, Sir, that large areas of cultivable lands should be lying fallow and waste. People who have already come from Bengal for shelter and to earn their livelihood in the Province of Assam should not be allowed to be turned out of the Province.

Now, Sir, when at the present time the Government is very earnest about the Grow-More-Food Campaign, every inch of cultivable land should be brought under cultivation. I do not see any reason why these large tracts of land in the Province should be allowed to remain fallow and waste, when people are willing to grow paddy there.

It appears to me, Sir, that there is an idea in the minds of our Assam Valley people that these vast tracts of lands should be kept reserved for the coming generations. It appears to me that when lakhs of people are dying for food, it is an urgent necessity that all the lands should be brought under cultivation. So my submission is this, Sir, that the cultivators, who have already come from Bengal long ago for shelter and who have raised crops and built houses should not be turned out of their lands and should not be made homeless and helpless. It will be an act of generosity from the humanitarian point of view also. It is only fair that lakhs of people who have already come here being pressed by hunger and necessity should not be turned out of the Province.

With these few words, Sir, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

“That in item (c) under sub-clause (i) of clause 2, after the word ‘reserves’ the following be added:—

‘but who has not built a house or raised at least one crop’.”

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: The Amendment is to my mind a very simple one and can easily be accepted by Government, if they so please.

First of all, Sir, let us take into consideration the condition of those who are likely to be affected by the amending Bill. They are mostly, the tribal people and up-country labourers. My information is that some of the tribal people have really built their houses on forest lands. Some up-country and *ex-tea* garden labourers, finding no other alternative, have also built their houses and raised crops on the forest lands. The forest land on which timber has grown has not been encroached. Only those unclassified forest lands over which there is hardly any forest produce have been encroached by the people.

So, Sir, if the aim of the Government is to evict those people who have built houses, raised crops and are in peaceful possession for years together then I should say that the Congress Government want that the rule of the jungle should prevail and human beings be subservient to forest. This is really inhuman and cannot be supported.

So, Sir, from humanitarian point of view, as was said by my hon. Friend, Khan Sahib Maulavi Nurul Hussain, I urge upon the Government to see their way to accept the Amendment.

I want to draw the attention of the hon. House to another point in which the sincerity of the Government in the matter is in question, Sir. Two of the hon. Members, a few days ago, put some pertinent Starred Questions. But those Questions have not been answered. They were made to withdraw later on. The purport of the Questions was to elicit information whether the Forest Act or any other Act governs the Professional Grazing Reserves and the Village Grazing Reserves. A straight answer was demanded. But the Government in order to cover up their act of lawlessness in evicting persons from Professional Grazing Reserves under Land Revenue Manual cleverly put pressure on their supporters who gave notice

to decline to put the Questions. If by amending this Forest Act, they want to regularise their misdeeds in evicting persons from the Professional Grazing Reserves then the Government should have come forward with a clear statement to that effect and said that this Forest Law governs those Professional Grazing Reserves and the Village Grazing Reserves and the eviction hitherto done were all made illegally and under no law. While the Hon'ble Minister introduced his Bill he said that there was nothing political over here, simply he wanted to protect the forest lands and it had no implication with regard to those immigrants who had come to settle in this Province. If he means what he said, Sir, then I think the Amendment can be accepted easily by the Hon'ble Minister.

So, Sir, I hope, the Government will consider this and accept the Amendment at a time when the country is apprehending a shortage in food-stuffs and other supplies.

Babu PURNENDU KISHORE SEN GUPTA: মাননীয় মুখপাত্র মহাশয়, আমাদের জংলী মন্ত্রী মহোদয় তাঁর জঙ্গলের ভেতর যাঁরা জঙ্গলীভাবে প্রবেশ করতে চান তাঁদের জঙ্গল হতে উৎখাতের জন্য এক জঙ্গলী আইন প্রণয়নের প্রস্তাব করেছেন। আমরা এখন সেটা কিভাবে সমর্থন করব তাহাই সমস্যা। অবশ্য খান সাহেবেরা যে সহৃদয়তার কথা বলেছেন, সে কথাও আমাদের ভাবতে হবে। কিন্তু যুদ্ধের দ্বারা জঙ্গলের উপরে সভ্যতার যে অত্যাচার উৎপীড়ন চলে গেছে এবং তাতে আসামের বনের যে অবস্থা দাড়িয়েছে, সেই সঙ্গে আমাদের বর্তমান চাষের যে কি সম্পর্ক সেটা একটু লক্ষ্য করা প্রয়োজন। কারণ যাকে বৈজ্ঞানিক ভাষায় deforestation বলে সেই deforestationই আমাদের আক্রমণের অনাবৃষ্টির একটা বড় কারণ কিনা সেটা বিশেষ করে ভাববার কথা। আজ চৈত্রমাসের অর্ধেক চলে গেছে। এখন পর্য্যন্তও বর্ষার কোন লক্ষণ দেখায় না। এজন্যই এবার কৃষির কাজ সম্পূর্ণরূপে পিছিয়ে গেছে এবং আশঙ্কা করা যাচ্ছে যে, যৎসামান্য ফসল যাহাও হতে পারে তাও একটা বিপদের সম্মুখীন হয়েছে। সেই ফসল যদি একটা সাধারণ ফসলে আনতে না পারি, তাহলে আমাদের কত অসুবিধার সৃষ্টি হবে সেটা বিশেষ করে চিন্তা করে দেখা প্রয়োজন। সেদিক থেকে আমাদের আসামের জঙ্গল আমরা আরও উৎখাত করব কিনা, সেটা বিশেষ ভাববার বিষয়। কারণ তা নাহলে আমরা সাধারণভাবে যে কৃষি করে থাকি, সেই কৃষি করা সম্ভবপর হবে না। কারণ যে বৃষ্টির উপরে আমাদের কৃষি নির্ভর করে, সেই বৃষ্টি হবে না যদি আমরা আমাদের বন উজাড় করে দিই। সেদিন মোলানা সাহেব pump এর ব্যবস্থা করার কথা বলেছেন, কিন্তু সমস্ত প্রদেশে pump এর দ্বারা কৃষি করা সম্ভবপর কিনা সেটাও হিসাব করে দেখতে হবে। আমার মতে ব্যাপকভাবে irrigation এর ব্যবস্থা না হওয়া পর্য্যন্ত deforestation করিতে গেলে যে অনাবৃষ্টির আশঙ্কা করা যায় তাঁর দ্বারা যে আমাদের কৃষির সর্বনাশ হবে সেটা সর্বপ্রথম ভাবা দরকার। সেদিক থেকে বিবেচনা করে আমি একথা বলতে যাচ্ছি যে এখন আমাদের জঙ্গলের উপর হাত দেওয়া মোটেই সমিচীন হবে না।

দ্বিতীয় কথা, যে ঘরে বসে আমরা সভা করিতেছি তাঁর চতুর্দিকে যদি তাকাই তাঁর ভেতরে বনের উৎপাদন কার্টের দ্বারা যে রকম ঘর এবং আসবাব তৈরী হয়েছে সেটাও একেবারে বাদ দিতে পারি না। কারণ, এই শিল্পেতে আমাদের প্রদেশের বহুলোককে লাগিয়ে হয়ত তাদের বেকার সমস্যা সমাধান করতে পারব। আজ যদি আসামের বন উজাড় হয়ে যায়, তাহলে আমরা বেকার সমস্যা সমাধান করতে পারব না।

