



**Proceedings of the Seventh 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 11 a.m., on  
Monday, the 11th March, 1940.

*P r e s e n t*

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten  
Hon'ble Ministers and 89 members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(to which oral answers were given)

(The number 144 of Starred questions cancelled)

**Visit of the Hon'ble Srijut Rohini Kumar Chaudhuri to Makum-  
Junction**

**Mr. NABA KUMAR DUTTA** asked :

\*145. Will Government be pleased to state—

- (a) Whether the Hon'ble Srijut Rohini Kumar Chaudhuri visited Makum-Junction in the second week of February 1940 ?
- (b) If so, what was the date of this visit and what was its purpose ?
- (c) Where did the Hon'ble Minister stay at Makum-Junction and for how many days ?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied :

145. (a)—No.  
(b)—Does not arise.  
(c)—Does not arise.

**Maulavi GHYASUDDIN AHMED** : May I know from the hon. questioner wherefrom he got his information about the visit of the Hon'ble Minister ?

**Mr. NABA KUMAR DUTTA** : The town of Dibrugarh was full of rumours that the Hon'ble Minister visited Makum Junction.

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : Is the hon. member in order in putting questions on rumour ?

**The Hon'ble the SPEAKER** : He is not in order in putting questions based on rumour.

I admitted these questions no doubt. The answers might be given in a different way. I am yet to know what public purpose will be served by these questions.

## UNSTARRED QUESTIONS

(to which answers were laid on the table)

(The number 148 of Unstarred questions cancelled)

**Improvement of the working of the Co-operative Movement in Assam****Maulana ABDUL HAMID KHAN** asked :

149. Has the attention of the Hon'ble Minister-in-charge of Industries been drawn to the leading article in the *Assam Herald*, dated the 10th June 1939 in which the working of the Co-operative Movement in Assam, was discussed ?

150. Are Government aware of the fact that public confidence has been shaken in the Co-operative Movement owing to the languishing and deteriorating condition of the Movement in this province ?

151. (a) Do Government propose to appoint an Audit Staff as an adjunct to the Co-operative Department and to take other steps for the improvement of the working of the Co-operative movement in Assam ?

(b) If so, when ?

**The Hon'ble Miss MAVIS DUNN** replied :

149.—Yes.

150 and 151 (a) and (b)—The Movement has been hard hit by the continued depression and a scheme for re-organisation is under contemplation.

**Babu HARENDRA NARAYAN CHAUDHURI**: May I know since when the scheme of re-organisation is being considered by Government ?

**The Hon'ble Miss MAVIS DUNN**: I think it is for about a year.

**Number of non-Assamese teachers employed in the Aided Schools (both Middle English and High English) in the Assam Valley****Maulana ABDUL HAMID KHAN** asked :

152. Will Government be pleased to state—

(a) The number of non-Assamese teachers employed in the Aided Schools (both Middle English and High English Schools) in the Assam Valley ?

(b) Have Government issued any Circular to the effect that no Bengalee teacher should be employed in Jamadarhat Middle English School and Madrassa and Katarihara Senior Madrassa ?



The Hon'ble Srijut ROHINI KUMAR CHAUDHURI replied :

152. (a)—A statement is given below :—

STATEMENT SHOWING THE APPOINTMENT OF NON-ASSAMESE  
TEACHERS IN AIDED SCHOOLS—MIDDLE ENGLISH AND  
HIGH SCHOOLS

| Subdivision  | Name of Schools                           | Bengalis from Surma Valley | Bengalis domiciled | Bengalis from Bengal | Other non-Assamese | Total                                       |
|--------------|---|----------------------------|--------------------|----------------------|--------------------|---|
| 1            | 2   | 3                          | 4                  | 5                    | 6                  | 7   |
| Gauhati ..   | Silver Jubilee Anglo-Bengali High School. | 4                          | 13                 | 4                    | 1 (Bihar)          | 22  |
|              | Panbazar Girls' High School.              | ..                         | 5                  | 1                    | ..                 | 6   |
|              | R. B. High School, Polasbari.             | ..                         | ..                 | 1                    | ..                 | 1   |
| Jorhat ..    | Anglo-Bengali Middle English School.      | 2                          | 1                  | 3                    | ..                 | 6 Including 1 in Jorhat Girls' High School. |
| Golaghat ..  | Middle English Madrasa.                   | 1                          | ..                 | 1                    | ..                 | 2   |
| Nowgong ..   | Middle English Madrasas.                  | ..                         | ..                 | 14                   | ..                 | 14  |
|              | Middle English Schools                    | ..                         | ..                 | 2                    | ..                 | 2   |
|              | Nowgong Girls' High School.               | ..                         | 1                  | 1                    | ..                 | 2   |
| Barpeta ..   | Madrasas ..                               | ..                         | 4                  | ..                   | ..                 | 4   |
|              | Middle English Schools                    | ..                         | 3                  | ..                   | ..                 | 3   |
|              | Juroram Pathak High School.               | ..                         | ..                 | 1                    | ..                 | 1   |
| Mangaldai .. | Bahabari Madrasa ..                       | ..                         | ..                 | 2                    | ..                 | 2   |
| Goalpara ..  | Madrasa ..                                | } 3                        | 3                  | 6                    | 5 (settlers)       | 17  |
|              | Middle English Schools.                   |                            |                    |                      |                    |   |
|              | Katarihara Madrasa..                      |                            |                    |                      |                    |   |
| Dhubri ..    | Middle English Schools                    | ..                         | ..                 | 6*                   | ..                 | 6 *Not clearly shown.                       |
|              | Madrasas ..                               | ..                         | ..                 | 12*                  | ..                 | 12  |
|              | Lady Kerr Girls' High School.             | ..                         | 9                  | 4                    | ..                 | 13  |



STATEMENT SHOWING THE APPOINTMENT OF NON-ASSAMESE TEACHERS IN AIDED SCHOOLS—MIDDLE ENGLISH AND HIGH SCHOOLS—*concl'd.*

| Subdivision | Name of Schools                | Bengalis from Surma Valley | Bengalis domiciled | Bengalis from Bengal | Other non-Assamese         | Total  |
|-------------|--------------------------------|----------------------------|--------------------|----------------------|----------------------------|--|
| 1           | 2                              | 3                          | 4                  | 5                    | 6                          | 7  |
| Tezpur ..   | Tezpur Academy .. ..           | ..                         | ..                 | ..                   | 1 (Arrah district, Bihar). | 1  |
|             | Tezpur Bengali High School.    | 1                          | 1                  | 11(a)                | 1 (Manipuri.)              | 14 (a) Excluding 2 permanently settled in this Valley. |
|             | Tezpur Girls' High School.     | 2                          | 2                  | ..                   | ..                         | 4  |
| Sibsagar .. | Sibsagar Madrasa .. ..         | ..                         | ..                 | 1                    | ..                         | 1  |
|             | Sibsagar Bezbarua High School. | ..                         | 1                  | ..                   | ..                         | 1  |
| Dibrugarh.. | George Institution .. ..       | 2                          | ..                 | 2                    | ..                         | 4  |
|             | Tinsukia High School..         | 1                          | ..                 | 2                    | ..                         | 3  |
| Manipur ..  | Johnstone High School ..       | ..                         | ..                 | ..                   | 1 (South Indian Brahmin).  | 1  |
|             | <b>Total</b> ..                | 16                         | 43                 | 75                   | 9                          | 143  |

152. (b)—There is an order in the case of the Katarihara Madrasa that no teacher who is not a native of the province should be appointed but there is no such order in the case of the Jamadarhat Middle School. It is however the policy of Government that in Government Aided institutions men from outside the province should not be appointed unless there are special reasons to the contrary.

