

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

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 2 P.M. on Friday, the 19th July, 1946.

Present :

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the seven Hon'ble Ministers and eighty six Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Short Stage Fares for Motor Buses

Mr. W. D. RUTHERFURD asked :

*2. Will Government be pleased to state—

(a) If Government's notice has been drawn to the lack of short stage fares for travellers by Motor Bus on many of the routes in the Surma Valley ?

(b) Whether Government propose to consider the introduction of such a scale of fares and thus remove a long felt hardship ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

2. (a)—Yes.

(b)—Yes, reduced rates of fares on a mileage basis will be introduced very soon.

Srijut RAJENDRA NATH BARUA : Sir, may I know if it is the present instruction of Government to charge 3 pies per mile ?

****The Hon'ble Mr. BAIDYANATH MOOKERJEE** : Not at present, Sir, because at present a maximum rate has been fixed and in all cases it has been found that the maximum rate is being charged. Government is taking necessary steps so that fares will be reduced and it will depend both on the distance as well as on the condition of the road.

Srijut RAJENDRA NATH BARUA : Sir, may we get an idea of the rates and fares ?

****The Hon'ble Mr. BAIDYANATH MOOKERJEE** : Sir, it has already been published in the last issue of the Gazette, dated the 17th July 1946. The Gazette has been published on last Wednesday and most probably many of the hon. Members have not seen it. I will not take advantage of that and can say that the rates and fares will be 2½ pies on good roads and on inferior roads 3 pies per mile.

****Srijut SARAT CHANDRA SINHA** : May we know, Sir, when this will be given effect to ?

**Speech not corrected

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Most probably from the 1st of August next, because, according to rule which has been framed on the basis of the Motor Vehicles Act, we must publish our intention and invite public opinion as well as the opinion of those who are affected, that is those companies and individuals who are owning the buses.

****Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS:** May we know, Sir, whether there will be a flat rate for all classes ?

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** No, Sir; everything will be found in the Gazette. I cannot produce the entire Gazette but I can give the idea. The fares for the upper and lower classes will be different and these have been mentioned in the notification.

Srijut RAJENDRA NATH BARUA: Sir, may we know if the rates would be exhibited on the body of the buses so that the public might know them ?

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Sir, this is the rule even now.

****Mr. W. D. RUTHERFURD:** Sir, can the Hon'ble Minister guarantee the travellers wishing to go a small stage instead of from one terminus to another having the chance of a seat, as at present such travellers are not allowed a seat ?

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** I cannot guarantee that, Sir, because we are dependent on the Central Government for petrol and so we cannot increase the number of buses and the issue of petrol to the extent necessary.

Srijut RAJENDRA NATH BARUA: Is it a fact, Sir, that the rates are not exhibited on the body of the buses at present ?

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** I am not aware of that, Sir.

Srijut RAJENDRA NATH BARUA: But we find, Sir, that almost all the buses go without the rates exhibited on the bodies.

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Sir, this is for the first time that the hon. Member has brought this to the notice of the Government and necessary steps will be taken, but after a month or so it will have to be changed again. However, when it is the desire of the hon. Members and when it has been brought to the notice of Government, necessary action will be taken.

****Srijut DANDESWAR HAZARIKA:** May I know, Sir, if there is any scheduled time for buses ?

The Hon'ble the SPEAKER: The question was "If Government's notice has been drawn to the lack of short stage-fares for travellers by Motor Bus on many of the routes in the Surma Valley ?" How can this question arise ?

****Srijut DANDESWAR HAZARIKA:** Sir, may I know if the Police Officers can detain the buses anywhere for more than an hour thus causing inconvenience to the passengers ?

The Hon'ble the SPEAKER: And the Excise Officers can detain for more than that. They say "we shall take out the tyres as there may be opium". I have personally seen such detention of stage carriages (bus).

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** No, Sir, a Police Officer cannot detain a bus like that.

****Srijut DANDESWAR HAZARIKA:** But Sir, from our personal experience we find that they do so. Once I was going to Jorhat and because there was in the court a Police Officer who was to travel by the same bus, it was detained for 2 hours.

****The Hon'ble Mr. BAIDYANATH MOOKERJEE:** It was the duty of the hon. Member to bring it to the notice of the authorities, in which case I think some action would have been taken. If it is brought to the notice of Government in future, certainly some action will be taken.

The Hon'ble the SPEAKER: On one occasion I was a passenger in a bus from Dibrugarh to Sibsagar. One Excise Officer was to travel by that bus. His chaprashti came ahead and stopped the bus for him. He was late in arriving. When we insisted that the bus should start, the Excise peons present there said that they would search the bus and would require to open the tyres because the bus owner might carry some opium inside the tyres (*laughter*).

Mahals of the Zamindari Estates of Goalpara District

Srijut SARAT CHANDRA SINHA asked :

*3. (a) Are Government aware—

(i) that Fishery, Timber and other Mahals of the Zamindari Estates of Goalpara District are being leased out to the non-tenants and foreigners ?

(ii) that Fishery Mahals in particular are leased out to the persons other than fishermen in consequence of which the *bona fide* fishermen of the district are being deprived of their only means of livelihood ?

(b) Will Government be pleased to state whether Government propose to take any step in the matter ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

3. (a) (i)—Government are prepared to accept the statement of the hon. Member.

(ii)—This is quite possible.

(b)—Government have no control over the way in which proprietors of permanently settled Estates choose to lease out their property.

****Srijut BELIRAM DAS:** Sir, has the Government received a representation from the fishermen of Goalpara for settling the fisheries of Mechpara Estate with the local fishermen ? This is under the control of Government.

****The Hon'ble Srijut BISHNU RAM MEDHI:** Sir, I do not exactly remember. I want notice of the question.

****Srijut BELIRAM DAS:** Do Government admit that it is under the control of Government and that they can control the settlement of fisheries in the Estate ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** Yes, Sir, Government have control over the Estate and they always consider that the *bona fide* fishermen should get preference in the matter of settlement of fisheries.

****Srijut BELIRAM DAS:** Sir, do Government propose to issue a circular to the estates of Goalpara under their control to that effect ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** This is the general instruction of Government, Sir. It is known to all Government officers. If however any specific instance is brought to notice, Government will surely take action.

****Srijut BELIRAM DAS:** Sir, this was done by Sir Muhammad Saadulla's Government when I moved in the matter. Will our Government do the same, Sir, to secure settlement of fisheries with actual fishermen ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** If any specific instances are brought to notice that local people have been purposely debarred, then of course some sort of enquiry will be held and necessary steps will be taken.

****Srijut BELIRAM DAS:** For the information of the Hon'ble Minister I should like to say that I submitted such an application about one month ago. Has any action been taken on that ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** If any petition was filed action must have been taken.

****Babu RABINDRA NATH ADITYA:** May I know what meaning is put on the word "foreigner" in question No. 3(a)(i) ?

****Srijut SARAT CHANDRA SINHA:** I meant one who is not an inhabitant of the Province—a person coming from United Provinces or Bihar. The Zamindars are selling out their mahals to people coming from outside this Province and by doing so great injustice is being done to the people of the Province, especially to the fishermen of the district.

****Maulavi ABDUL BARI CHAUDHURY:** May I know what is the definition of the word "fishermen" ? Whether a person having trade in fish can be called a fisherman ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** There are fishermen by profession and fishermen by trade. Fishermen by profession always get preference consistent with the money they offer.

Agricultural College for Assam

Srijut RAJENDRA NATH BARUA asked:

*4. (a) Is it a fact that an Agricultural College is going to be started in Assam ?

(b) If so where is it going to be located ?

(c) Is it a fact that three Agricultural Training Schools, one at Jorhat, one at Gauhati and the other at Sylhet are going to be started soon ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied:

4. (a)—Yes.

(b)—At Jorhat.

(c)—Yes.

****Srijut RAJENDRA NATH BARUA:** May we know the exact time when the schools are going to be started ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It depends on when the Public Works Department finishes the construction of buildings.

Maulavi Dewan ABDUL BASITH: What are the considerations for selecting Jorhat as a site for an Agricultural College ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That was decided in connection with post-war plans before I joined the Government. The considerations are most probably better facilities at Jorhat than in any other place in the Province.

****Maulavi MUNAWWAR ALI:** In Jorhat there will be an Agricultural School and also a College ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That is evident.

Maulavi MAYEEN-UD-DIN AHMED CHOWDRY: Do Government propose to take up all the schools at a time ?

The Hon'ble the SPEAKER: That question was put yesterday.

****Maulavi ABDUL BARI CHAUDHURY:** With regard to answer to question (c), is the Hon'ble Minister aware that no provision for the schools has been made in the Supplementary Budget ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** May I reply to this question Sir ? This appertains to the post-war development schemes, and if any amount is spent a supplementary demand will be brought forward.

****Maulavi ABDUL BARI CHAUDHURY:** May we know the approximate time when the schools will be started ?

****The Hon'ble Srijut BISHNU RAM MEDHI:** That will depend on when all the arrangements are complete and we are in a position to start them.

Maulavi MUNAWWAR ALI: Yesterday a definite assurance was given that these will be started from April next.