তারপরে Post-war এর ভেতর অন্য পরিকল্পনা বাদ দিয়ে, কেবল যে পরিমাণ রাস্তাঘাট তৈরী করার কথা আছে, তাতে প্রত্যেক রাস্তাঘাটে যদি আমাদের লোহার পুল ব্যবহার করতে হয়, তাহলে হয়ত ১০ বৎসরেও আমরা সেই লোহার পুল পাব না। কারণ, সমস্ত ভারতবর্ষ জুড়েই সে রকম রাস্তা তৈরী করার পরিকল্পনা থাকবে এবং পুলের সমস্ত জিনিষ পাওয়া যাবে না। আমার মনে হয় বনের ভাল কাঠ দিয়ে যদি অন্তত Village Road এর পুলগুলি তৈরী করা হয় তাতে একদিকে যেমন বনের ব্যবহার হবে, অন্যদিকে আমাদের প্রদেশের বহুলোককে এই বনের কাজ দিয়ে কাজে লাগাতে পারব এবং তদ্বারা এই unemployment question অনেকটা শীমাংসা করতে পারব। আমাদের যে সমস্ত ঘরের কাজ আছে তাতেও আমরা বাইরে থেকে জিনিস নিয়ে ব্যবহার করতে চাই—নিজেদের জিনিস ব্যবহার করি না এই মনোবৃত্তিকে কোনরূপে সমর্থন করা যায় না। আমাদের যে সমস্ত electric বা telegraph পোষ্ট আছে, সেই সমস্ত বনের কাঠ দিয়ে তৈরী করতে পারি অন্যান্য বহুরকমের বনাঙ্গ শিল্পের কথাও আছে। এইভাবে কাঠের ব্যবহারের জন্য আসামের বনের royalty বেড়ে যাবে আয় বেড়ে যাবে এবং অন্যদিকে দেশের অনেকগুলো লোককে কাজ দিতে পারব। আমরা একদিকে যেমন revenue বাড়তে পারব, অন্যদিকে দেশের লোককে কাজে লাগাতে পারব। বিদেশী বারা এসেছে তাদের উপর আমাদের সহানুভূতি আছে। তাদের অনেককে এসব কাজে লাগাতে পারব এবং ইহার দ্বারা অনেক সমস্যা সমাধান হয়ে যাবে। অবৈজ্ঞানিক নীতি গ্রহণ করে যদি সমস্ত বন উৎখাত করে দেই তাহলে কৃষির যে বিপদ সেই বিপদকে আরও ঘনিয়ে আনব। তারজন্য একটু বিচার করে বৈজ্ঞানিক মত নিয়ে আমাদের সমস্ত সিদ্ধান্তে যাওয়া দরকার। সেজন্য আমি মন্ত্রী বাহাদুরের বিল সমর্থন করি।

[Babu Purnendu Kishore Sen Gupta spoke in Bengali and supported the Bill brought forward by Government.]

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, I rise to oppose the Amendment.

Sir, under the present Act the Government have got no power to frame rules whereby they can evict encroachers upon forest reserves. And this Amending Bill simply wants the House to give the Government power to prevent such encroachment. It is a matter of surprise that this authority to frame rules, has not been given to the Government so long. When this plain and simple authority is asked for by the Government I do not see any reason why there should be any objection. Sir, what does the hon. Mover of this Amendment want to do? He wants to exempt from eviction those encroachers who have been able to build a house or to raise at least one crop. Sir, it is very easy to erect a house overnight by 4 or 5 persons and it is not also very difficult to raise a crop in lonely jungle within a month or two. If a man erects a house or raises a crop in a lonely part of a forest reserve, he is to be exempted from eviction according to the Hon. Mover, I want to ask him if these persons are not evicted then who are to be evicted? If this class of people are not to be evicted then who are the people to be evicted? Sir, on this analogy cannot a thief claim the privilege of not being turned out of another man's house if somehow or other he can manage to break the door and occupy the owner's bed—then boldly proclaimed—'I am not liable to be driven out as I am in possession of the house (Laughter)? Obviously the object of the Amendment is that who ever may be pleased to go and erect a hut or raise a crop in a forest reserve should not be turned out. Are we going to lend our support to such an unreasonable demand? On the contrary we must support the Government if we want to preserve our forest reserve in tact. So, I hope

the hon. Mover should not press this demand and will please withdraw his Amendment.

Maulavi ABDUL BARI CHAUDHURY: I rise to record my wholehearted support to the Amendment moved by my hon. Friend, Khan Sahib Maulavi Nurul Hossain Khan.

At the very outset I would like to say a few words about the nature of these reserve forests. Sir, the hon. Members are aware that vast tracts of lands have been demarcated and styled as forest. Actually there are no forests. No trees are grown on these lands. These are vast waste lands and can be easily brought under the plough.

The Hon'ble the SPEAKER: This matter has been discussed threadbare on more than one occasion in this Session and I would request the hon. Member not to repeat the same arguments because we have a heavy programme to-day.

Maulavi ABDUL BARI CHAUDHURY: My humble submission is that during the last 30 years no regeneration work has been taken up in these reserved forests. Taking advantage of this, people from Bengal, both Hindus and Muslims, have settled there. A human being cannot live in dense forests covered with trees. These were barren tracts of lands, and these people have settled there and have their cultivation. In these days we know what cultivation means specially when a famine is in front of us. These people are happily living in these tracts of lands. The intention of the Amendment is that persons who have already settled and who are in peaceful possession of the land should not be disturbed, and the Bill if passed should not have a retrospective effect. I think the Amendment is very modest and if my hon. Friends do really mean business they ought to accept it. With these words I support the Amendment moved by my hon. Friend Khan Sahib Maulavi Nurul Hossain Khan.

Maulavi MUNAWWAR ALI: Sir, I support this Amendment. My predecessor has raised a very pertinent question regarding rainfall and jungles. He has almost categorically stated that jungles have necessary connection with rainfall. But he had his doubts as well, and let me remove the doubts of my hon. Friend. This question has been set at rest by a great American who has established the theory that rainfall has no necessary connection with jungles.

*The Hon'ble Srijut BISHNURAM MEDHI: In their experience—no experience of India.

Maulavi MUNAWWAR ALI: Nature is not different in America from India. We need not bother very much about it.

*Srijut SARAT CHANDRA SINHA: May I know whether his statement is well established or not that rainfall has no connection with forests?

Maulavi MUNAWWAR ALI: That is the opinion of the American expert.

*Srijut SARAT CHANDRA SINHA: What is the opinion of the Indian scientists about this?

Maulavi MUNAWWAR ALI: Indian scientists have given no practicable opinion at all.

This is after all a question of controversy, if one likes that. The hon. Member who has raised this question has himself doubted his own postulate. I have only given the most recent knowledge that is before the world just now. Now, Sir, it is stated that all the jungles are being cut in these grazing reserves. I penetrated into them and other forests not only as Minister for Forests but also as Revenue Minister. I have personal experience of them. Are there big trees and thick cluster of jungles in all these reserves? You must call a spade a spade, if you know it to be so. It is no good indulging in raising bugbears.