**Posting of the Agricultural Marketing Officer in Calcutta**

**Babu RABINDRA NATH ADITYA** asked:

153. (a) Are Government aware that the Agricultural Marketing Officer posted in Calcutta during the last pineapple season failed to arrange the disposal of the supply from the province or to secure a good price for the products?

(b) If so, did Government enquire into the cause of this failure?

**The Hon'ble Maulavi MUNAWWAR ALI** replied:

153. (a)—The suggestion conveyed in the question does not appear to be correct.

(b)—Does not arise.

**Number of market places (*Hats*) in the Sidli Estate in Goalpara district**

**Kumar AJIT NARAYAN DEV** asked :

154. Will Government be pleased to state—

- (a) The number of market places (*Hats*) in the Sidli Estate in the district of Goalpara ?
- (b) Who holds the auction for selling the right to collect tax of the stalls in these market places ?
- (c) Whether it is a fact that the Raja of Sidli is entitled to receive total income of two of the said *Hats* only ?
- (d) If so, will Government be pleased to state the reason why he is not entitled to the income from other said *Hats* ?

**The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN** replied :

154. (a)—There are four market places (*Hats*) in the Sidli Estate, viz., (1) Ramfalbil, (2) Garubhasha, (3) Bengtal and (4) Sidli (formerly Kashi-katra).

(b)—The Deputy Commissioner holds the auction in respect of Ramfalbil, Garubhasha and Bengtal *hats* and the Chairman, Local Board, Dhubri, in respect of the Sidli *hat*.

(c) and (d)—The Raja of Sidli gets the income of three *hats*, viz., Ramfalbil, Garubhasha and Bengtal less the expenses for management and collection. As regards the Sidli *hat*, the Local Board, Dhubri, retain the whole bid money of the *hatkhala*, as it is not situated on the *patta* lands of the Raja of Sidli and is under the control and administration of the above Board ; while the lands set apart for shop sites and their surroundings are settled with the actual occupants by the Revenue Department, the Raja getting 20 per cent. of the revenue assessed thereon as *malikana*.

**Re non-receipt of replies to certain questions**

**Mr. NABA KUMAR DUTTA**: Sir, I submitted some unstarred questions on the 25th January. I was informed by the Secretary on the 3rd February that they were admitted. But I have not yet got any reply. May I know, Sir when the reply can be expected.

**The Hon'ble the SPEAKER**: The questions have already been sent to Government. After the questions were admitted the Assembly sat for so many days and it would have been far better if Government could come forward with replies to these questions. I therefore request Government to come forward with answers to those questions at the earliest opportunity.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: Mr. Speaker, Sir, I have already spoken to the Secretary about the delay in sending replies. He says that most of these questions have been sent down to the District offices to get information on them. Thus the delay.



ADJOURNMENT MOTION *RE* BURNING DOWN OF HOUSES AND STORES OF MIRI RAIYATS OF DHUNAGURI IN THE BIHPURIA MAUZA OF THE NORTH LAKHIMPUR SUBDIVISION

**The Hon'ble the SPEAKER:** There is notice of an adjournment motion from Srijut Karka Dalay Miri.

**Srijut KARKA DALAY MIRI:** Sir, I beg leave to move that the House do adjourn to discuss a matter of urgent public importance, to wit, the burning down of the houses and stores of some Miri *raiya*s of Dhunaguri in the Bihpuria Mauza of the North Lakhimpur subdivision by the Circle Sub-Deputy Collector without any previous notice.

মই এই তাৰিখে ধুনাতাৰ মিৰি বাসভৱ পৰা এই সম্পৰ্কে এখন টেলিগ্ৰাম পাইছিলোঁ ; কিন্তু এই তাৰিখে সময় নোহোৱাৰ কাৰণে আজি এই প্ৰস্তাৱ দিবলৈ বাধ্য হৈছোঁ । কালি ৰাতিবাৰ আছিল, সেই কাৰণে আজিয়েই প্ৰথম স্মৃতি পাই দিছোঁ । তেওঁবিলাকে এই বুলি টেলিগ্ৰাম কৰিছে :—

“Sub-Deputy Collector, North Lakhimpur burnt down all our houses and stores without previous notice. Enquiry solicited. Jankir Dolai for Dhunaguri Ryots.”

মই জানো যে তাত প্ৰায় ২০।২৫ ঘৰ মিৰি মানুহ আছে । তেওঁবিলাকৰ থকা ঘৰ আৰু ভৰাল চৰ্ভুপুটী কলেক্টৰে জুই দগাই পুৰিছে আৰু মানুহবিলাকে একেবাৰেই খাবলৈ নোহোৱাত পৰিছে আৰু সিবিলাকৰ থকা মেলাতো বহুত খিনি অসুবিধা হৈছে । এটো বাসভৱ পক্ষে বৰ দৰ্কাৰী কথা আৰু বাসভৱ ওপৰত অতিৰিক্ত জুলুম হৈছে বুলি মই বিশ্বাস কৰোঁ । সেই কাৰণে মই অনুৰোধ কৰো যেন গৱৰ্ণমেণ্ট এই বিষয়ে তৎক্ষণাত তদন্ত কৰে ।

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, late in the evening on Saturday last when I returned home after at ending the Assembly, I received a copy of the same telegram which has been now read over by my hon. friend. Beyond that we have not got any information whatsoever on the subject in the telegram and also in the speech now delivered by my hon. friend, an immediate enquiry is wanted. I have sent that telegram to the Revenue Department for an immediate enquiry and all steps will be taken to see that justice is done to the case.

**The Hon'ble the SPEAKER:** The hon. member has heard the Hon'ble Premier.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Shall I speak in Assamese, Sir.