Medical Stores and equipments of United States Army

Maulavi ABDUL BARI CHAUDHURY asked :

*5. (a) Are Government aware that the United States Army Authorities in Assam destroyed or are about to destroy huge stocks of Medical stores and equipments ?

(b) Did Government try to acquire these stores for utilisation within the Province ?

The Hon'ble Srijut RAMNATH DAS replied :

5. (a)—Government had no such information.

(b)—Does not arise. This Government have taken delivery of certain medical equipments, through the Disposals Department of the Government of India.

****Maulavi ABDUL BARI CHAUDHURY:** With regard to (a), did Government enquire about the matter ?

The Hon'ble Srijut RAMNATH DAS: Government have not received any specific allegation about the destruction of medical equipments of the Army.

****Maulavi ABDUL BARI CHAUDHURY:** Will the Government please state whether after receiving notice of this question they started any enquiry?

The Hon'ble Srijut RAMNATH DAS: No purpose will be served by any enquiry as we have already taken delivery of certain medical equipments. In fact this Government on behalf of the Government of India have taken delivery of all the medical equipments of the United States Army.

****Khan Sabib Maulavi MUDABBIR HUSSAIN CHAUDHURY:** May I know whether this Government is going to purchase their requirements from those materials which they have taken delivery of on behalf of the Government of India?

The Hon'ble Srijut RAMNATH DAS: Yes, negotiations are going on with the Government of India.

UNSTARRED QUESTIONS

(To which answers were laid on the table.)

Vigilance and District Liaison Committees

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE asked:

15. Will Government be pleased to state:—

- (a) If it is a fact that in forming Vigilance and District Liaison Committees for the better distribution of textile goods in the districts with the assistance of major political parties, the Government has given instructions to the District Officers to treat Jamiat-ul-Ulema as a major political party?
- (b) If so, what are the reasons for treating Jamiat-ul-Ulema as a major political party?
- (c) Whether Government propose to treat also Tribal League, Ahom Sabha, Sut Sanmilani, Koch Association, etc., as major political parties?
- (d) If not, why not?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied:

15. (a)—Yes. The Deputy Commissioners and Subdivisional Officers are instructed to treat Jamiat-ul-Ulema as one of the *main* political parties and not as a *major* political party.

(b)—Does not arise.

(c)—No. As they do not represent any political party, but are organised on community basis.

(d)—Does not arise.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: With regard to (b), my question was "What are the reasons for treating Jamiat-ul-Ulema as a major political party?" The Hon'ble Minister has not given any answer to my question. I want to know the reasons why he treats Jamiat-ul-Ulema as a main political party?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, if you kindly go through the question as well as the answer, the reply will be quite evident.

The Hon'ble the SPEAKER: I have gone through the question. The question was whether Jamiat-ul-Ulema was a major political party. The Hon'ble Minister does not consider it as a major political party, but one of the main political parties.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Therefore, Sir, no reason has been assigned.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: What is the difference between "main" and "major"?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I would request the hon. Member to consult a dictionary.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: That is not the way to answer a question. The Hon'ble Minister should not treat a Member like that. He should give answer to a Questioner and not refer a Member to a dictionary. If he wants he may consult the dictionary and answer the question.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I have not come here to teach the meaning of words. If the Questioner does not understand the difference the only thing I can suggest is to consult a dictionary.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: Will the Hon'ble Minister give reasons for treating Jamiat-ul-Ulema as one of the main political parties?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: The reason is this: they have secured representation in the Assembly as a separate party; the number of votes polled by the party during the last election should also be taken into consideration. At the beginning when the Government sent the directive to the Deputy Commissioners and Subdivisional Officers it was stated that the main political parties should be consulted. In some cases the Jamiat was not consulted and I received representations from that party, and then I directed that the Jamiat organisation should be considered as one of the main political parties.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS:** Has the Hon'ble Minister got any information from any of the districts of the Assam Valley about the existence of any party, *i.e.*, an association of persons?

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

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS:** Has he got any information that there is any association of persons styled as Jamiat-ul-Ulema in any of the districts of the Assam Valley?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir, even from the district of the hon. Questioner—I mean Nowgong.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS:** Has the Hon'ble Minister got any such information from the districts of Kamrup, Goalpara, Darrang, Sibsagar and Lakhimpur.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Was the question on a district basis, Sir? I hope the Hon'ble Speaker will restrain hon. Members from taking away the time of the House in this way by putting new and irrelevant questions. I am always ready to reply the relevant supplementary questions, Sir, but not to such irrelevant ones.

(voices:—It is inside the question).

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Certainly not, Sir.

***Khan Sahib Maulavi NURUL HOSSAIN KHAN:** May I enquire why the Hindu Mahasabha is not treated as one of the main political parties, and have the Deputy Commissioners and Subdivisional Officers been instructed to treat them as such?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, as I have already said, at the beginning no name of any party was mentioned. If, the pinch is somewhere else it should be clearly stated. We only said that the main political parties should be consulted. When Jamiat was not consulted I received representations and then we instructed the District officers to consult the Jamiat-ul-ulema.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: There is an instruction given to the Deputy Commissioners that Jamiat-ul-Ulema should be treated as one of the main political parties, but why no such instruction has been given to the Deputy Commissioners to treat the Scheduled Caste Federation and the Hindu Mahasabha as two of the main political parties.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS:** Has the Hon'ble Minister received any information or report from any of the Districts concerned that there was one of the main political parties like Jamiat-ul-Ulema in any of those Districts?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I have received information from the organisation itself and from different places.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS:** But I can inform the Hon'ble Minister that such an organisation does not exist in Goalpara, Kamrup, Sibsagar and Darrang Districts.

Maulavi ABDUL KHALEQUE AHMED: Sir, will the Hon'ble Minister please state if there is any other main political parties in Assam other than Jamiat-ul-Ulema?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, the party to which the hon. Questioner himself belongs. (Laughter.)

***Khan Sahib Maulavi NURUL HOSSAIN KHAN:** If Jamiat-ul-Ulema is considered as one of the main political parties, why Scheduled Caste, and Hindu Mahasabha should not be treated similarly?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, I am obliged to repeat the reply which I have already given that no names were given by us of any political party specifically in the beginning

and no representation made by any other party to consider them as such. The parties mentioned by the hon. Questioner do not represent any political party, but are organised on community basis, as I have, already stated in the reply.

Khan Sahib Maulavi NURAL HOSSAIN KHAN: Will any political party be included in the Liaison Committees if they represent their case to Government, like Jamiat-ul-Ulema ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: That will be considered on the merits if and when received.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHOUDHURI: As regards question No. 15(c), Sir, the answer is "No. As they do not represent any political party, but are organised on community basis". May I know, Sir, from the Hon'ble Minister whether Jamiat-ul-Ulema is organised on community basis or can include in this organisation any non-Muslim as member ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: They have got a declared policy as a separate organisation whereas other communities mentioned here have not got such All-India organisation of the same type.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHOUDHURY: My question has not been answered, Sir. When some organisations have been organised on community basis and as such were not recognised by the Government may I know whether Jamiat-ul-Ulema has been organised on community basis ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: These communities, as mentioned in question(c), have got no political ideology, but the Jamiat-ul-Ulema party has got an All-India organisation and has a declared political view. Sir, I hope you are guessing where the shoe is pinching.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: Sir, can it be denied that this organisation has the Congress backing in the shape of money, etc. ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: It is a question of Pakistan or no Pakistan. There lies the difference in the two ideologies ; as regards backing my Friend is judging from his own party stand-point. We know about the source of their backing also.

Maulavi MAYEEN-UD-DIN AHMED CHOWDRY: Is the Hon'ble Minister aware that there is another organisation called Jamiat-ul-Ulema-i-Islam that exists in Assam and it has a separate ideology of its own ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: No, Sir, I am not aware of its existence. Does this organisation also get backing from the same source as my Friend's party ?

Maulavi MAYEEN-UD-DIN AHMED CHOWDRY: Will the Hon'ble Minister enquire if instructions are given to the District Officers to consult Jamiat-ul-Ulema-i-Islam also ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I do not feel any necessity, Sir.

Maulavi MUNAWWAR ALI: Sir, in view of the reply given in question (a), may I know what are the rest of the other main political parties ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I have already said about it.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: He cannot give a reply like this.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: He does not deserve any other kind of reply, Sir.

The Hon'ble the SPEAKER: Order, order. The hon. Members will appreciate that it is not the rule to address hon. Members personally because if they directly address one another the consequence will be running at each other and so that cannot be allowed. I do not see any necessity to generate a heat in this matter. We can discuss matters in a dignified and polished way. The hon. Members are requested to remember it.

Maulavi ABDUL BARI CHAUDHURY: May I know, Sir, from the Hon'ble Minister whether Jamiat-ul-Ulema has been recognised as one of the main political parties only because of the fact that this party is a part and parcel of the Congress and not because of their political importance?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: It is an insinuation, Sir. However it stands on a better footing as it is not dependent on foreigners' support.