Make all possible stringent laws regarding forest proper, you have our full support at that. Any one who cuts a Sal tree or a tree like that, which belongs to the forest reserve proper may be punished with all the rigour of the law. I would lend my whole-hearted support to any stringent measure which the present Forest Minister might broach in that respect ; but I see in the guise of this Amending Bill there is a motive behind it to exterminate the so-called immigrants who are Muslims and Indians, after all. As the Hon'ble Minister is receiving support from behind his benches they want to evict the Muslims, they want to reduce the number of Muslims in this Province. It is, I am sure, a political move. The victims will be Muslims. So we have been agitating against this sinister move. Consideration of humanity and propriety of civilisation, nothing will carry conviction with this Government, determined to exterminate these Muslims, they are wedded to the policy of reducing the number of Muslims from Assam, by any means, by hook or crook. Well, how can there be any unity ? By unity we do not mean oneness, but a position in which the two Nations live in harmony and concord. But you are not creating the condition for such unity. You say you give us gesture, but you give gesture by left hand and take it away by the right. That is no gesture at all. Your gesture will be a real gesture by accepting this very innocent Amendment. If you do that we certainly will realise that you really mean what you profess. Let the Amendment be accepted.

(At this stage many hon. Members rose to speak.)

The Hon'ble the SPEAKER : I realise that the hon. Members are within their right to speak. But may I point out that this matter has been very well thrashed out—more than once ; it has been bitterly thrashed out, and there remains hardly any new point to be advanced. Therefore may I ask the hon. Members to allow the Hon'ble Minister to reply so that we can finish the business of the day, which is a heavy one ?

(A voice : There are fresh allegations, Sir.)

The Hon'ble the SPEAKER : So far nothing fresh has been said. If you go through the proceedings of this Session on this and allied subject, you will have the sadness of heart to find out the same arguments repeated in almost every page.

Babu RABINDRA NATH ADITYA : This is the only contentious measure, Sir, and I may be allowed to say just a few words.

Sir, perhaps we are importing extraneous consideration to the discussion on this Bill. This is a pure and simple enabling statute by which Government want some powers which they have already got under the Settlement Rules in respect of *Ilam* lands. So, whereas Government can exercise power under rule 18 for *Ilam* land, they have no power to evict persons from the forest reserves, although the sanctity of forests is higher than even the ordinary *khas* land. In order to rectify this loophole it has been necessary for Government to bring forward this piece of legislation. Whether afforestation has any relation to rainfall, may be doubted, but there is no manner of doubt that soil erosion is vitally connected with deforestation. And you know, Sir, that soil erosion has not only affected the fertility of our soil, but has also affected the course of our rivers which have been silted up due to soil erosion. This problem is a serious one which is being now considered by all experts. So, this is one of the aspects for which it is necessary that our forest wealth should not be destroyed in a way which may affect the course of rivers and fertility of our soil. So, this is a very plain question. This is an enabling statute which enables Government to exercise certain powers. It does not necessarily follow that Government shall have at once to pounce upon all people who are living in the forest reserves. So, when this question of Professional Grazing Reserves and immigrants is irrelevant it reminds me of a Bengali adage "Who is there in the temple ? No, I am not eating banana",

With these few words I beg to oppose the Amendment moved by my hon. Friend Khan Sahib Maulavi Nurul Hossain Khan.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Mr. Speaker, Sir, several of the hon. Members, who have spoken, have gone out of the mark altogether. Many things they spoke were irrelevant. They were talking about grazing reserves. This Bill deals only with forest reserves. The grazing reserves are regulated under section 12 of the Land and Revenue Regulations, which reads like this: "In the case of any land over which no person has the rights of a proprietor, landholder or settlement-holder under this Regulation, the Provincial Government may make rules to provide for.....(2) the ejection of any person who has entered into unauthorized occupation of such land". The grazing reserves come under that, and there is already power in the hands of the Government to eject people from grazing reserves.

But, Sir, in the Assam Forest Regulation we have no provision like that. This Bill deals with the forest reserves and encroachment on those reserves. Section 25 of the Forest Regulation reads thus: "Any person who makes any fresh clearing prohibited by section 7, or.....(f) clears or breaks up any land for cultivation or any other purpose... shall be punished with imprisonment for a term which may extend to six months, etc." Now, if this Amendment is carried, it will nullify the provisions of the section I have just read out. It will make the whole Bill meaningless.

Then, again, the Amendment says "but who has not built a house or raised at least one crop". What is a house, Sir? It may be a little hut in which a man dwells, it may be made overnight. And a crop may be raised in the interior of a forest in three days' time and it may not be detected by a forest officer if it is in the interior of the forest. So, Sir, this Amendment in reality seeks to nullify the whole intention of the Bill. Sir, it has been said by one of the hon. speakers that this is a very harmless Amendment, but in fact it is not so harmless because it seeks to render the whole Act meaningless.

Then, Sir, another point is this: there are people who have encroached upon forest reserves, and they have no right to encroach on these reserves. They have done so illegally and forcibly. Is this legislature going to approve of this illegal and forcible action of the people though they may be inhabitants of the Province? Some may have come from outside the Province. People from outside who are in search of land may come in large number and go over the whole country and will try to get land in forest reserve and occupy there; and overnight they may build little huts and cultivate the land for some kind of a crop. They may do so inside a big forest and they may not be seen for a long time. This Amendment advocates that those people should not be evicted at all. Sir, that will simply go to add troubles to our Forest officers and also to our Forest Reserves.

The Bill does not deal with Unclassed State Forests but deals with the Forest Reserves only. Therefore, Sir, those hon. Members who have spoken against the Bill have gone out of the mark altogether. As Government oppose the Amendment, I hope the hon. Member who has moved the Amendment will please withdraw his Amendment.

Maulavi MUNAWWAR ALI: Sir, are we to take it that this Bill does not govern the Unclassed State Forests? I want a clear answer.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It is stated very clearly that the Bill is to give power to Government to make rules for the ejection of persons who encroach upon the Forest Reserves.

Maulavi ABDUL BARI CHAUDHURY: May I know from the Hon'ble Minister whether this Bill, if passed into law, will affect the persons who have settled in the forests for the last 30 years?

752 THE ASSAM SALES OF MOTOR SPIRIT AND LUBRI- [2ND APL.
CANTS TAXATION (AMENDMENT) BILL, 1946.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I do not want to answer that question, Whoever comes under the purview of the Bill will be affected.

The Hon'ble the SPEAKER: The question is:

"That in item (c) under sub-clause (i) of clause 2, after the word 'reserves' the following be added:—

'But who has not built a house or raised at least one crop' "

The question was negatived.

The Hon'ble the SPEAKER: The question is:

"That clause 2 with all its parts stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 1 stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That the Title and Preamble of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir, I beg to move that the Assam Forest (Amendment) Bill, 1946, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Forest (Amendment) Bill, 1946, be passed".

Then I am putting the question. The question is:

"That the Assam Forest (Amendment) Bill, 1946, be passed".