**The Hon'ble the SPEAKER:** Yes, the Hon'ble Premier may do so.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** আমাৰ মাননীয় বন্ধু শ্ৰীযুত কাৰ্কা দলৈ মিৰিয়ে যিখন টেলিগ্ৰাম এই Houseত পঢ়ি শুনাইছে সেই টেলিগ্ৰামৰ এটা copy যোৱা শনিবাৰে ৰাতি এচেন্সিৱৰ পৰা ঘৰলৈ গৈ মই পাইছিলোঁ । জানকিৰ দলৈ বুলি এখন মানুহে সেই টেলিগ্ৰাম খন কৰিছিল আৰু মই টেলিগ্ৰাম খন বোৰ্তানউ ডিপাৰ্টমেণ্টলৈ পঢ়িয়াই দিছোঁ যাতে তেওঁবিলাকে সেই বিষয়ে এটা



তদন্ত কৰে। তদন্ত কৰি যাতে সুবিচাৰ হয় তাৰ নিমিত্তে মই গৱৰ্ণমেণ্টৰ পৰা চেষ্টা কৰিম।

**Srijut KARKA DALAY MIRI:** মই আশা কৰোঁ অতি সোনকালে এই বিষয়ে মোক জ.নিবনৈ দিব আৰু তেখেতে প্ৰতিশ্ৰুতি দিয়াৰ কাৰণে মই এই motion withdraw কৰিলোঁ।

The motion was withdrawn.

### PRESENTATION OF THE SUPPLEMENTARY STATEMENT OF EXPENDITURE FOR THE YEAR 1939-40

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I beg, Sir, to present to the House the supplementary statement of expenditure for the year 1939-40.

I understand, Sir, that a copy of the demands which will be necessary to meet expenditure during the current year has been placed before each hon. member in the form of a list of Supplementary Demands for Grants for the year 1939-40. The necessity for these demands has also been explained under each separate grants. As hon. members will find, most of these demands are necessary and relate to non-controversial matters. The first item is self-explanatory. The second one is needed because the previous Government embarked on the policy of prohibition with a general vote of the House to spend up to a sum of Rs.2½ lakhs in two years but there could not be any provs on made in the Budget at that time, and therefore in order to meet the expenditure incurred by the then Government, this additional supply of Rs.5,000 has become necessary.

The other items have also been explained. Item No.3 is due to excess expenditure on account of a larger sale of non-judicial stamps than was anticipated, and so a large commission had to be paid to the stamp-vendors. There will, however, be corresponding increase in the credit side as revenue income. Therefore, this amount needs no further explanation.

The next item is about the money necessary to be spent on outside labour as the labour rendered by forest villagers has been reduced from 10 to 5 days in a year. Here also, the matter is beyond controversy for both the previous Government as well as my first Ministry gave a promise to the House that the period of free labour by forest villagers would be reduced.

The fifth item relates to the Registration Department. Here also the expenditure will be more than compensated by increased receipts under the Registration Department. It has been explained that the increase in expenditure is due partly to the fact that the number of documents registered has increased greatly resulting in the payment of increased commission and partly to the temporary entertainment of a clerk, a Muharrir and a peon in the new Joint Sub-Registry office at Chunarughat in the Habiganj subdivision.

The next item is also a non-controversial one, for this is only a means by which we could realise the proceeds from the Assam Amusements and Betting Tax Act, which was passed by the House last year. As explained, special stamps embossed with a rhinoceros head had to be indented from the Central Stores at Nasik.

One item I shall refer to is about the Public Health Department. Here I submit, Sir, credit for providing extra staff to combat *kala-azar* must go to the previous Ministry, who ordered the employment of an additional staff of 10 Sub-Assistant Surgeons and 9 peons. As I mentioned the other day



*kala-azar* is rampant in particular areas of the province in a very vehement form. So, it is needless for me to say that the entertainment of this extra staff is extremely necessary.

One small item is as regards the Co-operative Department, and it has been explained that excess is meant for meeting the leave salary of an Assistant Registrar of Co-operative Societies for which no provision was made in the Budget.

Another item to be mentioned is as regards Industrial Department. As I have already explained, this item is necessary for the development of Hand-loom Industry during the year 1939-40. This matter is also beyond controversy because this sum will come from the Government of India. The communication about funds forthcoming from Centre reached too late to enable Government to put any money in the current year's Budget.

The last item, Sir, that I shall refer to is about Loans and Advances by the Provincial Government, on which Government will get an interest at the rate of 7 per cent. As this money is provided from the Wages and Means Head, Government gain to the extent of 3 per cent. on the whole. This expenditure therefore will be remunerative to the Province.

As full explanations have been given in the list supplied, I need not touch the other items.

#### VOTED EXCESS GRANTS FOR 1937-38

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULIA :** I beg, Sir, to move that the voted excess grants recommended by the Public Accounts Committee on the Accounts for 1937-38 be sanctioned.

The list of items on which there has been excess expenditure has been shown on the document\* that has been placed on the table of each hon. member. Sir, it is a matter for congratulation that the excess is only a sum of Rs.2,870 in a budget of about 2 crores 80 lakhs. The excess, as has been shown under three items, is due, firstly, to an increase in the sale of non-judicial stamps which could not be anticipated; so this small sum of Rs.191 is required to meet the increased commission of the stamp-vendor.

The next item of Rs.110 is under Registration. This was due to an officer drawing his arrear leave salary of the previous year late in the year.

The third item of Rs.2,566 is under "Civil Works (Tools and Plant and Establishment Charges)". The excess is due to lesser recoveries from the departments of the Central Government owing to smaller outlay on works executed on their behalf. It is impossible to make an accurate budgeting on this head because much depends upon the work of the Central Government left unfinished, or the expectation of some new works of the same Government for which a contribution is recovered from the Central Government.

**The Hon'ble the SPEAKER :** Motion moved :

"That the voted excess grants recommended by the Public Accounts Committee on the Accounts for 1937-38 be sanctioned."

(After a pause)

The question is :

"That the voted excess grants recommended by the Public Accounts Committee on the Accounts for 1937-38 be sanctioned."

The motion was adopted.

\* See Appendix F.



## DEMANDS FOR GRANTS

## GRANT No.6

## (11.—Registration)

**The Hon'ble Miss MAVIS DUNN :** Mr. Speaker, Sir, on the recommendation of His Excellency the Governor of Assam, I beg to move that a sum not exceeding Rs.1,49,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head "11.—Registration".

**The Hon'ble the SPEAKER:** Motion moved:

"That a sum not exceeding Rs.1,49,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head "11.—Registration".

**Maulavi ABDUR RAHMAN:** I beg to move, Sir, that the provision of Rs.1,49,420 under Grant No.6, Major head—11.—Registration, Minor head—A—District charges (total), at page 54 of the Budget, be reduced by Rs.101, *i. e.*, the amount of whole grant of Rs 1,49,700 do stand reduced by Rs.101.