Ring-wells

Maulavi Dewan ABDUL BASITH asked :

16. Will Government be pleased to state :—

- (a) Whether they are aware that all ring-wells dug out of the Rural Uplift Fund in the South Sylhet Subdivision were not successful?
- (b) Whether Government have received complaints to the effect that these ring-wells have become a source of public nuisance and dangerous to public safety?
- (c) Do Government propose to close down these ring-wells as early as possible?
- (d) Do Government propose to enquire who was responsible for this huge waste of public money?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

16. (a) & (b)—Government have neither received any information nor any complaint.

(c) & (d)—Do not arise.

Maulavi ABDUL BARI CHAUDHURY: May I know from the Hon'ble Minister whether he has got any personal knowledge about such un successful ring-wells? There are such ring-wells also in Hailakandi.

The Hon'ble the SPEAKER: Can personal knowledge be introduced? Will the Hon'ble Minister-in-charge of Legislative Department please enlighten on this point?

The Hon'ble Mr. BASANTA KUMAR DAS: Of course, if he chooses he can, but he cannot be compelled to introduce personal knowledge.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I have once been in the Subdivision and I have no personal knowledge whether ring-wells there have been working properly or not.

Khan Sahib Maulavi MUDDABIR HUSSAIN CHAUDHURY: Will the Government please make an enquiry ?

Maulavi ABDUL MATLIB MAZUMDAR: The enquiry will be made, and, if necessary, action will be taken.

Pay of Ministerial Officers

Maulavi MD. ABDULLAH asked :

17. Will Government be pleased to state :—

- (a) Whether the scales of pay of the Ministerial Officers in the different Heads of Department Offices (*i.e.*, Director of Public Health, Director of Public Instruction, Inspector General of Civil Hospitals and Conservator of Forests, etc.) are the same ?
- (b) Whether the scales of pay of office Head Assistants in the District Offices (such as Superintendent of Police, Divisional Forest Officer and Civil Surgeon) are the same ?
- (c) If it is a fact that the scale of pay of the office Head Assistant of the Civil Surgeon Offices, is Rs.65—5/2—95 per mensem (except Sylhet Office where there is a selection grade scale of Rs.100—5—120) whereas the scale for those Assistants in the office of the Superintendent of Police and Divisional Forest Officer is from Rs.100 to Rs.150 per mensem ?
- (d) If so, why this inequality in the scales of pay exists in the District Offices, while those in all Heads of Offices are same ?
- (e) Are Government aware that the Ministerial Officers in the Civil Surgeons' Offices are submitting representation to Government through proper channel, from time to time for the revision of their scales of pay especially that of Head Assistant to make it equal to the scale in existence in other District Offices ?
- (f) If so, what action Government have since taken or propose to take to remove this differential treatment towards same classes of Government servants ?

The Hon'ble Srijit BISHNURAM MEDHI replied :

17. (a)—The scale of pay of Ministerial Officers is the same in all offices of Heads of Departments except that of the Personal Assistants or Head Assistants which is as below :—

Personal Assistant to Conservator Rs.300—20—400 (old), Rs.250—10—300 (new).

Personal Assistant to Director of Public Instruction Rs.300—20—400 (old), Rs.250—20—350 (new).

Personal Assistant to Director of Public Health Rs.300—20—400 (old), Rs.250—10—300 (new).

Head Assistant of Inspector General of Police's Office Rs.250—20—350 (old), Rs.225—10—275 (new).

Head Assistant of Inspector General of Civil Hospitals' Office Rs.250—20—350 (old), Rs.225—10—275 (new).

(b)—No.

(c)—Yes. The correct scale of the Clerk, Sylhet is Rs.100—5—125 and those of the Divisional Forest Officer's and Superintendent of Police's Office are (1) Rs.100—5—130—10—150 (old), Rs.100—5—125 (new) and (2) Rs.100—8—140 (old), Rs.100—5—125 (new) respectively.

(d)—The scales of pay of the Ministerial Heads in different district offices are fixed in proportion to the degree of responsibility shouldered, the nature and extent of the work done, as also the size of the staff controlled by each of the ministerial head in those offices and if there is any difference in the pay scales from office to office it is due to the application of this principle. Moreover most of the Civil Surgeons' Offices have only four clerks in all.

(e)—Proposals were made in 1943 and 1945 for revision of the scales of pay of Head Clerks of Civil Surgeons' Offices but Government could not agree to the proposals firstly because the pay scale compares favourably with that of Bengal which is Rs.60—4—80 (old), Rs.60—8/2—68—4/2—80 (new) and secondly because Government were not prepared to consider any upward revision of pay scales during the war period.

(f)—A reference is invited to the answer to (e) above.

The desirability or otherwise of revising the existing pay scales of Government servants is engaging the attention of Government.

Transfer of Muslim Officers

Maulavi Dewan TAIMUR RAZA CHOUDHURY asked :

18. (a) Will Government be pleased to state why many of the Muslim officers have been recently transferred to the Assam Valley ?

(b) Is it a fact that the District authorities concerned were not consulted when those transfers were made ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

18. (a)—The transfers were made in the public interest, and it is entirely fortuitous that some officers transferred from the Surma to the Assam Valley were Muslims. According to the recognized practice in the Assam Civil Service, to which the hon. Member presumably refers all officers are expected to serve in both valleys, and therefore to take their turn in either.

(b)—Government correspond in this matter with the Commissioner, and were in correspondence with him in these instances.

Maulavi MUNAWWAR ALI : Am I correct as the reply indicates that many transfers have been made ?

The Hon'ble Srijut GOPINATH BARDOLOI : The reply is clear, Sir, that some transfers were effected.

College at Abhayapuri

Srijut SARAT CHANDRA SINHA asked :

19. (a) Are Government aware of the fact that compulsory donations have lately been raised from each tenant of Bijni Raj Estate by the Estate Authority for the establishment of a College at Abhayapuri ?

(b) If so, will Government be pleased to state (i) the amount so raised and (ii) whether anything has been done or there is any possibility of anything being done towards the establishment of the College ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

19. (a) & (b)—Government have no information. From its very name a donation can only be voluntary: if attempts are made to extort money wrongfully a remedy lies in the Criminal Court. The Bijni Estate is no longer under the control of Government.

Srijut SARAT CHANDRA SINHA : Will Government take it from me that the poor tenants cannot often go to law courts for such remedy ?

The Hon'ble Srijut BISHNU RAM MEDHI : The instances can be brought to the notice of the Government by the people's representative and then these will be forwarded for enquiry by the local officers. I presume my hon. Friend has got no personal knowledge, and I think no commplaint can be instituted unless there is some one to swear his personal knowledge about the occurrence.

The Hon'ble the SPEAKER : No question of swearing. The question is will Government inquire into the state of affairs and take steps ?

The Hon'ble Srijut BISHNURAM MEDHI : If there is specific mention of the places and if specific cases are brought to the notice of the Government then of course they will be sent for enquiry.

***Srijut SARAT CHANDRA SINHA** : Will Government take it from me that the places are Baharpur, Moligaon and Jogighopa ?

The Hon'ble Srijut BISHNURAM MEDHI : We have neither got any report published in the newspaper nor the fact has been brought to our notice by the hon. Member except by this question.

***Srijut SARAT CHANDRA SINHA** : If the fact is brought to the notice of the Government will they take any notice of it ?

The Hon'ble Srijut BISHNURAM MEDHI : The Bijni Raj Estate is not under the Courts of Wards and managed by the Zamindar himself. If the Zamindar extorts money then there should be some specific instances either from certain areas or specific cases must be brought to the notice of the Government so that enquiry may be started.

Zemindari Estates of Goalpara District

Srijut SARAT CHANDRA SINHA asked :

20. Will Government be pleased to state what are the total average annual income and expenditure of each of the Zemindari Estates of Goalpara District under the following heads of income and expenditure :—

(a) *Heads of income*—

- (1) Rent,
- (2) Local Rate,
- (3) Forest Royalty, including royalty on stones and sands,

- (4) Sairat—
 (i) Hat,
 (ii) Ghat,
 (iii) Gohat,
 (iv) Khutgari, Paiyali, Bhasani, etc.,
 (5) Fishery,
 (6) Premium,
 (7) Petition fee,
 (8) Surveyor's fee,
 (9) Searching of Copying fee (Talagi and Nakel),
 (10) Any other heads ?

(b) *Heads of Expenditure—*

- (1) Establishment,
 (2) Medical,
 (3) Education,
 (4) Works (Public Utility),
 (5) Charity,
 (6) Puja,
 (7) Municipal Tax,
 (8) Local Rate,
 (9) Government Revenue,
 (10) Superior Landlord's Fee,
 (11) Agriculture Income-tax,
 (12) Central Income-tax,
 (13) Audit Rate,
 (14) Allowance to the members of the family,
 (15) Raja or Zemindar's allowance,
 (16) Any other heads of expenditure ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

20. (a) & (b)—Government have no information either of the income or the expenditure of the proprietors of permanently-settled estates and have no authority either to demand such information or to make it public.

***Srijut SARAT CHANDRA SINHA** : Have the Government authority to enquire into the condition of the tenants of the Zamindari Estates of Goalpara ?