The question was adopted.

Adjournment

The Assembly was then adjourned for lunch till 2 p.m.

After Lunch

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

The Hon'ble the SPEAKER: I now come to item 5—

Consideration of the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1946, clause by clause.

I find there are some Amendments to clause 3.

Khan Sahib Maulavi NURUL HOSSAIN KHAN: Mr. Speaker, Sir, I beg to move that sub-clause (1) under clause 3 be deleted. My object in moving this Amendment is that when the Government of India decreased the taxes on petrol and lubricants the Government of Assam should not increase it. Now that the war is over, everybody expects that the tax on petrol and lubricants should be reduced to its normal rate. But instead of doing this it is unfortunate that the Government of Assam is trying to increase it. The increased tax will hit the poor people mostly. On account of the increase in these taxes the motor communication has already become very dear. In these circumstances, I think, it will be improper for the Government to increase the tax.

With these words I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That sub-clause (1) under clause 3 be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, at the beginning of this Session I informed the House that from the actual calculations made, it has been found that the revenue expected is going to shrink very rapidly on account of the military personnel going out of the Province and also the

contractors who came here from outside the Province. The consumption of these articles, namely lubricants and petroleum is going down and the sources of revenue is decreasing and in order to safeguard the revenue of the Province we propose to agree with the object of this Bill which was practically prepared by the last Government to increase the petrol tax, etc. In view of all these, Sir, I appeal to the hon. Mover to withdraw the Amendment and to help for the stability of the finance of the Province.

The Hon'ble the SPEAKER: Does the hon. Member press his Amendment?

Khan Sahib Maulavi NURUL HOSSAIN KHAN: In view of the statement made by the Hon'ble Finance Minister I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member the leave of the House to withdraw his Amendment?

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

"That clause 3 of the Bill stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: I am putting clause 4 as a question as there is no Amendment under this clause.

The question is:

"That clause 4 of the Bill stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: There are two Amendments under clause 5.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, I beg to move that sub-clause (1) of clause 5 be deleted. The sub-section (1) of section 8 of the principal Act, reads thus: "Subject to such conditions as may be prescribed, the prescribed authority may suspend or cancel a registration certificate—

(a) if any tax payable under section 3 is not duly paid by the holder of such certificate; or

(b) if there is any breach of any of the conditions subject to which a registration certificate is granted".

Sir, by sub-clause (2), it is sought that the prescribed authority should be the Commissioner and his powers would be subject to such conditions as would be thought fit to be prescribed by rules.

To me, it seems that unlimited powers should not be given to the Commissioner. The condition under which he should exercise his powers must be prescribed by rules and therefore, I want to retain the original section. With this end in view I have tabled this Amendment and I hope the Hon'ble Minister will see his way to accept it.

The Hon'ble the SPEAKER: Amendment moved:

"That sub-clause (1) of clause 5 of the Bill be deleted".

*The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, in spite of the request of my hon. Friend I cannot agree to his Amendment because it is not absolutely necessary and the mere acceptance of his Amendment will not improve the position. Sir, the condition is there for every license that is being granted under this permit and it is essential for the proper working of this Bill that the words "subject to such conditions as may be prescribed" be deleted. The ordinary condition is there as laid down in the Act itself. So, Sir, in view of this I cannot accept the Amendment of my hon. Friend.

Maulavi ABDUL BARI CHAUDHURY: May I know what conditions are laid down in the Amending Bill or the original Act?

*The Hon'ble Srijut BISHNURAM MEDHI: Section 26 of the Act says: "The Provincial Government may make rules not inconsistent with this Act, to

carry out all or any of the purposes thereof". This is why, Sir, these conditions are not necessary because rules are there and Government will frame rules under section 26.

Maulavi ABDUL BARI CHAUDHURY: Then am I to understand that this particular sentence in the original Bill was redundant?

*The Hon'ble Srijut BISHNURAM MEDHI: Yes, Sir, that is why we want to delete it.

Maulavi ABDUL BARI CHAUDHURY: I am not convinced, Sir, but still, as it is a small matter, I do not press my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member the leave of the House to withdraw his Amendment.

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: In sub-clause (2) of clause 5 there is an Amendment standing in the name of Maulavi Abdul Bari Chaudhury. Does the hon. Member want to move his Amendment?

Maulavi ABDUL BARI CHAUDHURY: No, Sir.

The Hon'ble the SPEAKER: The question is:

"That clause 5 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: There are no Amendments to clauses 6 to 15. So I am putting them as a question.

The question is:

"That clauses 6 to 15 both inclusive stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: Does the hon. Member want to move his Amendment tabled under clause 16?

Maulavi ABDUL BARI CHAUDHURY: Yes, Sir. I beg to move that in item (1) of sub-clause (1) of clause 16 for the words 'thirty days', the words 'ninety days' be substituted. My intention is that the time that has been prescribed for appeals is too short. Therefore, as in other cases, I want to extend the time to three months. With this aim in view I beg to press my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in item (1) of sub-clause (1), of clause 16 for the words 'thirty days', the words 'ninety days' be substituted".

*The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I oppose this Amendment because it will create some difficulty. We think, Sir, 30 days' time is quite sufficient and also in all civil matters 30 days' time only is granted for preparing appeal. If 90 days' time be allowed then people may run away and evade payment of dues under this Act. So, Sir, Government consider that 30 days' time is more than sufficient. In view of what I have said, I would request the hon. Member to withdraw his Amendment.

Maulavi ABDUL BARI CHAUDHURY: Sir, if the Hon'ble Minister is determined not to concede to any of our Amendments, I cannot help it and I think no useful purpose would be served in pressing my Amendment and therefore, I withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member the leave of the House to withdraw his Amendment.

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

"That clause 16 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: I then come to clause 17. Does the hon. Member press his Amendment.

Maulavi ABDUL BARI CHAUDHURY: Yes, Sir, I beg to move that for sub-clause (1) of clause 17, the following be substituted:—

“(1) That in item (c) of sub-section (2) of section 26 for the word and figure ‘section 9’ the words and figures ‘Sections 8A and 9’ be substituted”.

Sir, under the new section 8(A) we have defined the word ‘Taxing Authority’ and under 9 we have defined the officials to whom the powers may be delegated by the Taxing Authority.

Sir, clause (c) of sub-section (2) of section 26 reads as follows:—

“The powers and duties to be exercised or performed by Officers or persons under section 9”.

That is to say, here, under the rule making power it is prescribed that the powers and duties that will be exercised by the Taxing Authority shall be prescribed by rules of the Government and I consider that all these items ought to be retained because it will define the powers and duties of the Commissioner. So, I do not see any reason why this sub-clause should be deleted.

The Hon'ble the SPEAKER: Amendment moved:

“That for sub-clause (1), of clause 17, the following be substituted:—

“(1) That in item (c) of sub-section (2) of section 26, for the word and figure ‘Section 9’, the words and figures ‘Sections 8A and 9’ be substituted”.

*The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, we cannot accept this Amendment because this Amendment is not likely to improve the position. Government wants to retain all its rule-making powers with Government and it does not want to entrust it to the subordinate officers, Commissioners, or otherwise duly appointed by Government to frame rules, and in view of this I think my hon. Friend will withdraw his Amendment.