My point here is to bring to the notice of the Government that officers, particularly Sub-Registrars, should not be allowed to work in their respective offices from their homes. I remember, Sir, during the last Budget Session, when the Congress-Coalition Ministry was in power, a similar motion was moved and similar questions were put to the effect that the staff also should not be allowed to work from their homes. To these we got an assurance from the then Premier, Mr. Bardoloi, that in future such officers would not be allowed to work from their respective homes, but I find, Sir, that up till now no steps have been taken by the Government, even though some officers' names were mentioned on the floor of the House. Even this year regarding a particular Sub-Registrar, I have been compelled to put some questions—(Of course these questions have not yet come up for answers). Sir, it is our sad experience that these gentlemen who are allowed to work from their homes are occupied more with their worldly affairs than with their official functions. Moreover certain complaints were raised regarding a certain Sub-Registrar, which were duly enquired into by the Government, but even then no action up till now has been taken and the officer is continuing his practice of doing his business from home and is thus causing great inconvenience to the people who go there on business. So, Sir, it is not desirable that persons occupying such high positions as Sub-Registrars should be allowed to work from their homes.

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

**The Hon'ble the SPEAKER :** Cut motion moved:

"That the provision of Rs.1,49,420 under Grant No.6, Major head—11.—Registration, Minor head—A.—District charges (total), at page 54 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.101".

**Srijut PURNA CHANDRA SARMA :** Mr. Speaker, Sir, I rise to support the motion of my hon. friend Mr. Abdur Rahman at least in respect of the latter portion of the motion, namely, the heavy works being done in my district also. Only in December last, I personally saw so many people coming to the Registration Office at Nowgong where these people had to wait for days together to have their documents registered. There were no less than 200 or 300 documents presented each day, and I know personally that although the Sub-Registrar worked till 8 o'clock at night he could not finish more than 75 documents a day. In view of these difficulties the Sub-Registrar moved the Government through the Deputy Commissioner



for an additional Sub-Registrar, and I was informed that proposals were submitted to Government, and there was a proposal also with the Government that an additional Sub-Registrar be placed there, but nothing has yet been done, and the difficulty is great for the people who come sometimes from distances of 20 to 30 miles and have to wait there for 2 or 3 days together. So I support this motion and request that an additional Sub-Registrar be posted to Nowgong.

**The Hon'ble Miss MAVIS DUNN:** Mr. Speaker, Sir, with regard to the principle advocated by the hon. mover Mr. Abdur Rahman, I may say that it is already the policy of the Government not to allow officers to work in their home districts as far as practicable especially in the case of gazetted officers. With regard to the Sub-Registrar mentioned, I think, I know the particular Sub-Registrar referred to by the hon. mover of the motion. I can inform him that orders have already been passed to transfer the Sub-Registrar to another place.

With regard to the grievance of Mr. Sarma, when I was at Nowgong I found that there was a great deal of difficulty with regard to the registration of documents, but I was told that this difficulty was only for a few months out of the whole year. So it was not considered necessary to have an additional Sub-Registrar for these few months. However, the whole question will be considered again, and in view of what I have said I hope the hon. member will see his way to withdrawing his motion.

**Maulavi ABDUR RAHMAN :** I am glad that the Hon'ble Minister has stated that action will be taken regarding that particular Sub-Registrar about whom I was mentioning. I am glad also that Government have agreed to take immediate action. On these assurances, I beg leave of the House to withdraw my motion.

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

**Maulavi ABDUR RAHMAN :** I beg to move Sir, that the provision of Rs.1,49,420 under Grant No.6, Major head—11.—Registration, Minor head—A—District charges (total), at page 54 of the Budget, be reduced by Rs.101, *i. e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.101.

Sir, the object of this motion is to urge upon Government to reduce the rate of commission charge generally charged by the Sub-Registrars in matter of registration of documents from Rs.10 to Rs.5. This is not the first time that such a motion has come before the House. When my Hon'ble friend Maulavi Munawwar Ali was outside the Cabinet in 1938, I think, he moved a similar motion and Government agreed to give the matter consideration. Even last year, I moved a motion of this nature that the commission charged by the Sub-Registrar should be reduced to Rs.5. But since then we find that no action has been taken.

So long we have been under the impression that due to the enhancement of stamp and court-fees rates probably Government were not taking steps. But now since the rates on court-fees and stamps have been reduced, I do not find any reason why this commission too has not been reduced.

Then, Sir, the Sub-Registrars are charging Rs.10 if they have to go out to the houses for registering documents. It is only few years back that the rate was Rs.5 only. I do not see any reason why Government should not ask the Sub-Registrars to reduce the rate to Rs.5. I do not consider that Government will thereby lose anything; on the other hand it would help the poor



people who have got to register their documents. Again when two documents have to be registered in one and the same house then the rates charged are Rs.10 for each document. I should urge upon Government that whenever there is more than one document to be registered, a fee of Rs.5 on the first document and an additional charge of Rs.2 for every additional document should be made and not more. If this suggestion is accepted by Government, I think, the poor public would be given much relief.

With these words, I commend my motion for the acceptance of Government.

**The Hon'ble the SPEAKER:** Cut motion moved:

"That the provision of Rs.1,49,420 under Grant No.6, Major head—11.—Registration, Minor head—A.—District charges (total), at page 54 of the Budget, be reduced by Rs.101, *i. e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.101."

The next motion\* which stands in the name of Babu Karuna Sindhu Roy relates to the same matter, I think. But he wants just the contrary of what the hon. member Mr. Abdur Rahman has for his object in moving his cut motion. Is it not so? If the hon. member likes, he may speak in opposition to this motion.

**Maulavi ABDUR RAHMAN:** That is different, Sir. He speaks of rural Sub-Registrars.

**The Hon'ble the SPEAKER:** Therefore, I am asking him if it is the same. It appears to be practically the same. If it is not, very well.

(After a pause)

The Hon'ble Minister may reply now.

**The Hon'ble Miss MAVIS DUNN:** Sir, this is not a new matter and I think every year this question is brought before this Hon'ble House. Sir, with regard to this cut motion I must say that I agree with the opinion of the Inspector-General of Registration whose note I shall read. He says firstly, "our rates of Rs.10 are much lower than those obtaining in the neighbouring provinces of Bengal and Bihar who charge Rs.20 for each document. Secondly, that in the matter of commission if it would be made cheaper then the evidentiary value of the document would be reduced and the importance of registration lessened and it will open the door to troubles. Thirdly, the revenue received by Government would be reduced."

I may tell the hon. members that an experiment was made to reduce the rates from Rs. 10 to Rs. 5; but it was proved that there was no benefit to the public. On the contrary it involved a loss to Government. The public ordinarily enjoys this reduced rate, for an enhanced fee is not charged for those who are ill or unfit even if they are unable to register their documents in Court. I may also add that the present rate of Rs. 10 is in the nature of a luxury charge. This amount of Rs. 10 per visit is charged only from those people who are in high rank and who do not wish to appear in Court and, therefore, they ought to pay for the luxury of having the Sub-Registrar come to their homes for registering their documents. Therefore, Sir, I do not think it necessary to reduce the fees from Rs. 10 to Rs. 5.

