

ASSAM LEGISLATIVE ASSEMBLY

Speaker

The Hon'ble Mr. Basanta Kumar Das, B.L.'

Deputy Speaker

Maulavi Muhammad Amiruddin, M.L.A.

Panel of Chairmen

1. Srijut Sarveswar Barua, M.L.A.
2. Maulavi Munawwar Ali, M.L.A.
3. Mr. F. W. Hockenhull, M.L.A.
4. Rev. L. Gatphoh, M.L.A.

Secretary

Mr. A. K. Barua, B.A.

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

The Assembly met in the Assembly Chamber, Shillong, at 2-30 p.m., on Thursday, the 8th April 1937, with the Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair.

Motion on the policy of the Ministry re the enhancement of fees in Government and aided High and Middle English Schools

Srijut PURNA CHANDRA SARMA: The motion reads as follows :—That this House disapproves the policy of the Ministry in enhancing the fees in the Government and Aided High and Middle English Schools of the province with effect from the 1st of April, 1937.

Have I got the requisite permission, Sir ?

The Hon'ble the SPEAKER: The hon. member has already placed his motion before the Secretary.

Salaries of Ministers

Babu KSHIRODE CHANDRA DEB: On a point of information, Sir. May I know from the Hon'ble Leader of the House what salary has been fixed for the Ministry ?

Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have no information up till now.

Condolence on the death of Haji Idris Ali Barlaskar

Maulavi MUZARROF ALI LASKAR: Sir, before we proceed with the business of the day, I should like to bring to the notice of the House the death news of late Haji Idris Ali Barlaskar who was a member of the old Council. Representing the district as I do from which late Haji Idris Ali Barlaskar came, I feel it my duty to bring it to the notice of the House for any action they may think necessary. It is a strange thing that the late Haji Idris Ali Barlaskar expired with the termination of the old Council i.e., on the 31st of March, 1937.

The Hon'ble the SPEAKER: Will the Hon'ble Leader of the House say anything on this ?

Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, we have heard with great regret the death news of one of my colleagues in the previous Legislature in the person of late Haji Idris Ali Barlaskar. He was a venerable old gentleman representing the district of Cachar and although he could not address the House in English still he spoke in the vernacular and tried his level best to enrich the Council Proceedings by his sound common sense. Indeed we are very sorry to hear of his death news and it is only fair that this House should record a vote of condolence and send it to the members of the bereaved family.

The Hon'ble the SPEAKER: I am also very sorry to hear of the death of Haji Idris Ali Barlaskar and I fully associate myself with what has been said by the Hon'ble the Leader of the House. A condolence message will duly be sent to the members of the bereaved family.

Motion re the enhancement of fees in Government and aided High and Middle English Schools

The Hon'ble the SPEAKER: Before this matter intervened we were on the question whether leave should be granted to move a motion disapproving a certain policy of the Ministry. The Hon'ble Leader of the House will please say what he has got to say on the matter.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, the motion that stands in the name of my hon. friend Srijut Purna Chandra Sarma reads as follows:—"That this House disapproves the policy of the Ministry in enhancing the fees in the Government and Aided High and Middle English Schools of the province with effect from the 1st April, 1937".

If it is meant to be a censure on the present Ministry I must inform the House that this policy was adopted by our predecessors and not by us and we had no time to scrutinize the measures. Therefore, we believe it is too premature to bring this motion at this session. I can inform the hon. member on the opposite that as soon as my Colleague the Hon'ble Minister of Education assumed office he called for the file, examining the reasons for raising the fee rate, and the whole matter is now under consideration. I hope with this assurance my hon. friend the mover will rest satisfied for the present and give the present Minister a chance of reviewing the whole situation.

Srijut SARVESWAR BARUA: Are we to understand that the fees are going to be realised from the 15th of April?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have already said that the matter is under consideration. My Colleague the Hon'ble Minister of Education took over charge of his office on the 1st of April, and now the Assembly is in session and therefore it is too premature for us to say anything.

Khan Bahadur Maulavi KERAMAT ALI: Am I to understand that the fees will not be realised till the final orders are passed?