Maulavi ABDUL BARI CHAUDHURY: May I submit, Sir, that the Hon'ble Minister is mistaken? The section runs as follows: ‘The Provincial Government may make rules not inconsistent with this Act, to carry out all or any of the purposes thereof.’ So it is apparent that it is the Government who are to make the rules prescribing the powers and the duties of the Commissioner. So there is no harm in accepting this Amendment.

*The Hon'ble Srijut BISHNURAM MEDHI: Even that interpretation is redundant and is not necessary. Government can frame all rules under this Act.

The Hon'ble the SPEAKER: Does the hon. Mover want to press his Amendment?

Maulavi ABDUL BARI CHAUDHURY: No, Sir, I do not like to press my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member the leave of the House to withdraw his Amendment?

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

“That clause 17 of the Bill stands part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER: The question is:

“That clauses 1 and 2 of the Bill stand part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER: The question is:

“That the Title and Preamble of the Bill stand part of the Bill.”

The question was adopted.

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

The Hon'ble the SPEAKER: Motion moved:

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

Then I am putting the question.

The question is:

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

The question was adopted.

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

The Hon'ble the SPEAKER: Now we take up the consideration of the Assam Amusements and Betting Tax (Amendment) Bill, 1946.

There is an Amendment to the Preamble.

Maulavi ABDUL BARI CHAUDHURY: It will come last, Sir.

The Hon'ble the SPEAKER: Then we take up clause 2. The hon. Member may move his Amendment.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that in clause 2, in the second line for the word 'said', the word 'principal' be substituted. Sir, my Amendment is very simple. In all our Bills we do not say 'the said Act', we say 'the principal Act', and also regarding the Bill that we have just now passed the wording is 'principal Act' not the 'said Act.' I only want to change the word, and so, the word 'said' may be changed into 'principal.'

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 2 in the second line for the word 'said' the word 'principal' be substituted."

The Hon'ble Srijut BISHNURAM MEDHI: I do not want to disappoint my hon. Friend in this case, and I have no objection to accept the Amendment provided he does not press for other Amendments (*laughter*).

The Hon'ble the SPEAKER: Then I am putting it as a question. The question is:

"That in clause 2 in the second line for the word 'said', the word 'principal' be substituted."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 2 of the Bill as amended stands part of the Bill."

The question was adopted.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that in clause 3, in the first line, for the word 'said', the word 'principal' be substituted. It is the same thing, Sir, and I do not like to add anything more.

The Hon'ble Srijut BISHNURAM MEDHI: This may be put together, Sir.

The Hon'ble Mr. BASANTA KUMAR DAS: It may be said that wherever the word 'said' occurs, it is to be deleted by substituting the word 'principal.'

Babu KAMINI KUMAR SEN: The word 'said' may occur in other places also. Therefore, it is better that the Amendments should be put separately.

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 3, in the first line for the word 'said' the word 'principal' be substituted."

The Hon'ble the SPEAKER : The question is :
"That in clause 3, in the first line for the word 'said' the word 'principal' be substituted".

The question was adopted.

The question is :

"That clause 3 as amended stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : In clause 4 of the Bill there are two Amendments. The first one is in the name of Maulavi Md. Abdulla but he is absent. Therefore Maulavi Abdul Bari Chaudhury may move his Amendment.

Maulavi ABDUL BARI CHAUDHURY : Sir, I beg to move that in clause 4, in the first line for the word 'said' the word 'principal' be substituted.

The Hon'ble the SPEAKER : Amendment moved :

"That in clause 4, in the first line for the word 'said' the word 'principal' be substituted.

(After a pause)

The Hon'ble the SPEAKER : The question is :

"That in clause 4, in the first line for the word 'said' the word 'principal' be substituted."

The question was adopted :

The question is :

"That clause 4, as amended, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : Then we come to clause 5, Maulavi Abdul Bari Chaudhury may move his Amendment.

Maulavi ABDUL BARI CHAUDHURY : Sir, I beg to move that clause 5 be deleted. Sir, clause 5 reads as follows—"In sub-section (1) of section 10 of the said Act, for the words 'a public demand', the words 'an arrear of land revenue' shall be substituted". My submission is, Sir, that the arrear land revenue is recovered by issuing distress warrants, but I want that if there be any arrear under this Act, it should be recovered under the Public Demands Recovery Act of Bengal. With this object in view I have tabled this Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That clause 5 be deleted".

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, from the working of the Act we have found that if this clause is not there many persons will escape payment of dues under the Act unless it is recoverable as arrear of revenue and hence it is absolutely necessary for realisation of the due as arrear of Government revenue. We cannot under the circumstances accept this Amendment.

Maulavi ABDUL BARI CHAUDHURY : May I know from the Hon'ble Minister what is the arrear so far under this Act ?

The Hon'ble Srijut BISHNURAM MEDHI : I have not got the figures with me, Sir. It may not be recovered by the time process is issued under the Public Demands Recovery Act and is ready for execution. I cannot say that there is no arrear left. Recovery is always done. The Central Taxation Act also depends on speedy collection so that there may not be any difficulty. It seems to me that this procedure under Public Demands Recovery Act is very cumbrous and takes a long time.

I hope my hon. Friend will withdraw his Amendment in view of the facts stated by me.

Maulavi ABDUL BARI CHAUDHURY : I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member the leave of the House to withdraw his Amendment ?

The Amendment was, by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

"That clause 5 stands part of the Bill".

The question was adopted:

The Hon'ble the SPEAKER: Now in clause 6 there is an Amendment in the name of Maulavi Md. Abdullah but he is absent. Maulavi Abdul Bari Chaudhury has also got an Amendment in his name. He may move his Amendment.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move that in clause 6 in the first line, for the word 'said', the word 'principal' be substituted.

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 6 in the first line, for the word 'said', the word 'principal' be substituted."

The Hon'ble the SPEAKER: The question is:

"That in clause 6 in the first line, for the word 'said', the word, 'principal' be substituted".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 6, as amended, stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: Now we take up clause 7. Amendment No. 10 in the name of Maulavi Abdul Bari Chaudhury may be moved:

Maulavi ABDUL BARI CHAUDHURY: I beg to move that in clause 7 in the first line, for the word 'said', the word 'principal', be substituted

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 7 in the first line, for the word 'said', the word 'principal' be substituted."

The Hon'ble the SPEAKER: The question is:

"That in clause 7 in the first line, for the word 'said' the word 'principal' be substituted".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 7, as amended, stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: In clause 8 also there is an Amendment in the name of Maulavi Abdul Bari Chaudhury.

Maulavi ABDUL BARI CHAUDHURY: I do not propose to move it, as it no more arises.

The Hon'ble the SPEAKER: The question is:

"That clause 8 stands part of the Bill"

The question was adopted.

The question is:

"That clause 1 stands part of the Bill".

The question was adopted:

The Hon'ble the SPEAKER: There is an Amendment to the Preamble.

Maulavi ABDUL BARI CHAUDHURY: Sir, I beg to move, that in lines one and two of the Preamble the brackets and words '(to guard against a fall in the revenues of the province) and for that purpose necessary' be deleted.