\*3. That the provision of Rs.4,500 under Grant No.6, Major head—11.—Registration, Minor head—A.—District Charges, Sub-head—3.—Allowances and Honoraria, Detailed head—Commission to Sub-Registrars, at page 54 of the Budget, be reduced by Rs.100, *i. e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.100.  
(To raise a discussion on insufficiency of commission fees paid to rural Sub-Registrars.)



**Babu HARENDRA NARAYAN CHAUDHURI:** On a point of information, Sir, in towns over and above Rs.10 we have to pay Rs.2 for motor allowance. I want to know if these are legitimate charges that we are bound to pay.

**The Hon'ble Miss MAVIS DUNN:** I am not aware of that. But I shall look into it.

**Babu NIRENDRA NATH DEV:** The Hon'ble Minister said that the Inspector-General of Registration opined that by a reduction of fees the evidentiary value of the documents would also be reduced. May I know how?

**The Hon'ble Miss MAVIS DUNN:** If it is cheap the evidentiary value also would become cheap?

**The Hon'ble the SPEAKER:** The hon. member wants to know how.

**The Hon'ble Miss MAVIS DUNN:** Government will look into the matter.

**Maulavi ABDUR RAHMAN:** I take it that the Hon'ble Minister is willing to consider the whole matter. But there is one statement in her reply to which I must take objection. She said, I think, that this was a luxury charge. It is not so in the case of the Muslim ladies who observe *Purdha* and who will not go to the Sub-Registrar's office.

**The Hon'ble the SPEAKER:** No, what she said was that generally people in high position do not like to go to the Sub-Registrar's office and, therefore, if they choose not to go to the Sub-Registrar's office they must pay for it.

**The Hon'ble Miss MAVIS DUNN:** In the case of such persons there is already a reduction permissible and the rates are Rs. 5.

**Maulavi ABDUR RAHMAN:** When I have heard that the Hon'ble Minister saying that the matter will be considered I would like to withdraw my motion.

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

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Mr. Speaker, Sir, I beg to move that the provision of Rs. 1,49,420 under Grant No. 6, Major head—11.—Registration, Minor head—A—District Charges (total), at page 54 of the Budget, be reduced by Rs. 100, *i. e.*, the amount of the whole grant of Rs. 1,49,700 do stand reduced by Rs. 100.

Ever since the Budget Session of 1937, I have been pressing upon Government for establishing a Sub-Registrar's office at Kamalganj. The Government of which the Hon'ble Premier himself was the Chief Minister gave me the assurance that a Sub-Registrar's office would be established in that station. We also got the same sort of assurance when a cut motion was moved by me in 1938. But still the same state of things is continuing. The consideration stage has not yet passed and I for myself do not know when that stage will pass or whether that stage will ever pass or not.

Sir, till 1932 there was a Sub-Registrar's office at Kamalganj. At the end of that year it was abolished and since then there has been demand from the local public as also representations have been sent to Government for establishing a Sub-Registrar's office at the said station. People of that *thana* have to travel about 20 miles to have their documents registered. From the statistics which I have collected, I find that a very large number of documents of that *thana* are registered in Srimangal Sub-Registrar's office. So, I appeal to the Hon'ble Minister now that as she is now adorning the office she will see that the consideration stage is passed and that a Sub-Registrar's office is established in the said station.



**The Hon'ble the SPEAKER:** Cut motion moved:

"That the provision of Rs.1,49,420 under Grant No.6, Major head—11.—Registration, Minor head—A—District Charges (total) at page 54 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.100."

**Maulavi ABDUL AZIZ:** Mr. Speaker, Sir, I take this opportunity to impress upon the Hon'ble Minister-in-charge of Registration Department that a Sub-Registrar's office at Kamalganj is very badly wanted. Every time either myself or some of my hon. friends have been moving cut motions for this and every time we have been getting an assurance from the Ministry that the matter would be taken into consideration. But so long we find that the assurance has been a mere verbal one. Sir, the establishment of a Sub-Registrar's office at Kamalganj cannot be deferred any longer. I would request the Hon'ble Minister that this time she will see that the assurance be followed by action. With these words I support the motion so far as it relates to the opening of a Sub-Registry office at Kamalganj, but so far as it wants to censure the Government, I cannot support the motion, because everybody knows that Government have come to office only recently.

**The Hon'ble Miss MAVIS DUNN:** Mr. Speaker, Sir, as the hon. mover has said, this is not a new matter. He does not like the expression "under consideration", but I can assure him that in pursuance of the promise "to consider" the whole matter, this question was taken into consideration by Government and a report was called for. But on receipt of the figures it was found that there was no justification for re-opening the Sub-Registry office at Kamalganj. I can assure the hon. mover that this Government is very eager to remove all public inconveniences as far as possible and as soon as funds permit we shall consider this question again.

**Mr. BAIDYANATH MOOKERJEE:** Who submitted the report to Government?

**The Hon'ble Miss MAVIS DUNN:** I believe it was the Inspector-General of Registration.

**Mr. BAIDYANATH MOOKERJEE:** May I know from the Hon'ble Premier whether he can fix any limit to the consideration stage so that in future we may not be put to difficulty? If we know that the consideration stage is limited to such and such period, it will be convenient both for us and for the Government.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There is no question of assurance. My hon. friend knows fully well that whenever any matter is pressed in this House, the matter is taken into consideration by Government. Firstly, if it is a question of any particular Department, the Head of the Department is consulted. In this particular instance, *i.e.*, opening of a Sub-Registry office at Kamalganj the question was considered first by Government and then a report was called for. That report came and a decision was arrived at that there was no justification for opening a Sub-Registry office at Kamalganj. That was the opinion of my first Ministry. Next came the Congress-Coalition Ministry and I am told by my Hon'ble Colleague that they had considered the matter and they also came to the same conclusion. (I am speaking without having a look at the file.) Government have come to the decision that under the present circumstances no Sub-Registry office at Kamalganj can be opened.

**Mr. BAIDYANATH MOOKERJEE:** Not in this particular case alone but in general, I wanted to know the time limit of consideration stage.



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** In general, also, we must take into consideration of all the factors leading to a decision. All the factors must be collected and reviewed.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Is there any difficulty to open an office at Kamalganj on commission basis?

**The Hon'ble Maulavi Saiyid Sir MUMAMMAD SAADULLA:** That suggestion will be taken into consideration later.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** In view of the assurance given by the Hon'ble Minister, I do not like to press my motion.