The Hon'ble Srijut BISHNURAM MEDHI : Of course when any instances of the deplorable condition of any of these people are brought to the notice of the Government they will certainly take action as they think necessary in the circumstances.

Ministerial Officers

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH-SHAMS asked :

21. Will Government be pleased to state :—

- (a) Whether it is a fact that the Ministerial Officers are called the backbone of the Administration ?
 (b) Whether they have lately received telegram from the various branches of the All-Assam Ministerial Officers' Association pressing their demands for increase in their pay and allowances as a living wage ?
 (c) If so, to state what action has been taken or proposed to be taken on these telegrams ?

* Speech not corrected.

- (d) Whether Government are aware that the distress of the Ministerial Officers of the Province has reached its climax and that most of them are passing their days almost half-starved ?
- (e) Whether Government are aware that the relief granted in the shape of dearness allowance and rice concession, etc. is quite inadequate in comparison with the steady high level of prices of everyday necessities of life prevailing for the last six years ?
- (f) If the reply to question (e) above be in the affirmative do Government propose to increase reasonably and substantially the scales of pay and dearness allowances of the Ministerial Officers commensurate with the present high cost of living in order to mitigate their sufferings ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

21. (a)—This is a matter of opinion.

(b) to (f)—Government have received representations from the various Ministerial Associations from time to time and the whole question is engaging their serious attention and consideration. It may take some time before any decision is arrived at.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS**: Is it a fact that an officer who draws a salary, say, of Rs. 50 to Rs. 100 has to live almost on starvation when he has got to maintain a family of 3 to 4 persons, or 5 to 6 persons?

The Hon'ble Srijut BISHNU RAM MEDHI: It is a question of opinion. Moreover, we the Congress Party actually feel for the poorer classes of the officers with the lowest grade of pay. For the information of the House I can say that on account of dearness allowance and other concessions granted to these officers getting salary below Rs. 250 per mensem, the Government had to spend about 22 lacs of rupees annually.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS**: Is it a fact that this does not mitigate the needs of half of them?

The Hon'ble Srijut BISHNURAM MEDHI: We are considering all these aspects of the matter to ameliorate the condition of the poorly-paid officers.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS: May I know from the Hon'ble Minister what time will be taken for the revision of the pay? Would it take more than three or four months hence?

The Hon'ble Srijut BISHNURAM MEDHI: It is very difficult to say, because we will have to collect figures first. The hon. Member may know that our Mondals get much less pay than the Ministerial Officers and the Primary school teachers also get less than the minimum wages. And as such while considering the case of the Ministerial officers we cannot ignore the claims of other officers who are getting less than those officers. Government will have to consider all the aspects of the matter.

Maulavi ABDUL HAI: How long will it take, Sir?

The Hon'ble Srijut BISHNURAM MEDHI: As I have already said, Sir, it is very difficult to give an idea of time.

***Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS**: There can be no comparison between the Mondals and the Ministerial officers, because the Mondals live in villages.

The Hon'ble Srijut BISHNURAM MEDHI: But they are getting Rs. 16 and it may not be known to the hon. Member that they are to remain for three months in towns in barracks and even then they are to live on 16 rupees a month.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY**: Does not the Hon'ble Minister consider that this is very inadequate for the Mondals?

The Hon'ble Srijut BISHNURAM MEDHI: We are only considering the case of the ministerial Officers who are getting the Minimum wages of Rs. 35 but we are also considering the position and circumstances of the other officers who are getting Rs. 16 per month.

***Maulavi ABDUL HAI**: Have Government come to any decision?

The Hon'ble Srijut BISHNURAM MEDHI: We are trying our utmost to arrive at a decision soon, and we are considering all the aspects of the matter

Shaistaganj-Habiganj Branch Railway line

Maulavi MD. ABDULLAH asked:

22. (a) Are Government aware that there is a crying demand for the restoration of the Shaistaganj-Habiganj Branch Railway line?

(b) If so, will Government be pleased to state what steps, if any, they have taken in the matter?

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

22. (a)—Yes.

(b)—On the recommendation of this Government, the Railway Board have included the Shaistaganj-Habiganj branch line of the Bengal-Assam Railway (A. B. Zone) in the proposed Post-War Reconstruction Scheme on Railways.

***Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: Sir, it has been replied that on the recommendation of this Government the Railway Board have included the Shaistaganj-Habiganj Branch line of the Bengal-Assam Railway (Assam-Bengal Zone) in the proposed Post-War Reconstruction Scheme on Railways. But may we know when the line will be taken up? I want to know an approximate time when will the Government be able to take it up, whether after 10 years or 15 years?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: We have asked the Railway Board to inform us when they will take up the line.

***Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI**: Have Government received any reply?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: No, not yet.

*Speech not corrected.

***Maulavi ABDUL HAI:** May we know the date on which the Government have written to the Railway Board ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I think 17th of this month.

***Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI:** May we know from the Government whether any other branch line has been recommended by this Government to the Railway Board ?

The Hon'ble the SPEAKER: How does that arise ?

*** Babu SURESH CHANDRA BISWAS:** Will Government take immediate steps for the restoration of this line ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already done that.

Sylhet-Chhatak Railway Line

Maulavi Dewan TAIMUR RAZA CHOUDHURY asked :

23. Will Government be pleased to state—
- (a) Whether it is a fact that a Railway line is going to be constructed between Sylhet and Chhatak ?
 - (b) If so, when the work will be started ?

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

23. (a)—Survey only for Sylhet-Chhatak Railway has been sanctioned by the Railway Board.
- (b)—Does not arise.

***Maulavi MAYEENUD-DIN AHMED CHOWDRY:** The answer to (a) is "Survey only for Sylhet-Chhatak Railway has been sanctioned by the Railway Board." And the answer to (b) is "does not arise". May we know whether Government is going to represent to the Railway Board that this line may be taken up immediately ? It is a very important line and 4 or 5 of our Members are held up due to bad communication.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The reply is that 'survey only for the Sylhet-Chhatak Railway has been sanctioned by the Railway Board'. I think they will make the survey first. Probably they have not made it as yet ; most probably they will do it during the next cold weather and then an estimate will be prepared. This, I suppose, will take some time, Sir.

***Maulavi MUNAWWAR ALI:** May I know, Sir, whether the Railway Board took up this project on the recommendation of the Government of Assam ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I cannot say unless I see the file as to whether this Government recommended this project to the Railway Board or not.

***Maulavi MUNAWWAR ALI:** Is the Hon'ble Minister-in-charge prepared to recommend very seriously for the opening of this line on account of the urgent necessity for the same ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Whenever we take up any matter we take it seriously and not haphazardly.

***Maulavi MUNAWWAR ALI:** I wanted a specific reply to my question whether Government would take up this case seriously ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already said, Sir, that we never take up anything haphazardly, we take up seriously.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: We could not know from the Hon'ble Minister whether this line has been definitely recommended or not. Will the Hon'ble Minister be pleased to give us a specific reply.

The Hon'ble the SPEAKER: The hon. Members should listen to the replies ; the Hon'ble Minister has stated that without looking to the file he is not in a position to say whether Government recommended this line or not.

***Maulavi MUNAWWAR ALI:** We simply want to know whether Government would strongly recommend to the Railway Board to start the work soon ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I have already replied to this question. I have said that this matter has been taken up by the Railway Board. They will have to make the survey first and then prepare the estimate, and after this they will start the work. This Government are trying their best to push their claims on the Railway Board to carry out this project very quickly.

Khan Sahib Maulavi MUDABBIR HUSSAIN CHAUDHURI: That is the reply we wanted, Sir, and we have received it now.

The Hon'ble the SPEAKER: Might I seek the co-operation of the Leaders of different Parties as well as of the hon. Members in respect of better utilisation of the time of the House ?

***Babu JATINDRA NATH BHADRA:** Is it a fact, Sir, that the Steamer Company has objected to the construction of this line ?

***Mr. W. R. FAULL:** It is not a fact, Sir.

Maulavi ABDUL BARI CHAUDHURY: Sir, with regard to 23(b) the question is: "If so, when the work will be started"— Reply to this question: "Does not arise."

My submission is that from the reply to question No. 23 (a) it is clear that this project has been sanctioned and sometime will be required for survey work and at some future date the line will be started. So, Sir, my submission is that 'it does arise'.

The Hon'ble the SPEAKER: The hon. Member is putting his own interpretation. Let us pass on to Question No. 24.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Will you permit me to put only one supplementary question, Sir ?

The Hon'ble the SPEAKER: Yes.

Maulavi MAYEENN-UD-DIN AHMED CHOWDRY: Will the Hon'ble

Minister be pleased to enquire as to whether the Railway Board has held up the construction of this line on receipt of a representation from the Steamer Company ?

The Hon'ble the SPEAKER : This question has been replied to in the negative by Mr. Faull.

***Maulavi DEWAN ABDUL BASITH :** Is it a fact, Sir, that the Cement Company has represented to the Railway Board for not opening the Chhatak-Sylhet Railway Line ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY : We are not aware of anything like this, Sir.