Sir, I must admit that the Preamble is not happily drafted. It is a part of the taxation measure. A statute is going to be enacted and it cannot depend on the fall or rise of the revenues and surely, Sir, it should not be incorporated in the Preamble. With this object I want to change it as follows—Whereas it is expedient further to amend the Assam Amusements and Betting Tax Act, 1939, to raise the rate of tax and provide for its collection,

The Hon'ble the SPEAKER: Amendment moved:

"That in lines one and two of the Preamble, the brackets and words '(to guard against a fall in the revenues of the province) and for that purpose necessary' be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: I have no objection to that, Sir.

The Hon'ble the SPEAKER: The question is:

"That in lines one and two of the Preamble, the brackets and words '(to guard against a fall in the revenues of the province) and for that purpose necessary' be deleted."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That the Title and Preamble of the Bill as amended stand part of the Bill."

The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that the Assam Amusements and Betting Tax (Amendment) Bill, 1946, as amended, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1946, as amended, be passed."

The Hon'ble the SPEAKER: The question is:

"That the Assam Amusements and Betting Tax (Amendment) Bill, 1946, as amended, be passed."

The question was adopted.

Motion 72: restoration of Sorupathar and Barpathar Mauzas to the ordinary administration under Civil and Criminal jurisdiction of the Hon'ble High Court

The Hon'ble the SPEAKER: Now, the Government business is finished, and we come to Private Members' Business. We come to item No. 6 of yesterday's agenda. Hon. Srijut Dandeswar Hazarika to move his Motion.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, I beg to move that this House is of opinion that the Government of Assam do take necessary steps so that the Sorupathar and Barpathar Mauzas which fall within the Mikir Hills tract of the Golaghat Subdivision be immediately restored to the ordinary administration under the Civil and Criminal Jurisdiction of the Hon'ble High Court.

Sir, I submit, that the areas included in Barpathar and Sorupathar Mauzas in Golaghat Subdivision may immediately be brought under the Hon'ble High Court at Calcutta. I think, Sir, I shall be failing in my duty and betraying my pledges to my electorate in these Mauzas which fall within the Golaghat South General Constituency which I represent, if I should prefer to remain silent on so vital a matter as this and not impress upon the Government and the hon. Members of this House by these Mauzas had been artificially separated from the general administered areas of the Province and brought under 'Hills Regulations' framed under the Scheduled Districts Act, 1874, thereby denying to the inhabitants of these areas the benefits of civilised democratic Government. The people residing there are a good lot of souls—Hindus, Muhammadans and Christians, quite akin to the population in the general administered areas—their social, economic, political, linguistic, religious and conventional ideology and aspiration being the same as those of the latter. These people, it appears to me, Sir, have been misruled and divested of their legitimate advancement in modern lines, and what is worst, is their feeling of sad contrast when they think of their relatives enjoying the benefits of civilised Government in the general administered areas. Their grievances were ventilated to

Government through various agitations since 1935. They petitioned to the Deputy Commissioner, Sibsagar on the 7th December 1935, protested against the promulgation of Hills Regulations in their areas in public meeting dated the 28th November 1935 and the 1st December 1935 and wired on the 19th June 1937, to His Excellency the Governor of Assam. Yet, Sir, Government paid no attention for the removal of their grievances.

Sir, if the hon. Members be pleased to take a little trouble to look back into the history of these two areas— I am going to give here a brief account of it for the information of those hon. Members who may not know about it— they will find a retrograde course of events.

It was in the days of Sir Bamfield Fuller, the then Chief Commissioner of Assam in 1905 that some enterprising and arduous Assamese people and some Surma Valley men also opened up habitable lands in the thick forests of those two Mauzas on low assessment basis. During this period the areas now known as Barpathar and Sorupathar Mauzas had other names, *viz.*, Rengma, Kordoiguri and Nowjan Mauzas. Subsequently these three Mauzas were made into one, *viz.*, Barpathar. Till 1930 Barpathar Mauza was under Golaghat Local Board when it was brought under Barpathar Development Board. In 1932-33 Barpathar mauza was split up into two, *viz.*, Barpathar and Sorupathar. Till before 1935, the people there enjoyed the ordinary Civil and Criminal administration under the Calcutta High Court. Then they were compelled to decay in their growth. The Hills Regulations came upon them. In the 1942 movement some people were fined, some were imprisoned for various terms and some were hanged. Had the Hon'ble High Court been functioning there, most of the so-called offenders would have been honourably acquitted and there would have been more attractions for settlement there. It was with effect from the 1st December 1944 that these areas were again brought under Golaghat Local Board. This was no doubt an instalment of better Government. But this is not all. What I want, Sir, is immediate withdrawal of the Hills Regulations from there. Special Regulations are of course necessary for preservation of tribal habits and customary rites of the tribal people. But there the people need no such protection. Then what on earth there the regulations were made to function for, I find no reason. I am quoting the following three resolutions passed at the Faizpur session of the Indian National Congress in 1936 in support of my argument. They are—

'This Congress is of the opinion that the creation of excluded and partially excluded areas and Chief Commissioner's Provinces, including British Baluchistan, from the 1st January 1937 and covering the area of 2,07,900 square miles and inhabited by 13 million people is yet another attempt to divide the people of India into different groups with unjustifiable discriminatory treatment and to obstruct the growth of uniform democratic institutions in the country.'

'This Congress is further of opinion that the separation of these excluded and partially excluded areas is intended to leave a larger control of disposition and exploitation of the mineral and forest wealth in those areas and keep the inhabitants of those areas apart from the rest of India for their easier exploitation and suppression'.

'This Congress holds that the same level of democratic and self-governing institutions should be applicable to all parts of India and without any distinction.'

With these few words, Sir, I commend my Motion to the acceptance of the hon. House without division.

The Hon'ble the SPEAKER : Motion moved :

"That this House is of opinion that the Government of Assam do take necessary steps so that the Sorupathar and Barpathar Mauzas which fall within the Mikir Hills Tract of the Golaghat Subdivision be immediately restored to the ordinary administration under the Civil and Criminal Jurisdiction of the Hon'ble High Court."