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

**Maulavi ABDUL BARI CHAUDHURY:** I beg to move, Sir, that the provision of Rs.73,540 under Grant No.6. Major head—11.—Registration, Minor head—A—District Charges, Sub-head—1.—Pay of Officers, Detailed head—Special Sub-Registrars and Sub-Registrars, at page 54 of the Budget, be reduced by Rs.10, *i.e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.10.

Mr. Speaker, Sir, the Sub-Registry office at Derai has been in existence for the last two years. It has removed a long-felt grievance of the people of that place. This office has also proved to be very popular and the number of documents registered is also very considerable. So I urge upon Government the immediate necessity of turning it into a regular establishment. With these few words, I commend my motion for the acceptance of the House.

**The Hon'ble the SPEAKER:** Cut motion moved:

“That the provision of Rs.73,540 under Grant No.6, Major head—11.—Registration, Minor head—A—District Charges, Sub-head—1.—Pay of Officers, Detailed head—Special Sub-Registrars and Sub-Registrars, at page 54 of the Budget, be reduced by Rs.10, *i.e.*, the amount of the whole grant of Rs.1,49,700 do stand reduced by Rs.10.”

**The Hon'ble Miss MAVIS DUNN:** Mr. Speaker, Sir. With regard to this cut motion, I wish to say that we are extending the experiment of having a Sub-Registry office at Derai on commission basis, and at the end of this experimental period we shall consider the question of turning it into a permanent establishment. I wish to ask the hon. mover how the people of that place are suffering in any way. They are getting facilities from this office in the matter of registering their documents and surely this is all they need. In view of what I have said, I hope the hon. mover will be pleased to withdraw his motion.

**Maulavi ABDUL BARI CHAUDHURY:** Sir, after hearing the Hon'ble Minister, I beg leave of the House to withdraw the motion.

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

**The Hon'ble the SPEAKER:** The question is:

“That a sum not exceeding Rs.1,49,700 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head 11.—Registration”.

The motion was adopted.

#### GRANT No.14

(29.—Police)

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.23,52,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head “29.—Police”.



**The Hon'ble the SPEAKER :** Motion moved :

"That a sum not exceeding Rs.23,52,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March 1941, for the administration of the head 29.—Police".

Now the first cut motion\* stands in the name of Babu Dakshina Ranjan Gupta Chaudhuri but I am afraid, a very similar matter was discussed I think.

**Babu DAKSHINA RANJAN GUPTA CHAUDHURI :** I am not going to move it, Sir.

**The Hon'ble the SPEAKER :** Next motion† also stands in the name of Babu Dakshina Ranjan Gupta Chaudhuri.

**Babu DAKSHINA RANJAN GUPTA CHAUDHURI :** That also I do not like to move.

**The Hon'ble the SPEAKER :** Motion No.3 stands in the name of Srijut Lakshesvar Borooh.

**Srijut LAKSHESVAR BOROAH :** Mr. Speaker, Sir. I beg to move that the provision of Rs.47,304 under Grant No.14, Major head—29.—Police, Minor head—B—District Executive Force, Sub-head—(a)—District Police—1.—Pay of Officers (total), at page 98 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.101.

Sir, I am sure that it is fresh in the mind of the hon. members that thousands of labourers working under the Assam Oil Company at Digboi, feeling the necessity of protecting their interest, started a Labour Union which was duly registered. The demands of the Union were submitted to the Company and on the refusal of the Company to meet their demands, the labourers went on strike on 4th of April, 1939. Any one who had visited Digboi during the strike period must have been struck with the wonderful discipline maintained by the Labour Union—the unprecedented length of time for which the strike continued is an ample evidence of intrinsic strength of the organisation.

Sir, from a study of the progress of strikes both in our country as well as abroad carried on by labourers against their capitalist employers, we find that the first attempt that the capitalist make is to bring about disorder by provoking violence from their opponents in order to seek an opportunity to put down an ounce of violence with a ton of violence and eventually to bring about a failure of the labour movement and it is not unoften to be seen that imperialistically minded Government lend support to the nefarious attempts of the capitalists.

Sir, from the events that I shall presently state, the hon. members of this House will gather that the Assam Oil Company at Digboi also tried a similar experiment, *i.e.*, to provoke violence from the Labour Union Volunteers that were engaged in peaceful picketing during the continuance of the strike, with the direct or indirect help of the public officers of Police and Military Departments of the Government of Assam ; but thanks to wonderful

\*1. Babu DAKSHI A RANJAN GUPTA CHAUDHURI to move :—  
That the provision of Rs.38,427 under Grant No.14, Major head—29.—Police, Minor head—A—Superintendence (total), at page 97 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.100.  
(To censure Government for transferring Police Officers causing untold suffering to them.)

†2. Babu DAKSHINA RANJAN GUPTA CHAUDHURI to move :—  
That the provision of Rs.47,304 under Grant No.14, Major head—29.—Police, Minor head—B—District Executive Force, Sub-head—(a)—District Police—1.—Pay of Officers, Detailed head—Deputy Superintendents, at page 98 of the Budget, be refused, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.47,304.



restraint with which the Labour Union Volunteers continued the strike, this attempt of the Company proved abortive. I make bold to say that, had not the Local Police authority made questionable and shabby use of the Defence of India Ordinances that were promulgated in the whole of Dibrugarh subdivision, the Labour Union at Digboi built up with undescribable suffering and sacrifice, would have come out with flying colours in the struggle that they put up with the Capitalist Company for a morsal of food to appease their hunger.

Sir, it bleeds my heart to say that during the continuance of the strike on the fateful night of the 18th of April, 1939 three strikers lost their lives at a firing. Public mind was greatly agitated over this incident. It may be known to the hon. members that Police and Military forces were placed at Digboi to maintain what is called Law and Order and protect property. Sir, the allegation persistently made by the Labour Union was forcible recruitment by the Company's people with the aid of the Police and Military was one of the causes that led to the firing incident and that the Police and the Military were assisting the Company in their attempt to provoke violence from the Labour Union people. There was a demand from the public made in the platform and press that an enquiry by an independent Tribunal should be made by Government to enquire into the allegation made against the Company's people and the Government officials. The last Government, Sir, in compliance with the demand, appointed a Tribunal which consisted of one of India's most eminent Judges in the person of Sir Manmatha Nath Mookerjee, sometime Chief Justice of the Hon'ble High Court of Calcutta. The following were the terms of reference to the Tribunal:—

(1) To enquire into the events leading to the accident of the 18th of April 1939 and into those subsequent thereto in so far as they are not *sub-judice*, (2) to enquire into the measures and actions taken by the local authorities before, during and after the occurrence and (3) to consider the origin, and the causes of the strike and to suggest means whereby strikes of this nature can be avoided in future.