Roads under Post-War Reconstruction Scheme

Maulavi NASIR-UD-DIN AHMED asked :

24. Will Government be pleased to state—

- (a) The amount proposed to be spent in the construction and reconstruction of roads within the Province of Assam under the Post-War Reconstruction Scheme ?
- (b) The amount they have allotted for the Surma Valley and Hill Districts and the Assam Valley for this purpose (figures for each Valley to be shown separately) ?
- (c) Whether there is any truth in the rumour that the present Government have allotted 17 lakhs of rupees for the Assam Valley and only 2 lakhs of rupees for the Surma Valley for the purpose of constructing roads ?
- (d) If so, on what principle they have made such an allotment in the case of the Surma Valley ?
- (e) In matters of distribution of money for development and improvement of roads under the Post-War Reconstruction Scheme whether Government propose to see that every Subdivision may get its legitimate share ?
- (f) Whether Government propose to place some money in the hands of Subdivisional Heads for the improvement of Village roads and *Gopats* ?

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

24. (a)—Roughly 5 crores excluding cost of construction and improvement of National Highways which will be borne by the Government of India.

(b)—No definite allotment has been made as the major bridges have not yet been selected and detailed estimates for roads and major bridges are not yet ready. The rough cost of roads selected so far for improvement on a flat mileage basis for the whole Province, is given below :—

				Rs.
1.	Assam Valley	1,67,86,000
2.	Surma Valley	1,28,57,000
3.	Hill Districts	58,11,000

(c)—No.

(d)—Does not arise.

(e)—Government have in view a fair distribution to each Subdivision.

(f)—No.

Maulavi NASIR-UD-DIN AHMED : With regard to Question No.24(f) do Government propose to set apart some money for the improvement of village roads and *Gopats*?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Most certainly, Sir. This has already been done.

Mr. F. W. BLENNERHASSETT : Will the Hon'ble Minister be pleased to state during what period of time Government propose to spend this 5 crores in this Province.

The Hon'ble Mr. BAIDYANATH MOOKERJEE : 5 years.

Mr. F. W. BLENNERHASSETT : Thank you, Sir.

Shaistaganj-Habiganj Railway Line

Babu SURESH CHANDRA BISWAS asked :

25. (a) Are Government aware that the Shaistaganj-Habiganj Railway line has not yet been restored ?
 (b) In view of the hardship and inconvenience felt by the public of that locality do Government propose to take necessary steps for re-opening the said line at an early date ?
 (c) Do Government propose to make a recommendation to the Central Railway Board to take steps for the immediate restoration of the said line ?

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

25. (a)—Yes.
 (b)—Railways being a Federal subject the Government of Assam are not in a position to take any steps to restore any Railway line. But this Government did all in their power in the matter and on their recommendation, the Railway Board have included the Shaistaganj-Habiganj branch line of the Bengal Assam Railway in the proposed Post-War Reconstruction Scheme on Railways.
 (c)—Does not arise.

Cloth for tea gardens

Mr. W. D. RUTHERFURD asked :

26. Will Government be pleased to state—
 (a) If Government consider the present allocation of cloth to tea gardens adequate, taking into consideration the wear and tear on the clothes of the Labourers engaged in work out of doors in the monsoon and the risk of their clothes being torn on the bushes ?
 (b) If not, whether Government propose to take immediate action to release an extra allotment of cloth and so prevent further inconvenience and suffering to these Labourers owing to lack of cloth ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE replied :

26. (a)—The tea garden population are treated exactly on the same footing as any other inhabitants of the rural areas, and the present allocation is considered adequate in so far the per capita allocation of the Province as a whole is considered adequate by the Government of India.
 (b)—Does not arise.

Mr. W. D. RUTHERFURD: May I know, Sir, whether the Hon'ble Minister-in-charge is aware of very acute shortage of cloth in tea gardens ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Yes, Sir. This fact was brought to the notice of Government by Mr. Whittaker and Government have taken some steps. But still the condition is not very satisfactory because in some places, *viz.*, Tezpur, Dibrugarh, South Sylhet, Karimganj, Nowgong; distribution was not satisfactory. But Government is taking steps to improve the system of distribution.

Mr. W. D. RUTHERFURD: Is it not a fact that much of the hardship is caused by inefficiency in distribution and allowing large accumulation of cloth in steamer ghats and godowns ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: I am at one with the hon. Member, Sir, because we have not as yet been able to remove all the defects from our distribution system. Things are of course improving now and I hope with the co-operation of the members of the Liaison Committees, which we have formed, the matter will greatly improve.

The Hon'ble the SPEAKER: Is not distribution carried out through the Indian Tea Association ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE: In some cases the bales were allotted but the quota fixed for tea gardens were not given in time.

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE: Will Government be pleased to state whether they consider it *per capita* allotment ?

The Hon'ble the SPEAKER: Order, order, the Hon'ble the Leader of the House wants to make a statement. The Adjournment Motions will come after that.

Adjournment of the House on account of Flood Situation in the Province

The Hon'ble Srijut GOPINATH BARDOLOI: I am afraid, I have to refer again to-day to the calamitous subject, namely, the floods in the country. Some reports have come from places from where we did not receive any report before. The latest report from Sibsagar is rather alarming. Last night we received information that in an area of about 30 miles people from the neighbouring villages are taking shelter in the Railway line. The quarters of the Railway Company have gone under water and the Railway line is closed. Relief had to be taken from Gauhati to reach the Railway staff. A bridge is very badly threatened and it is not known whether it will be freed from the danger. This dangerous spot is between Sepon and Moran and the situation has developed within a short time. A large number of our Friends of the Assembly both from the Congress side as well as from the Muslim League Party have in the meantime discussed the question and thought whether their duties as Members of the Legislature here should not for the present be suspended in favour of work in the country for relief. In many places water has slightly come down and relief measures have been made possible on account of possibility of boat arrangement and of transshipment otherwise, from place to place which was not possible three or four days ago. I have seen a degree of restiveness among the Members of the Assembly and I think it necessary to bring to your notice, Sir, whether we should not be thinking of adjourning this House. I am quite aware that we have some rush of Government business in hand, and if the call of the suffering of the people be great, and if that be the opinion of the House I

would not resist the desire of the House for an adjournment, if considered necessary, I had a talk on this matter over the phone with the hon. the Leader of the Opposition. I think he had in the meanwhile or even before that consulted the Members of his Party, and now it will be for you, Sir, to consider whether you could take any measure by which we could adjourn for a short period in order that we might be engaged in relief work in the country. For the information of my hon. Friend Khan Bahadur Maulavi Abual Majid Ziaosh Shams from Dhubri, I may tell him, that a telegram was sent yesterday to the Deputy Commissioner but in reply to it he has said that he could not understand the meaning of the telegram, and that there has been no occasion for any relief in the area under his administration.

The Hon'ble the SPEAKER : Of course, we have almost an unprecedented calamity in our Province owing to floods and it is only natural that the hon. Members would like to go to their constituencies so that they can do all that is possible to ameliorate the distress of the people. In this matter I propose to be guided by the sense of the House. If it is the sense of the House that the House should adjourn, I shall with pleasure adjourn the House although I feel that it means some amount of additional expenditure which we would normally avoid. I am also not unmindful of the fact that the representatives of the people desire to be by the side of their own people at the time of this great distress. So I shall seek the sense of the House. If this House is to be adjourned, is it desired to be adjourned *sine die* or a date has to be fixed for subsequent meeting.

Mr. A WHITTAKER : Mr. Speaker, Sir, I am afraid, I am going to voice a minority opinion on this question. I have a great sympathy for the people who are affected by the flood, but I am certain, as far as the tea industry in Cachar is concerned, we are doing and will continue to do all that is possible. I would like to suggest for your consideration an alternative to adjournment. Those Members who wish to go back to their constituencies could do so and help the people. At the same time the work of the Assembly could go on with an accelerated programme. Speaking for myself I am prepared to waive all kinds of privileges which might delay the transaction of business. I would like to suggest, Sir, that what is more important perhaps than individual Members returning to their constituencies, is that certain Members of the Cabinet, who are able to give orders immediately, should visit the flood-stricken areas. I think Ministers in this particular respect with all the powers of Government behind them are more important than individual Members. What is true of my group must be true of a number of other Members namely that some of us cannot get back to our constituencies till the flood recedes. I would also like to suggest an alternative whereby the business of the House could go on with a skeleton House attending. There is a good Westminster precedent called Pairing. When there is urgent public business to be done a Member from the Government Party who cannot attend pairs with a Member of the Opposition who also wishes to be absent. If in this particular case a Congress Member wishes to return to his constituency in Sunamganj he can pair with a Member of the Muslim League leaving the state of the party strength in the House roughly the same and a quorum in the House capable of carrying on the business. Secondly, Sir, I would like to emphasise the considerable expense, as you yourself had remarked, in calling a second session. I should prefer that the money saved by not calling a second session be profitably spent on flood relief. I would like to suggest for the first time that we start a convention of pairing whereby the Members of the Government Benches and Members of the Opposition could absent themselves without public business being hindered, and without either party feeling that the other party is securing an unfair advantage by absenteeism arising from such a calamity as floods in the constituencies. I would therefore, with due respect, object

to the proposal put by the Hon'ble Premier and suggest that we carry on the work and finish by Wednesday; private Members should forego one of their two days allotted for Private Members' Business. In my opinion if we work with good will and with minimum amount of interruption we can finish the business by Tuesday evening or at the worst by Wednesday. Water may recede in the meantime and Members may get a chance of making a journey a great deal more quickly than they can by leaving to-day.