Srijut RAJENDRA NATH BARUA: Mr. Speaker, Sir, I rise to support the Motion moved by my Friend, Srijut Dandesar Hazarika. This question of the partially excluded areas and excluded areas is not a new one, as my Friend has said, the Congress has been agitating about this since 1936. In the Indian Legislature and other Provincial Legislatures this question has also been agitated. The main question is whether a large section of the people have been deprived of the ordinary benefits of the Civil and Criminal law which is applicable in the general administered areas. My Friend has given certain history about the constitution of these Mauzas. Sir, we all very well know that at the time of the Congress Coalition Government this question had been agitated by many of my Friends. Mr. Khorsing Terang who is here to-day agitated this. Of course, I do not find my Friend Mr. Jobang D. Marak who was a supporter of this question. I myself and Srijut Sankar Barua also agitated this matter before the House. After a lot of agitations the Congress Coalition Government thought it fit, Sir, to convene a conference of the leaders of the different groups. The conference took place in about 1939 in the months of May and July and certain Resolutions were adopted. Sir, to-day unfortunately the Question did not come up before the House. It was put in as an Unstarred Question and we have found here at page 18 of the Unstarred Questions that Government proposed to bring this area under the ordinary Criminal jurisdiction, but found this would require orders by His Majesty in Council, which could not be obtained during the war. The whole matter is again being examined. So far we find that the present Ministry is taking steps to bring this area under the ordinary jurisdiction of the High Court. Any way, Sir, we feel that this policy of dividing India into excluded and non-excluded areas is a sort of the policy of Divide and Rule by the British Imperialists. India is on the verge of big changes and it is a pity that a large population of these Mauzas where the same conditions apply, where people have the same facilities regarding their education and other matters as in other Mauzas, should be deprived of the ordinary Civil and Criminal rights under the Hon'ble High Court. That is the most burning question of the day. Till 1935, my information goes that these people were administered under the laws of the High Court. I do not know how these Mauzas came to be excluded from the jurisdiction of the High Court, but I think some civilian officer found out that these two areas fall also within the Mikir Hills Tracts and so they were conveniently brought under the Mikir Hills Tracts Regulations. Sir, I would only quote one item of the Regulations by which the people of those areas are governed. Items 15 and 16 of the Regulations lay down "Criminal justice shall be ordinarily administered by the Deputy Commissioners, their Assistants, and by the Mauzadars, Gaonburas, or other chief village authorities of the different communities.

The Deputy Commissioner shall be competent to pass sentence of death, transportation or imprisonment up to the maximum amount provided for the offence, of whipping, and of fine up to any amount; provided that all sentences of death or transportation shall be subject to the confirmation of the Governor in his personal capacity and provided that all sentences of imprisonment of seven years and upwards shall be subject to the confirmation of the Commissioner."

So, Sir, we find that wide powers have been given to the Deputy Commissioner. In this connection, Sir, I recall the memory of late lamented Kushal Chandra Konwar, who was tried under these very Regulations—without any jury trial—and as a consequence was sent to the gallows. Sir, these obnoxious Regulations should at once be repealed and I do not think any civilized Government can tolerate such Regulations.

So, Sir, I whole-heartedly support the Motion moved by my hon. Friend, Mr. Hazarika and I would urge upon Government to take steps to have these iniquitous laws withdrawn at once.

The Hon'ble Mr. BASANTA KUMAR DAS : Mr. Speaker, Sir, I think it is better for me to intervene at this stage of the debate in order to shorten the discussion. Government are in full sympathy with the object of this Motion. Sir, I may point out that this Motion has been brought forward for a very limited purpose—the purpose of bringing the two Mauzas, *viz.*, the Sorupathar and Barpathar Mauzas, under the jurisdiction of the High Court. But there is the bigger question to which it relates, as has been hinted by the hon. Members who have spoken. It is the question whether there should be any partially excluded or excluded areas in the Province—why in this Province—in any other Provinces in India ?

Now, Sir, this Motion has been brought forward on the assumption that the present Constitution would continue. But, Sir, are we not in expectation of great Constitutional changes to take place soon ? What I mean is this, Sir, are we not expecting that India would be granted independence and a Government in India will soon be installed which will be completely free from British control ? Independence to India will necessarily mean a solution of the very sore question of partially excluded and excluded areas in India. They are bound to be a thing of the past.

Now, Sir, so far as the present question is concerned, it is a very very old question, as has been pointed out by the hon. Mover of the Motion and the other hon. Member who has supported it. It is a question which is as old as the twenties of this century. In the Legislature under the old Constitution this question came up again and again and even under the present Constitution this question was approached from different points of view and was discussed several times. Government also arrived at certain decisions. What the Government's attitude at present is, has been sufficiently indicated in answer to a Question put to-day by the hon. Member who has spoken in support of it. He has read out a portion of the answer. And there the Government attitude has been clearly stated in these terms : "the question will be reopened in the light of broader constitutional developments". What this answer means has been explained by me. In view of what is in the offing Government are formulating their plans with regard to these two Mauzas.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI : We want to know the difficulties of Government at present.

The Hon'ble Mr. BASANTA KUMAR DAS : I am coming to that.

Now, Sir, in the year 1939 the then, Government, as a matter of fact, decided to create a Subdivision of the Mikir Hills. To give effect to that decision Government tried their best, but there were financial and other difficulties in the way. Then the Government which succeeded that Government decided that these two Mauzas should be brought under the jurisdiction of the High Court ; but to do that, Sir, it required an Order-in-Council from His Majesty the King. Under section 230 of the Government of India Act if the jurisdiction of the High Court is to be extended to any part of another Province in which the seat of the High Court is not situated, it requires an agreement between the two Governments, *i.e.*, the Government under which the High Court is and the Government under which that part of the country where the jurisdiction of the High Court is to be extended is. And after that agreement is arrived at, the matter is to be referred to His Majesty the King in Council, and the King in Council is to pass an order giving effect to this agreement.

Now, Sir, on account of the situation that developed in the wake of the war it was not possible to make any move in the matter. The Government in England was not in a mood to pay any attention to matters like this. So, the question of bringing these two Mauzas under the jurisdiction of the High Court was kept pending. There is also the further difficulty that another Order-in-Council will be necessary if these Mauzas are to be taken out of the partially

excluded areas. Under section 91 of the Government of India Act, sub-section (2), sub-clause (b), it is necessary that there should be an Order-in-Council directing that the whole or any part of a partially excluded area shall cease to be a partially excluded area or a part of such area. So, these are the difficulties that stood in the way of Government. But the Government expect that these difficulties will no longer be there and the old question will be settled once and for all. So, I would request my hon. Friend to withdraw this Motion. Or, if he likes he may press the Motion. Acceptance of the Motion by the House will strengthen Government's hands in pressing this question when the constitutional problem will come to be settled, or even if the problem is not settled.

Srijut RAJENDRA NATH BARUA: I don't think there will be any harm in passing this Motion because this is a matter for His Majesty the King and the whole debate will be forwarded to the proper authorities.

Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, this Motion has our full sympathy and support for it and we think that if it is carried unanimously by the House, it would further strengthen the hands of the Government. In that view, our party definitely hold that the Motion should be accepted unanimously by the House. (*Applause*).

The Hon'ble the SPEAKER: The question is:

"That this House is of opinion that the Government of Assam do take necessary steps so that the Sorupathar and Barpathar Mauzas which fall within the Mikir Hills Tract of the Golaghat Subdivision be immediately restored to the ordinary administration under the Civil and Criminal Jurisdiction of the Hon'ble High Court."—

The question was adopted.

Announcement of the result of election of Members to the Assam Text Book Committee

The Hon'ble the SPEAKER: With great pleasure I have to announce the election result of 5 representatives to the Assam Text Book Committee. I may inform the House that in accordance with the agreement arrived at yesterday, I have received the names of the following five hon. Members for election to the said Committee:—

1. Srijut Purna Chandra Sarma,
2. Srijut Dandeswar Hazarika,
3. Babu Bidyapati Singha,
4. Dr. Emran Hussain Chaudhury, and
5. Maulavi Abdul Bari Chaudhury.