Sir, dealing with the first two items Sir Manmatha Nath Mookerjee observed as follows:—

“As regards the incidents, before and after the firing incident of April 18th, 1939, which are said to be instances of improper conduct and excesses on the part of Company's men and also of public authorities including the Police and the ‘Military’ (by which term was meant the men of the Assam Rifles and which meaning the word will bear wherever it is used in this Report), a very large number were mentioned on behalf of the Union in the course of the opening of the case. Later on they handed up to us a chronology of the said incidents with particulars showing the nature thereof and what actions, if any, were taken thereon. These incidents cover a period commencing from April 16th to 20th, July 1939. With regard to almost each and every one of these incidents the Union, besides informing the local authorities, namely the Police and the Magistracy, also wrote or wired to the Hon'ble the Premier, and, in some cases, to the Hon'ble the Finance Minister. Before us, however, evidence has been led in respect of only some of these incidents.”

Sir, discussing the allegations of the Union about forcible recruitment by the Company's people by the aid of the Police and the Military, Sir Manmatha remarks as follows:—

“Put quite shortly, the allegation of the Union is that in order to nullify the strike, the local Police and the Military, accompanied by the



Company's people, used to visit lines and *bastis*, mostly at night, and also used to wait at the Railway station at hours when trains would arrive, that they used to openly canvass recruits sometimes terrorizing and using force on them as well, and that on some occasions they used to assault those who were unwilling to go back to work or refused to be enlisted. It has been alleged that people who were asleep were roused from their sleep by knocking at their door, much higher wages than ordinary were offered, and even some were carried away with their belongings on lorries or vanettes which have been brought there for the purpose. The sum and substance of the charges was that this close and unwarranted collaboration of the Police and the Military with the Company's people was an obstacle to peaceful picketing on the part of the Union's volunteers and also tended to nullify the strike by the employment of new entrants."

Sir, summing up the evidence of the Assam Oil Company as well as the Labour Union on this point Sir Manmatha holds that the Police and the Military did assist the Company in forcible recruitment of labour. The following is the finding of Sir Manmatha on this point:—

"There is evidence on the side of the Company that the practice of the Police and the Military accompanying the Company's people and escorting intending workers lasted from April 10th to April 16th, and that on April 17th, the Commandant of the Assam Rifles, on the advice of the Superintendent of Police, stopped the Military escort altogether, while Police escort was restricted only to accompany willing workers from one part in Digboi to another. On the other hand there is evidence on the side of the Union to the effect that the practice did continue even after April 16th and there were complaints to that effect from the Union to the authorities, e.g., a petition to the Hon'ble the Finance Minister, dated April the 23rd, a complaint to the Magistrate, dated April the 26th, and a petition to the Hon'ble the Premier..... in which he stated that on some date towards the end of April he had himself seen the vanette with the men of the Assam Rifles far outside the limits of Digboi."

Then Sir Manmatha concludes:—"Upon such materials as were placed before us and in the face of the statement aforesaid, I am unable to hold that the practice entirely ceased as alleged on behalf of the Company."

The finding of Sir Manmatha on this point is that the Assam Oil Company forcibly recruited labourers and the Police and the Military stationed there helped the Assam Oil Company.

Sir, it has been proved beyond doubt that the Assam Oil Company through their loyal workers, both European and Indian, committed wanton assaults on the peaceful picketers with a view to provoke violence from them and that the Police, by conniving at the offences committed by the Company's men and even by shielding them, were guilty of grave misconduct will be evident from the following instances cited by Sir Manmatha. Describing about the knocking down of Kalpanath Bhuyan by one Mr. Hayman Sir Manmatha says:—

"This incident took place on May 11th, 1939. Kalpanath himself informed the Magistrate about it in these words:—

"I have the honour to bring to your notice the fact that my humbleself along with two other Union volunteers were on duty yesterday near European Club when Mr. Hayman drove his car so rashly that myself was knocked down with injuries on my left knee at about 4.45 p. m. before I could avert the danger. I was then occupying a side of the road but the car left no margin for me and did not stop to see what happened with me. The other two volunteers were then sitting under a tree about 9 feet away



from the road and witnessed with horror this incident. The matter was reported to the Officer-in-Charge, Police Station, within an hour of its occurrence. I appeal to you to enquire into the matters and do the needful."

The evidence given by Kalpanath quoted by Sir Manmatha is :—

"I reported the matter to Chakravarti Babu, a clerk of the Union Office. I then went to the *thana* and reported the matter. He took the notes and asked me to go to him the next day. The next day I went to the *thana* and the officer sent me to the hospital with a chit. At the Hospital the doctor was a European Sahib. I was in a red shirt and I told him that the *thanadar* had sent me there. I showed him the chit from the *thana*. He examined me a little, but he did not give any medicine or apply any bandage and asked me to go away. He, however, measured the girth of my knee and returned to me the chit. I then went back to the *thana* and handed over the chit to the *thanadar*. The *thanadar* did not speak anything to me, but asked me to go away."

And this is the finding of Sir Manmatha :—

"As regards the fact that the occurrence took place, there can be no doubt. The question is whether it was as alleged on behalf of the Union or accidental as alleged on behalf of the Company. The Magistrate Mr. Umaruddin has said :— 'A complaint was made to me and I sent the case for investigation. Later on I met the investigating officer and from what I ascertained from him I concluded that the case would be sent on a charge-sheet. Later on the Superintendent of Police supervised the case and ordered the submission of final report.' Sir Manmatha expresses surprise at this conduct and says :—'It is difficult in my opinion, to make out how, in either view,—intentional or accidental—a trial could be escaped.'"

**The Hon'ble the SPEAKER :** Will the hon. member finish ?

**Srijut I AKSHESVAR BOROOAH :** As only a few out of many cut motions of my party will be moved I may please be allowed some more time.

Sir Manmatha rightly expressed surprise how Mr. Hayman escaped a trial, and as I stated, the Superintendent of Police is responsible for hushing up the offence committed by Mr. Hayman.

Sir, those of us who are acquainted with the Criminal Procedure Code know that Officers in charge of Police are given wide powers in sending up cases or in submitting what is called the final report. In this particular case the Officer-in-charge was going to submit a charge sheet evidently on sufficient proof against Mr. Hayman, but it passes my comprehension how the Superintendent of Police can hush up a case like this without reporting it to the Magistrate. I submit that this act of the Superintendent of Police clearly displays (1) his bias for a particular party and (2) his hopeless ignorance of the law, for both of which he is to be condemned.

Similarly, Sir, the assault on Kamal Ahir by the Company's men — Asu Sing Gurdit Sing with deadly weapons was hushed under the most suspicious circumstances. The following remarks of Sir Manmatha deserve mention :—

"Assault on Kamal Ahir.—This incident took place on April 16th, 1939. Kamal Ahir was roughly handled by Asu Singh and Gurdit Singh, employees of the Company, and was abused, felled down and injured with a spear on the knee and then Gurdit Singh sat on his chest for some time. This occurrence is more or less proved. The Officer-in-charge of Digboi *thana* took Gurdit Singh to the *thana* with the spear. What was found in the investigation is not clear, but the result was that the case was not sent up."