Regarding adjournment if it is proposed to adjourn till September, there is always a possibility of a flood taking place then. If there is to be an adjournment, Sir, I suggest that the adjournment should be well beyond the monsoon.

The Hon'ble the SPEAKER : Of course the first suggestion of the hon. Mr. Whittaker is very good. Without creating a precedent and without prejudice can we put through the business without Opposition and are the Private Members prepared to forego their rights? If the adjournment is deferred for 3 or 4 days, to my mind it becomes almost purposeless. Could we finish the business of the House to-day putting the Motions through? There are one or two important Bills which required speedy despatch. The others may stand over.

Maulavi ABDUL BARI CHAUDHURY : How is it possible, Sir?

The Hon'ble the SPEAKER : It is possible like this. I propose, if you agree gentlemen, that I will put that so and so Motion is before the House and then I will put the question "Ayes have it" and by this we will finish the business of the House. But it does not create a precedent and the important matters will stand over.

There is another suggestion. I will take the cue from Mr. Whittaker. The alternative suggestion is "pairing off". Of course, I myself will resist the temptation of going, but personally speaking I would like to go to my constituency.

The Hon'ble Srijut GOPINATH BARDOLOI : What I suggest, Sir, is that it is the Leader of the Opposition who should have the most say in the matter; because as only the Government Business is there, Opposition should have every right of criticising them within the limit of the rules. So it is for them to waive this right if at all.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, I think it is the Government who is most concerned whether there should be an adjournment of the session or not. In the first place, when there is large accumulation of Government business they are to submit their recommendations to His Excellency the Governor to summon a session and having done so it is for them to say whether it is more urgent to go to the field for doing humanitarian work or either to prorogue or postpone the present session. If they prorogue, another session will have to be called and they are to undergo the same procedure. The next question is whether it should be adjourned *sine die*. I think it is common knowledge that the calling of a session entails Government an expenditure of about Rs.8,000 in travelling allowance alone. Whether we should try to minimise this Rs.8,000 and as Mr. Whittaker has nobly suggested we should spend the money in relief—it is for Government to say. Are we to save this Rs.8,000 or convene another session? Or whether the provincial exchequer is able to bear any amount that would be necessary to bear this as also the amount that would be necessary by way of gratuitous relief or by way of Takavi advance or agricultural loan?

This morning my Hon'ble Friend the Prime Minister had the courtesy

to consult me and enquired whether in view of the unprecedented flood the session should not be adjourned as his Party Members were wanting to go down to their constituencies. I had telephonic conversation with some of my Party Friends. They all urged that we should adjourn now so that they may go to their respective places to look not only to relieve public in general but also to see to their own interests. Some of them said that they had suffered much. In reply, I at once informed my Friend, the Prime Minister, that so far as the Muslim League Party is concerned they will submit to an adjournment but the adjournment should be to September for simple reason that we cannot reassemble in August on account of our fasting month *Ramazan* which will start from the 29th of this month and will continue for 30 days. We have a very important festival *Idulfitr* immediately after that. So we cannot start earlier than the 5th of September. I think if we push it down to October that may militate with the *Puja* vacation or if the Constituent Assembly is accepted by the two major political parties or the main political parties to adopt the vocabulary of my Friend who referred us to dictionary this morning not being able to explain it himself, there will be clash. Then probably nine Members from this House including three Hon'ble Ministers shall have to attend the Constituent Assembly. So October will be too late.

The Hon'ble the SPEAKER: Can't we finish the urgent business to-day and just finish with the session?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: One urgent business my Hon'ble Friend the Prime Minister told me, that is the Rent Control Bill, 1946 and I gave him the assurance that we would allow him to get it passed. We will put no objection on technical grounds. It is for the Government to decide. My party is willing to go back and look after themselves as well as their own constituents.

***Mr. A. WHITTAKER:** Is the Hon'ble Leader of the Opposition prepared to consider the accelerated programme of business and to finish the session?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: If it is possible, this is also preferred. I shall have to leave the Assembly, to attend the Muslim League Council Meeting at Bombay, on the 21st.

The Hon'ble the SPEAKER: When are you leaving?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am leaving the day after to-morrow.

The Hon'ble the SPEAKER: Then I think we can finish the business of the House by to-morrow.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have no objection, Sir.

The Hon'ble Srijut GOPINATH BARDOLOI: There are two matters which I think are very important. The first is the Rent Control Bill, 1946 about which we had some discussions yesterday. It must be passed to-day. The second thing is voting on the Supplementary Demands. Of course according to the Rules the hon. Members of the House, particularly those of the Opposition, are entitled to table Cut Motions and criticise Government in any way they like. If these two items could be taken up to-day and even for sometime to-morrow, if

necessary, we might leave the other things for the adjourned Session, which may be held some time in the beginning of September, when we shall be able to finish the remaining business in about a week, then.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, my Party Members cannot agree to vote the Supplementary Demands blind-fold. There is going to be an adjourned Session in September. Why should not the Supplementary Demands be placed before the House then? So far as the rest of the programme is concerned, my Party Members are prepared to have them gone through to-day subject to the two amendments raised yesterday both of which are non-controversial.

The Hon'ble the SPEAKER: Cannot the Supplementary Demands be put off till the adjourned Session?

The Hon'ble Srijut GOPINATH BARDOLOI: Though there was some urgency about them, yet we are prepared to postpone them till September. There are certain Bills which will come up for introduction and consideration to-day and one for reference to a Select Committee. With regard to the Rent Control Bill, 1946, this may be disposed of to-day and then the House may be adjourned till some time in September as you may fix. But I think it would be better to adjourn the House *sine die* and the date of the adjourned Session might be fixed up later on.

Mr. A. WHITTAKER: Mr. Speaker, Sir, I suggest that it might be better to adjourn the House *sine die* rather than pin it down to a date now, without knowing the nature of business in September.

The Hon'ble the SPEAKER: Is that the opinion of the hon. Leader of the Opposition also?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Members of my Party feel that there should be a Session in September, but it should be after the Idd. (Consulting his calendar). If the hon. Members of my party are to celebrate the festival and come here, the Session should not be held earlier than the 9th of September which is a Monday.

The Hon'ble the SPEAKER: I find from this calendar that 9th is marked in red and we shall have to see if it is a holiday.

***Maulavi Dewan ABDUL BASITH:** No, Sir, it is not a holiday.

***Babu KAMINI KUMAR SEN:** In view of the fact that the Constituent Assembly might be convened in the first week of September, I think it would be better to adjourn the House *sine die* without fixing any date now.

The Hon'ble the SPEAKER: Of course, the Hon'ble Prime Minister would not in any event advise calling the Session at a time when it is inconvenient to the Muslim Members of the House. Keeping that in view can we have the House adjourned *sine die*?

Voices:—Yes.

The Hon'ble the SPEAKER: We shall now take up the Bills, but what about the Adjournment Motions?

*Speech not corrected.

***Khan Sahib Maulavi NURUL HOSSAIN KHAN:** I should urge Government to be keen on pushing through the Shaistaganj-Habiganj Railway line.

***The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I have already replied to that many times.

***Maulavi MUNAWWAR ALI:** Government should also be keen about the Sylhet-Chhatak line.

The Hon'ble the SPEAKER: Order, order. Do we take up item No. 13; viz., the Industrial Statistics (Further Provisions and Validating) Bill, 1946, which was left over since yesterday, first or take up the Urban Areas Rent Control Bill, 1946?

Voices:—Urban Areas Rent Control Bill first, Sir.

Maulavi ABDUL BARI CHAUDHURY: May I know whether the Upper House will sit and the Urban Areas Rent Control Bill be placed before them, if we pass the Bill to-day? The information I seek is whether the Session of the Upper House that has been called will be postponed or not?

***The Hon'ble Srijut BISHNURAM MEDHI:** We have not decided as yet. If it is possible to inform the hon. Members of that House, we may finish this business in the Upper House on the 24th.

The Assam Urban Areas Rent Control Bill, 1946

The Hon'ble the SPEAKER: Now we may take up the Assam Urban Areas Rent Control Bill, 1946, clause by clause. Is there any Amendment to any of the clauses?

The Hon'ble Srijut BISHNURAM MEDHI: There is an Amendment to sub-clause (3) of clause 1, and I am prepared to accept the Amendment. The Amendment is that in sub-clause (3) of clause 1, for the words "unless such period is extended by a resolution of the Assam Legislative Assembly"; the words "provided that the Government may from time to time by notification in the Official Gazette extend the operation of the Act for such further period or periods not exceeding a total of two years as it may deem fit" shall be substituted.