These five hon. Members are hereby declared elected to the said Committee.

Prorogation

The Hon'ble the SPEAKER: Now the business of the Session has come to a close. I am now to read out the order of His Excellency the Governor of Assam proroguing this House. Before I do that, I have to gratefully acknowledge the co-operation that the hon. Members were pleased to extend to me in discharging my duties from this place and I offer my hearty thanks for the same. I now read out the order—

"In exercise of the powers conferred by clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, Andrew Gourlay Clow, hereby prorogue the Assam Legislative Assembly at the conclusion of its sitting of the 2nd April 1946.

SHILLONG

The 26th March, 1946.

The Assembly was then prorogued.

A. G. CLOW,
Governor of Assam."

SHILLONG

The 7th June, 1946.

A. K. BARUA,
Secretary, Legislative Assembly, Assam.

APPENDIX G

Authenticated schedule specifying the grants made by the Legislative Assembly and the sums required to meet the expenditure charged on the revenues of Assam for the year 1946-47 as required by section 80 of the Government of India Act, 1935.

No. of grant	Description	Charged			Demands as presented to the Assembly (Voted)	Amount of cut made by the Assembly (Voted).	Amount included by Governor (Voted).	Authenticated amounts (Voted)
		Non-excluded areas	Excluded areas	Total authenticated amounts				
1	2	3	4	5	6	7	8	9
		Rs.	s	Rs.	Rs.	Rs.	Rs.	Rs.
1	Taxes on Income other than Corporation Tax.	..	..	..	59,200	..	..	59,200
2	Land Revenue ..	36,700	27,800	64,500	22,16,700	..	..	22,16,700
3	Provincial Excise ..	25,100	18,800	43,900	4,77,600	..	..	4,77,600
4	Stamps .. ..	..	100	100	62,000	..	..	62,000
5	Forests	1,72,100	2,68,600	4,40,700	8,10,200	..	..	8,10,200
6	Registration ..	..	..	..	2,05,300	..	..	2,05,300
7	Charges on account of Motor Vehicles Taxation Act.	..	20	20	5,41,700	..	..	5,41,700
8	Other Taxes and Duties.	..	..	..	34,600	..	..	34,600
9	Navigation, Embankment and Drainage Works.	100	..	100	6,91,700	..	..	6,91,700
	Interest on debt and other obligations.	8,48,800	..	8,48,800	..	..	..	..
	Appropriation for reduction or avoidance of Debt.	14,16,000	..	14,16,000	..	..	..	..
10	General Administration.	12,71,600	4,68,500	17,40,100	34,39,900	..	..	34,39,900
11	Administration of Justice.	2,59,900	1,300	2,61,200	10,58,100	..	..	10,58,100

APPENDIX G—concl'd.

No. of grant	Description	Charged			Demands as presented to the Assembly (Voted)	Amount of cut made by the Assembly (Voted)	Amount included by Governor (Voted)	Authenticated amounts (Voted)
		Non-excluded areas	Excluded areas	Total authenticated amounts				
1	2	3	4	5	6	7	8	9
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
12	Jails and Convict Settlements.	2,400	15,400	17,800	12,30,700	..	..	12,30,700
13	Police	4,16,400	1,04,100	5,20,500	39,42,300	..	..	39,42,300
14	Ports and Pilotage .. ..	..	..	..	2,100	..	..	2,100
15	Scientific Departments.	..	..	..	6,600	..	..	6,600
16	Education (European).	500	3,700	4,200	88,500	..	..	88,500
17	Education (other than European).	..	2,12,800	2,12,800	59,93,900	..	..	59,93,900
18	Medical	1,28,600	2,79,500	4,08,100	15,10,200	..	..	15,10,200
19	Public Health	30,900	47,100	78,000	18,62,100	..	..	18,62,100
20	Agriculture .. ..	..	1,82,500	1,82,500	20,08,100	..	..	26,08,100
21	Veterinary .. ..	..	13,900	13,900	2,85,400	..	..	2,85,400
22	Co-operation	24,300	..	24,300	3,39,500	..	..	3,39,500
23	Industries .. ..	..	5,100	5,100	3,51,200	..	..	3,51,200
24	Miscellaneous Departments.	..	100	100	1,62,200	..	..	1,62,200
25	Civil Works (excluding Tools and Plant and Establishment).	55,000	6,87,600	7,42,600	59,11,200	..	..	59,11,200
26	Tools and Plant and Establishment charges.	44,600	55,500	1,00,100	4,57,800	..	..	4,57,800
27	Famine Relief .. ..	..	3,200	3,200	50,000	..	..	50,000
28	Superannuation Allowances and Pensions.	8,60,000	..	8,60,000	21,05,800	..	..	21,05,800
29	Stationery and Printing.	1,400	2,000	3,400	5,07,800	..	..	5,07,800
30	Miscellaneous	20,47,400	3,23,300	23,70,700	32,45,700	..	..	32,45,700
31	Extraordinary charges.	..	..	..	13,400	..	..	13,400
33	Civil Defence .. ..	..	..	..	100	..	..	100
34	Capital outlay on Provincial schemes of State Trading.	57,400	..	57,400	29,08,100	..	..	29,08,100
35	Loans and advances bearing and not bearing interest.	..	..	..	7,75,000	..	..	7,75,000
	Grand total	76,99,200	27,20,920	1,04,20,120	4,39,54,700	..	..	4,39,54,700

APPENDIX H

Authenticated schedule of supplementary statement of expenditure for the year 1945-46, laid before the Legislative Assembly in the March Session, 1946, under section 81 of the Government of India Act, 1935

Number of Grant	Heads	Supplementary amount laid before the Assembly in this Session				Amount of cut made by the Assembly	Amount included by Governor	Amount now authenticated				Remarks
		Charged			Total			Non-excluded areas (Voted)	Charged		Total	
		Non-excluded areas (Voted)	Non-excluded areas	Excluded areas					Non-excluded areas	Excluded areas		
1	2	3	4	5	6	7	8	9	10	11	12	13
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
		13,760	..	..	..	..	..	13,760	..	..	..
1	4.—Taxes on Income other than Corporation Tax.											
2	7.—Land Revenue ..	24,080	..	..	..	..	..	24,080	..	..	..
3 & 4	8.—Provincial Excise ..	23,900	..	..	..	..	..	23,900	..	..	..
4 & 10	10.—Forests ..	4,56,475	..	5,459	5,459	..	..	4,56,475	..	5,459	5,459	
5	11.—Registration ..	4,500	..	..	..	..	..	4,500	..	..	..
6	12.—Charges on Motor Vehicles Taxation Act	91,540	..	..	..	..	..	91,540	..	..	..
7	13.—Other Taxes and Duties.	3,486	..	..	..	..	..	3,486	..	..	..
8	18-B.—Navigation, Embankment and Drainage Works.	1	..	..	..	..	..	1	..	..	..
9, 2 & 11	20.—General Administration.	9,98,127	64,420	88,167	1,52,587	..	..	9,98,127	64,420	88,167	1,52,587	
10, 3 & 12	27.—Administration of Justice.	1,62,975	66,547	500	67,047	..	..	1,62,975	66,547	500	67,047	