Srijut PURNA CHANDRA SARMA: If the Hon'ble Leader of the House gives an assurance that the fees will not be realised at the enhanced rate on the 15th April and afterwards, then of course, I am prepared to withdraw my motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, it is too early to say what will be the position but all I can say is this that if the fees are realised at the enhanced rate for the current month and if it is subsequently decided to reduce it, then credit for the surplus payment will be given for the next month. That will meet the situation.

Srijut DEBESWAR SARMA: Sir, the whole matter is of urgent importance and we cannot wait any longer. The Hon'ble Minister of Education must have been able to make up his mind in the matter. He must have been able to inform us whether he would realise the enhanced fees or not. The country is suffering from grinding poverty.

The Hon'ble the SPEAKER: Order, order. The question before the House is whether this motion should be allowed or not. In view of what has been said by the Hon'ble the Leader of the House now it is for the hon. member, who has tabled this motion, to decide whether he will move this motion or not.

Srijut PURNA CHANDRA SARMA: My submission on this point, Sir, is that, as I have already told the House, if I can be assured that the enhanced fees will not be realised till it is finally decided and approved of by this House, I am prepared to withdraw my motion. It is only in these circumstances that I can withdraw my motion.

Mr. FAKHRUDDIN ALI AHMED: Sir, am I to understand, from the statement made by the Hon'ble the Leader of the House, that the matter is under consideration? If that be the case, how can the enhanced fees be realised? It is a matter pending final decision and I do not see any justification why the undertaking cannot be given by the Hon'ble Minister of Education. (*Hear, hear*).

Maulavi MUNAWWARALI: We can anticipate that assurance will be given.

Rai Bahadur PROMODE CHANDRA DATTA: Sir, we have not heard a word from the Hon'ble Education Minister. (*Laughter*).

The Hon'ble Shams-ul-Ulama Maulana ABU NASR MUHAMMAD WAHEED: I have not gone through the file carefully and, as it stands at present, I cannot give any assurance.

Babu KSHIRODE CHANDRA DEB: May we take it that he cannot give any assurance whatsoever?

The Hon'ble Shams-ul-Ulama Maulana ABU NASR MUHAMMAD WAHEED: I cannot give any assurance pending the reconsideration of the whole matter. It is a big file and I have called for the scales of fees prevalent in Bengal. So, after due consideration I shall have the matter placed before the House.

Khan Bahadur Maulavi KERAMAT ALI: The question is whether a stay order should not be issued pending the decision?

Mr. FAKHRUDDIN ALI AHMED: Sir, I still press my point. As the matter is under consideration, and it has not been finally decided one way or the other, how can the enhanced fees be realised. (*Hear, hear*). I want a definite answer on this point.

The Hon'ble Shams-ul-Ulama Maulana ABU NASR MUHAMMAD WAHEED: The matter was decided by the last Government and I do not know if the fees have already been realised. If the fees have not yet been realised, a stay order will be issued as soon as possible.

Srijut DEBESWAR SARMA: What was the Hon'ble Education Minister doing all this time.

The Hon'ble the SPEAKER: Order, order. I cannot allow any discussion on this point to go on any longer. The Ministry have made their submission on this point and it is for the hon. member to decide whether he will move his motion or not.

Mr. FAKHRUDDIN ALI AHMED: Do I understand that if the fees have not yet been realised, it will not be done?

Maulavi MUNAWWAR ALI: Is the Hon'ble Minister of Education aware that fees are realised at various dates during the first half of the month? In some schools it might have been already realised and in some it might not have been realised.

Srijut SARVESWAR BARUA: As far as we know, fees are realised on the 15th of every month. I think there is still time to stay the realisation of fees on the enhanced rate. Will the Hon'ble Minister of Education issue instructions to the headmasters of schools for staying the realisation of fees at the enhanced rate?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Sir, my Hon'ble Colleague has already made his position clear that he has called for the file and sent for the scales of fees prevalent in the neighbouring province and that he will do his best to meet the needs of the people and the country. He has also assured that, pending decision, he is going to have the realisation of fees at the higher rate stayed, stay order issued. Nothing can be more clear than that. The only thing against the stay order is, as my hon. friend Maulavi Munawwar Ali mentioned, that in certain schools fees at the prescribed rate might have already been realised.