The Hon'ble the SPEAKER: I think, I should put the Amendment first.

Maulavi ABDUL BARI CHAUDHURY: Sir, another Amendment I want to put.

The Hon'ble the SPEAKER: Let this Amendment be taken up formally.

Srijut MAHENDRAMOHAN CHOUDHURY: Sir, I beg to move that in sub-clause (3) of clause 1, for the words, "unless such period is extended by a resolution of the Assam Legislative Assembly" the words, "provided that the Government may from time to time by notification in the Official Gazette extend the operation of the Act for such further period or periods not exceeding a total of two years as it may deem fit" shall be substituted.

The Hon'ble the SPEAKER : Amendment moved :

“That in sub-clause (3) of clause 1, for the words, ‘unless such period is extended by a resolution of the Assam Legislative Assembly’ the words ‘provided that the Government may from time to time by notification in the Official Gazette extend the operation of the Act for such further period or periods not exceeding a total of two years as it may deem fit’ shall be substituted”.

Maulavi ABDUL BARI CHAUDHURY : Sir, in place of the Amendment that has just now been suggested I beg to move that in sub-clause (3) of clause 1, for the words “by a resolution of the Assam Legislative Assembly” the words “with the approval of the Assam Provincial Legislature” shall be substituted.

The Hon'ble the SPEAKER : That will complicate the matter, as it will have to go to the Upper House then.

Maulavi ABDUL BARI CHAUDHURY : I want to add “with the approval of the Assam Provincial Legislature”.

The Hon'ble the SPEAKER : That will cause delay and it was pointed out yesterday during the discussion. So, the matter should be left to Government.

Maulavi ABDUL BARI CHAUDHURY : I shall have no objection to the Amendment moved by Srijut Mahendramohan Choudhury if the words “one year at a time and to” be added after the words “not exceeding.”

***Mr. A. WHITTAKER :** Mr. Speaker, Sir, I should think that the Amendment suggested by Maulavi Abdul Bari Chaudhury is quite reasonable and so it should be accepted.

The Hon'ble the SPEAKER : The wordings “not exceeding one year at a time and to a total of two years” in place of “not exceeding a total of two years” are suggested by the hon. Member.

The Hon'ble Srijut BISHNURAM MEDHI : Very well, we have no objection to accept that.

Mr. HARENDRA NATH SARMA : Mr. Speaker, Sir, do we understand that the Act will be operative for one year in the first instance and thereafter it will be renewable at the sole discretion of this Chamber only? Is it not curious that in provinces where there is the bicameral system of legislation one Chamber can authorise the other to enact legislation in the manner as proposed? I have never come across any legislation passed by only one Chamber of the legislative bodies where there is the bicameral system of legislation. If the proposition that one Chamber can authorise the other to enact laws is correct then we come to the position that one of the two Chambers may not at all sit for years together, but authorise the other Chamber to enact laws in its behalf, and thereby we could have saved a lot of money out of the annual budget grant by not calling this Assembly altogether but entrusting everything to be done by the Upper Chamber or *vice versa*. If we push the present proposition to the extreme point we naturally have got to come to such a conclusion.

In view of what I have said I think we should not provide for in the Bill a thing which is irregular on the face of it. The position is that the Act will be in force for one year up to the midnight of a certain date and thereafter it will have force at the sole discretion of this Chamber only which is a thing I consider to be irregular.

The Hon'ble the SPEAKER : One point is missed by the hon. Member. When this Bill will be accepted by the Upper House with this clause, they accept the whole proposition.

Mr. HARENDRA NATH SARMA : That is exactly the point I am hinting at. If this argument is pushed to its extreme then we come to the position that this Chamber may not require to sit for, say, three years by passing a Bill authorising the Upper Chamber to the effect that this Chamber will not sit for three years and entrust the Upper Chamber to make legislation both on behalf of itself and on behalf of this Chamber also. Similarly, the Upper Chamber can entrust everything to be done by this Chamber alone. Now, the point is whether such a procedure is contemplated by the Government of India Act. I am sure it is not so contemplated.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, the hon. Member Mr. Sarma, I am afraid, is making a wrong interpretation. There is no question of illegality in this case.

Every Chamber can authorise the Government to extend any Act, and if the Upper House accepts this Amendment the Government will have the necessary authority to extend the operation of this Act. I think, it is not unknown to the hon. Members that in every Act there is a provision whereby the Government is authorised to frame rules and by this rule-making power, the Government frames rules which has as good force of law as a section of the original Act. Besides that there is precedent of such a provision even in our legislature, not to speak of legislatures of other Provinces. I cited the example of the Temporary Postponement of Execution of Decrees Act, 1941 yesterday, in which there is a similar provision. Therefore, Sir, such a provision is quite legal and in order.

The Hon'ble Srijut BISHNURAM MEDHI : I have already accepted the Amendments.

The Hon'ble the SPEAKER : Then I hope I can put the sub-clause (3) of clause 1 as amended finally now as a question.

The question is :

“That in sub-clause (3) of clause 1, for the words, ‘Unless such period is extended by a resolution of the Assam Legislative Assembly’ the words ‘provided that the Government may from time to time by notification in the Official Gazette extend the operation of the Act for such further period or periods not exceeding one year at a time and to a total of two years as it may deem fit, shall be substituted”.

The question was adopted.

The Hon'ble the SPEAKER : The question is :

“That clause 1 of the Bill as amended stands part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER : As there are no Amendments to clauses 2—5, I may then put them straight before the House.

The question is :

“That clauses 2 to 5 both inclusive stand part of the Bill”.

The question was adopted.

Maulavi ABDUL BARI CHAUDHURY : I beg to move that in the second line of sub-clause (1) of clause 6, the words, “by any court” shall be deleted.

The Hon'ble the SPEAKER : Amendment moved :
"That in the second line of sub-clause (1) of clause 6, the words 'by any court' shall be deleted".

Srijut GAURI KANTA TALUKDAR : May I ask one question ? Supposing a decree was obtained against a tenant committing breaches contemplated by items (i) and (b) of the proviso to clause 6 before the passing of this Act comes into force, will it be fair to restoring execution of such a decree ?

The Hon'ble Srijut BISHNURAM MEDHI : There is a proviso to govern them. If ejection decree is for one of these grounds then it will be executed, otherwise not. We have no objection in deleting the portion 'by any court'.

The Hon'ble the SPEAKER : The question is :
"That in the second line of sub-clause (1) of clause 6, the words 'by any court' shall be deleted".

The question was adopted.

Mr. PROBHUDAYAL HIMATSINGKA : I propose to suggest a small Amendment, Sir. I think it is appropriate to cover all proceedings also in the provisions made in the proviso to sub-clause (1) of clause 6. So, I beg to move that after the words "a suit" in the first line of the proviso to clause 6 (1), the words "or proceedings" shall be added.

The Hon'ble the SPEAKER : Amendment moved :
"That after the words 'a suit' in the first line of the proviso to clause 6 (1), the words 'or proceedings' shall be added."

The Hon'ble Srijut BISHNURAM MEDHI : I accept the Amendment, Sir.

The Hon'ble the SPEAKER : I am now then putting it as a question.
The question is :
"That after the words 'a suit' in the first line of the proviso to clause 6 (1), the words 'or proceedings' shall be added".

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 : As there are no Amendments to clauses 7 to 10, I am putting them together as a question.

The question is :
"That clauses 7 to 10 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 Urban Areas Rent Control Bill, 1946, as amended, be passed.

(After a pause)

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

“That the Assam Urban Areas Rent Control Bill, 1946, as amended, be passed”.

The question was adopted.

The Hon'ble the SPEAKER: Now we come to the next item, and I think we left in the midst of item No. 13, and Mr. Abdul Bari wanted to speak something.

Further discussion on the Industrial Statistics (Further Provisions and Validating) Bill, 1946.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, at the very outset I must say that the Title of the Bill is a bit misleading. The Statement of Objects and Reasons does not state clearly for what specific purpose the Bill has been intended to be introduced in this House. Evidently, Sir, the Government of Assam made certain omissions or mistakes in working out the parent Act, *i.e.*, the Indian Industrial Statistics Act of 1942, and by the present Bill they want to cover those mistakes. I do not know, Sir, how far it will be lawful or appropriate to circumvent the Central Act to cover the mistakes, though the Hon'ble Minister admitted that those mistakes were accidental, by an Act of this House. Sir, the mistakes to which I refer are evident from the body of the Bill. Under section 3 of the parent Act it was stated, and that was a statutory provision, that notifications in official gazette should be published before notices were served on the owners of the factories or on persons who employed any kind of labour. But Government admits that these notifications were not published, and for this reason the Government of India has ruled that all such actions taken by the Provincial Government were illegal. And with this object of getting over these difficulties the Provincial Government has brought this Bill.

Sir, from the Bill itself it is also apparent that the Provincial Government appointed a Statistical Officer under Section 4. I do not know why with a competent authority so many mistakes could be committed. The mistakes are not only with regard to the publication of the notifications, but it is also clear that the Provincial Government made some more mistakes with regard to the framing of rules. Sir, without publishing those notifications, notices were served on the proprietors of the factories and other concerns engaging labour, and evidently, some persons were penalised. If these actions of the Provincial Government were *ultra-vires*, I do not know what will be the position of the penalties imposed.