[A voice : These will have to be refunded.]

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—I have already said that if any enhanced payment has been made and if subsequently the Hon'ble Minister in charge of Education comes to the conclusion that the old scale should continue or some modified scale should be adopted, then the extra payment, if any, will be credited towards the levy for the next month. There is no question of refund.

Srijut PURNA CHANDRA SARMA :—Does the Hon'ble Minister give this assurance ?

The Hon'ble the SPEAKER :—The assurance has been given.

Srijut PURNA CHANDRA SARMA :—Sir, on the assurance given by the Hon'ble the Leader of the House I beg leave of the House to withdraw my motion. But I expect that it will receive due consideration and the matter will be placed before the House for final decision.

The Hon'ble the SPEAKER :—I think the motion stands withdrawn, and it is not necessary for me to say whether the motion is in order or not. (The motion was with the leave of the House withdrawn.)

Formation of a Committee for making rules for regulating the procedure and the conduct of business of the Assam Legislative Assembly.

The Hon'ble the SPEAKER :—Now, we take up the motion that was before the House yesterday ; the motion that was made by the Hon'ble the Leader of the House for the formation of a Committee for making Rules under section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Sir, we were discussing about the personnel of the proposed Committee. A suggestion was made by the Hon'ble the Leader of the Opposition that the name of Babu Kshirode Chandra Deb should be included. A similar suggestion was made to me to include the name of Maulavi Mudabbir Hussain Chaudhury from the United Moslem Party, and I remember that Srijut Laksheswar Borooah raised the question about adding the name of Khan Sahib Maulavi Sayidur Rahman, the Leader of the Coalition Party. I accept the suggestions and include these 3 names among the personnel already submitted. My hon. friend Rai Bahadur Promode Chandra Datta has intimated that he stands aside in favour of his party member, Babu Kamini Kumar Sen. If the House allows, we will include him in place of the Rai Bahadur.

Therefore, Sir, the personnel stand thus :—

1. Mr. F. W. Hockenhull.
2. Babu Kamini Kumar Sen.
3. Srijut Gopinath Bardoloi.
4. Maulavi Munawwar Ali.
5. Khan Bahadur Maulavi Keramat Ali.

6. Maulavi Abdul Matin Chaudhury.
7. Babu Akshay Kumar Das.
8. Miss Mavis Dunn.
9. Mr. Kedarmal Brahmin.
10. Srijut Santosh Kumar Barua.
11. Maulavi Mudabbir Hussain Chaudhury.
12. Babu Kshirode Chandra Deb.
13. Khan Sahib Maulavi Sayidur Rahman.
14. The Hon'ble Minister in charge of the Legislative Department.

If the House accepts the personnel, which consist of 14 members, I would suggest, Sir, that the quorum be fixed at 6 members, *i.e.*, 1 more than one-third.

The Hon'ble the SPEAKER :—I think it would be proper to make that also a part of the motion that so many members will form the quorum.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—All right, Sir, I will add that in my original motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Then, Sir, my amended motion will stand thus—"That a committee be formed of the undermentioned members for making rules under Section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly, and that the quorum be fixed at six."

Mr. F. W. Hockenhull,
 Babu Kamini Kumar Sen,
 Srijut Gopinath Bardoloi,
 Maulavi Munawwar Ali,
 Khan Bahadur Maulavi Keramat Ali,
 Maulavi Abdul Matin Chaudhury,
 Babu Akshay Kumar Das,
 Miss Mavis Dunn,
 Mr. Kedarmal Brahmin,
 Srijut Santosh Kumar Barua,
 Maulavi Mudabbir Hussain Chaudhury,
 Babu Kshirode Chandra Deb,
 Khan Sahib Maulavi Saiyidur Rahman, and

The Hon'ble Minister in charge of the Legislative Department.

The motion was put and adopted.

Election of a member to the Eastern-Bengal Railway Advisory Committee

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Sir, I beg to move that this Assembly do proceed to elect one member to the Eastern Bengal Railway Local Advisory Committee in accordance with the instructions contained in the voting paper.

The motion was put and adopted.

(Voting then took place.)