Lastly, Sir, I will point out a very serious defect in this Bill. The present Bill, if passed into law, will become a permanent statute, which is sought to be introduced to cure a temporary mistake. If the Bill in its present form be passed, it will be an incentive, rather I should say, an encouragement to the provincial authority, to violate the provisions of the parent Act. So, before this Bill is passed all these defects should be got over.

***The Hon'ble Srijut RAMNATH DAS:** Sir, the omission was by an accident, and it has been admitted by us that in order to cure those defects this Bill has been brought by this Government.

***Mr. PRABHUDAYAL HIMATSINGKA** : In which year the mistakes were made, Sir?

***The Hon'ble Srijut RAMNATH DAS** : In the year 1945, Sir. Unless these defects are remedied there is no legal effect of the provisions of the Statistics Act of 1942. So, in order to give legal effect to the provisions of that Act, this Bill has to be brought in.

Maulavi ABDUL BARI CHAUDHURY : A pertinent question that was raised by me has not been answered by the Government, Sir.

***The Hon'ble Srijut RAMNATH DAS** : What is that pertinent question, Sir ?

Maulavi ABDUL BARI CHAUDHURY : The question is that, this Bill will be a permanent statute and if in the present form this is passed, it will be an incentive—rather an encouragement to the provincial authority to violate the parent Act for all time to come and seek shelter under the provisions of this Act. The idea behind this Bill is, Sir, that accidentally some mistakes have been committed and to cure those mistakes this Bill has been introduced ; but if this Bill stands as a permanent statute all good intention of the parent Act will be frustrated.

***The Hon'ble Srijut RAMNATH DAS** : That is a hypothetical question, Sir.

The Hon'ble the SPEAKER : Any other hon. Member taking part in this debate ?

***Babu RABINDRA NATH ADITYA** : Will the Hon'ble Minister-in-charge consider whether he can delete that portion in clause 3 ?

***The Hon'ble Srijut RAMNATH DAS** : In that case the purpose of the Bill will be lost, Sir.

The Hon'ble the SPEAKER : The question is :
“ That the Industrial Statistics (Further Provisions and Validating) Bill, 1946 be taken into consideration.”
The question was adopted.

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

***The Hon'ble Srijut BISHNURAM MEDHI** : Mr. Speaker, Sir, We can now take up the Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946, clause by clause.
Sir, this is a small matter of non-controversial nature. The Provincial Exchequer will be benefited if we can pass this Bill. I, therefore, hope that you will allow this to be taken up now.

The Hon'ble the SPEAKER : Order, order. The Hon'ble the Revenue Minister says that this is a small Bill of non-controversial nature and he also hopes that the Provincial Exchequer will get some money if this Bill be passed. I want the sense of the House as to whether we should take it up to pass it to-day.

The Hon'ble Srijut RAMNATH DAS: May I know, Sir, whether my Bill will be allowed to be passed to-day ?

The Hon'ble the SPEAKER: This has been taken into consideration to-day. It cannot be passed now.

Now, we pass on, with the consent of the House, to the Assam Sales of Motor Spirit and Lubricants Taxation (Second) (Amendment) Bill, 1946.

***Babu KAMINI KUMAR SEN:** That has not been introduced, Sir.

The Hon'ble the SPEAKER: That was introduced yesterday.

***Maulavi ABDUL BARI CHAUDHURY:** If the Bill is not considered to be very urgent, what is the necessity of rushing through it, Sir ?

The Hon'ble Srijut BISHNURAM MEDHI: Because we will get some money out of it.

***Maulavi ABDUL BARI CHAUDHURY:** With retrospective effect shall we be able to get the money ?

The Hon'ble Srijut BISHNU RAMMEDHI: No retrospective effect will be given to it.

***Maulavi ABDUL BARI CHAUDHURY:** It is a dangerous procedure, Sir, to rush through Bills like this.

The Hon'ble the SPEAKER: That is why I want the sense of the House. If the House decide to take up this Bill they can do so, if not, they can leave it.

The Hon'ble Srijut BISHNURAM MEDHI: I think, Sir, the hon. Leader of the Opposition will not oppose this small Bill. It will bring some money to the coffers of Government.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: If this Bill is a non-controversial one I will not object.

The Hon'ble the SPEAKER: It is apparently non-controversial. I hope, the hon. Members have gone through the Bill. I am then putting the clauses of the Bill as a question.

The question is :

“ That clauses 1, 2 and 3, of the Bill stand part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER: Now 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 (Second) (Amendment) Bill, 1946, be passed.

The Hon'ble the SPEAKER: Motion moved :

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

(After a pause)

Then I am putting the question.

The question is :

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

The question was adopted.

The Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946

The Hon'ble Srijut BISHNU RAM MEDHI: Mr. Speaker, Sir. There is another Bill in which both sides of the House are interested. This is Sylhet Non-Agricultural Urban Areas Tenancy Bill, 1946, to be referred to a Select Committee. If I get your permission, Sir, I can move this Bill.

The Hon'ble the SPEAKER: What does the hon. Leader of the Opposition say about this ?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not think it will be advisable to take up the Bill proposed by my Hon'ble Friend, the Revenue Minister. Because once the House accepts the Bill to be sent to a Select Committee, it accepts the principle of the Bill. Moreover, Sir, without discussing the principle and various clauses of the Bill, it is not proper to rush through it. I, therefore, suggest that the Bill be postponed till the adjourned session. In this connection, I may also mention to the fact that when my Hon'ble Friend the Leader of the House spoke to me over phone this morning, he mentioned only about the Rent Control Bill which he considered as important from Government point of view.

Babu NIRENDRA NATH DEV: May I make one suggestion to the hon. Leader of the Opposition, Sir? The Ministry under his Prime Ministership also accepted the principle of this Bill and submitted a Bill in the last session of that Assembly. But as the House was dissolved it could not be passed. So there is no difference of opinion as regards the principle underlying this Bill. Sir, this Bill is hanging fire for the last 9 years and so I appeal to the hon. Leader of the Opposition to agree to allow the Bill to go to a Select Committee.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I want to say something in this connection. Of course, it is true that I wanted one Bill to be passed, but there are also other Bills in respect of which I thought we had more or less agreed that they should be introduced, considered and sent to the Select Committee. I consider one or two more Bills to be really urgent. I think, Sir, the Sylhet Non-Agricultural Urban Areas Tenancy Bill is one of those. It will be better if this Bill be sent to a Select Committee to-day. The Select Committee will thus get more time to discuss the provisions of the Bill and during the next Session it will be possible for us to take it up clause by clause.

The Hon'ble the SPEAKER: But if the matter is hanging fire for the last 9 years, why not wait till next September ?

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the House has been entirely reconstituted and if the House accepted the principle of this Bill it was the previous House. So far as my Party is concerned, we are only ten old

Members and the rest are all new, and the new Members naturally want to have their say in the matter. So, Sir, I do not think it wise to adopt the policy of rushing through legislative measures of important and far-reaching character in a short time of 5 to 10 minutes. I would appeal to my friends *vis a vis* the Treasury Benches that whatever has already been passed should be deemed sufficient unto the day and the other Bills should be postponed.

The Hon'ble Srijut BISHNU RAM MEDHI: Sir, I want to make a submission. I appeal to the hon. Leader of the Opposition that this matter of regulating the relation between landlords and tenants which is pending since 1937 should be considered before the House is adjourned. As a matter of fact after a good deal of deliberation and discussion the last Ministry introduced the Bill, but before the Bill could be passed, the Legislature was dissolved.

Maulavi ABDUL BARI CHAUDHURY: It was in the circulation stage, Sir.

The Hon'ble Srijut BISHNU RAM MEDHI: The Bill lapsed, Sir, before it could be taken into consideration. This Bill is, practically on the same principle and some of the complicated provisions have only been left out to expedite the passing of the Bill in this short form. It is now for the hon. Leader of the Opposition and his Party to consider if it is desirable to go on with this Bill and allow it to be referred to Select Committee before the House adjourns.

Maulavi ABDUL BARI CHAUDHURY: Mr. Speaker, Sir, in reply to what the Hon'ble Revenue Minister has said, I may say that the principles of the old Bill and of the present Bill are not the same. The most salient principle in the old Bill was the provision regarding pending suits and the retrospective aspect of that Bill in the present one has been omitted.

The Hon'ble the SPEAKER: After hearing all that has been said for and against taking up this item, I feel it should not be taken up particularly when it is urged that the House is newly constituted and the new Members are not expected to know the principle of the Bill; So, I think, this Bill should better wait.

Now we are coming to a close of the session. There is an unprecedented flood almost in every district and the hon. Members of this House have expressed their desire to go and contact their constituencies and render what help they can. In view of the sense of the House, I adjourn the House *sine die*.

The Assembly was then adjourned *sine die*.

SHILLONG,

The 27th August, 1946.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.