Election of 2 members to the Assam-Bengal Railway Advisory Committee

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Sir, I beg to move that this Assembly do proceed to elect in accordance with the instructions contained in the voting paper two members to the Assam-Bengal Railway Local Advisory Committee.

The motion was put and adopted.

(Voting then took place.)

6. Maulavi Abdul Matin Chaudhury.
7. Babu Akshay Kumar Das.
8. Miss Mavis Dunn.
9. Mr. Kedarmal Brahmin.
10. Srijut Santosh Kumar Barua.
11. Maulavi Mudabbir Hussain Chaudhury.
12. Babu Kshirode Chandra Deb.
13. Khan Sahib Maulavi Sayidur Rahman.

14. The Hon'ble Minister in charge of the Legislative Department.

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The Hon'ble the SPEAKER :—I think it would be proper to make that also a part of the motion that so many members will form the quorum.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—All right, Sir, I will add that in my original motion.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Then, Sir, my amended motion will stand thus—"That a committee be formed of the undermentioned members for making rules under Section 84(1) of the Government of India Act, 1935, for regulating the procedure and the conduct of business of the Assam Legislative Assembly, and that the quorum be fixed at six."

Mr. F. W. Hockenhull,
 Babu Kamini Kumar Sen,
 Srijut Gopinath Bardoloi,
 Maulavi Munawwar Ali,
 Khan Bahadur Maulavi Keramat Ali,
 Maulavi Abdul Matin Chaudhury,
 Babu Akshay Kumar Das,
 Miss Mavis Dunn,
 Mr. Kedarmal Brahmin,
 Srijut Santosh Kumar Barua,
 Maulavi Mudabbir Hussain Chaudhury,
 Babu Kshirode Chandra Deb,
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The motion was put and adopted.

(Voting then took place.)

Congress by refusing reasonable and necessary assurances asked on behalf of the Congress. I desire to state in this connection that by avoiding this function we do not mean any personal disrespect to His Excellency but act according to the principles of the party.

Sir, the Congress party will not attend the function tomorrow.

Babu KSHIRODE CHANDRA DEB :—I like to draw the attention of the House to one thing. The Hon'ble Leader of the House did not stand up when the Message from His Excellency was read yesterday and show the way to new members.

The Hon'ble the SPEAKER :—That matter does not come up now ; it happened yesterday.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—Sir, I want to reply to one point raised by Mr. Gopinath Bardoloi. It is very easy to draw analogies from other.....

The Hon'ble the SPEAKER :—I think no reply is necessary. The hon. member has made a statement to make his position clear as regards his party's non-attendance tomorrow.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—The hon. member has criticised my statement of yesterday. I said that it has not been the procedure in this House to adopt the address of the Governor.....

The Hon'ble the SPEAKER :—I think it is a personal explanation then?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—My learned friend says that the King's address is adopted, as a resolution in Parliament and, as a result, each party gets opportunities to move amendments. But I think my hon'ble friend, who is well versed in constitutional law, because his special subject for the M.A. examination was History and Political Economy, knows that the King's address is really drafted by His Majesty's Ministers. That is why it reflects the policy of the Ministers and that is why it is adopted as resolutions of the House and that amendments by the other parties are allowed. But that analogy does not stand here, because the address which His Excellency delivers under certain provisions of the Act, is not drafted by the Hon'ble Ministers. Therefore it cannot be taken to be a resolution by the Government or by the Council of Ministers, and therefore no opportunity can be given to the House to move amendments.

Babu DAKSHINARANJAN GUPTA CHAUDHURY :—Will the Governor's address form no part of the Government's policy ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :—His Excellency's address will reflect his personal opinions.

Allotment of Members' Seats.

The Hon'ble the SPEAKER :—I had a talk in a conference this morning with the Leaders of parties for the purpose of reallocating seats according to party affiliations. I have consulted the Leaders who were present and I have allotted seats in consultation with them. Hon'ble members will please stay after the House is adjourned in order to know how the seats have been arranged and to help the Secretary in making the arrangement.

The House is now adjourned till 2-30 p.m. on Friday, the 9th April, 1937.

Shillong :

The 10th April, 1937.

A. K. BARUA,

Secretary, Assam Legislative Assembly.