I think, Sir Manmatha rightly expressed his surprise at the conduct of the Police in suppressing and hushing up non-cognizable cases.

Sir, it is a well known fact that whenever a Police Officer gets information of the non-cognizable case, he must begin to investigate without caring whether the event reported is true or not. The firing incident took place on the 18th April, 1939 and many persons informed the Superintendent of Police that certain persons shot those victims and the Superintendent of Police, Mr. Routledge, did not care to record the information given to him. This, I submit, is a violation of the elementary principle of the Criminal Procedure Code and if there is anything to condemn, it is this action of the Superintendent of Police. Sir Manmatha expresses his bewilderment in these words: "As regards his (Mr. Routledge's) omission to take down the information which was given to him in connection with the firing incident on the night of April, 18th 1939.....his explanation was that he did not consider that information true." On this point Sir, he did not comment because as he said he was debarred from commenting on any matter that was or may be *sub-judice*. Therefore he did not express any opinion clearly as to whether Mr. Routledge was right or wrong. The firing incident did not form the subject matter of the enquiry but the expression of Sir Manmatha is sufficiently significant.

I want to impress upon this Government the conduct of this Officer in this matter. Sir, it was the duty of the Superintendent of Police either to record the information of the alleged act or direct his subordinates to take cognisance and institute an enquiry, for it was an information about commission of murder, which the Superintendent of Police failed to do. I submitted before that this Officer is responsible for shielding the offences committed by the Assam Oil Company people. The Police and the Military are responsible for attempting to frustrate the Labour Union Strike and help the Assam Oil Company. Military, Sir, in the words of Sir Manmatha had been put under the charge of this Officer (Mr. Routledge). So, I beg to submit that these cases are enough to proceed against the Officer. I censure Government for not taking the action which in justice and fairness should have been taken against the Officers. With these words, as my time is up, I commend my motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Cut motion moved:

That the provision of Rs.47,304 under Grant No.14, Major head—29.—Police, Minor head—B.—District Executive Force, Sub-head (a) District Police—1.—Pay of Officers (total), at page 98 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.101.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI:** Mr. Speaker, Sir, I rise to oppose the motion of my friend. I feel for the lives lost and I was very much shocked to hear of this incident. I really fail to understand whether Mr. Borooah is criticising the present Government or the Government which he was supporting, during whose time this sad and melancholy incident took place (*Hear, hear*). Mr. Borooah, while moving this motion, says that he moves this motion in order to criticise Government for not taking action on the conduct of the Police and Assam Rifles before, during and after the shooting incident at Digboi and the hon. members of this House and the public outside know that just before the incident.....



**Srijut LAKSHESVAR BOROOAH:** On a point of personal explanation, Sir. Sir Manmatha's report was published after the Congress Ministry resigned. It was dated 25th November, 1939.

**The Hon'ble the SPEAKER:** This motion is not for discussing the report of Sir Manmatha.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI:** Sir, I think although the report was published after the Congress Government resigned, still I must say that the Congress Government were responsible for the incident. If any Government was to be censured for the sad incident it was the Government that was formed by the 'Swars' in this House—I mean, Kameswar, Debeswar, Laksheswar and Sarveswar. (*Laughter.*) I find that the conduct of the Police Officers before, during and after the incident is to be criticised. The hon. members of the House and the public outside know that before the incident took place and during the incident as well as after the incident, the Congress Party were holding the reins of administration of this province. That Government was formed in September 1938 and the strike at Digboi was declared on the 3rd of April, 1939. In one eventful night of April, 1939 the sad incident took place.

**The Hon'ble the SPEAKER:** The incidents are not under discussion; it is the conduct of the Police and the Assam Rifles.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI:** Up to the 15th of November last year the Congress Party was in power. They had sufficient time to bring the Officers concerned to book. But I am sorry Sir, that Government did not do anything in this matter. Minister after Minister had been paying visits to Digboi, but no relief could be given to the unfortunate labourers on strike. The poor workers lost their lives, like cats and dogs. The incident was discussed in public platforms and vivid accounts were published in all papers, but nothing could be expected from the Ministers of our Congress-Coalition Party. I am simply amused to find that a man like Mr. Borooah comes to criticise this Government for no fault of theirs. Now, if any Government is to be censured, it is the Congress Government which my friend, Mr. Borooah, had been so loyally supporting. Just after the incident took place the Congress Government appointed some officers to enquire into the matter. What did they do when the report of that Special Officer was published? Nothing absolutely.

**Srijut LAKSHESVAR BOROOAH:** It was published much later.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI:** They did nothing to give relief to the unfortunate labourers. The Premier of the Congress Party himself visited Digboi, but no relief could be expected for the labourers.

So, Sir, it is simply out of place on the part of Mr. Borooah to move such a motion, criticising this Government. It is the Government which he supported that should be censured or criticised for not taking action against the Officer of the Assam Rifles and the Police who were responsible for the incident.

With these few words, Sir, I oppose the motion.

**Mr. A. WHITTAKER:** Mr. Speaker, Sir, we have heard from hon. Mr. Borooah a discussion consisting mainly of selections from Sir Manmatha Mukherjee's report. I think a fair summary of that report would be a vindication of local officers who had to deal with a difficult situation.

On one point, I must join issue with Mr. Borooah. He criticises the fact that the Superintendent of Police sent up a final report in the motor car case. I think as a distinguished lawyer he will perhaps agree that the final authority in respect of a police report is not the Superintendent of Police at all; the final authority is the Magistrate of the local area and the District Magistrate.



**Srijut LAKSHESVAR BOROOAH:** On a point of personal explanation, Sir. I read from the evidence of the Magistrate.

**Mr. A. WHITTAKER:** I beg your pardon. As I understood the hon. member, the accusation was against the Superintendent of Police for hushing up the case. In my opinion, the Superintendent of Police cannot hush up any case.

**Srijut LAKSHESVAR BOROOAH:** Therefore, I expressed my surprise.

**Mr. A. WHITTAKER:** In all cases the investigating officer has got two courses open to him. On completion of investigation he can submit either a charge sheet or a final report. Whether the final order on the case is a charge sheet or a final report rests with Magistrate. Alternatively the man who lodges the first information report at the *thana* can challenge the acceptance of the final report by moving the Magistrate. I can see nothing in the conduct of the Superintendent of Police to justify the accusation that the Superintendent of Police hushed up the case. The final report is a document available to the public, and the complainant, if he does not like the recommendation of the Superintendent of Police that the case be sent up as final report, can appeal to the Magistrate of the area, and from that Magistrate's decision to the District Magistrate. I can see nothing therefore to justify complaints against the Superintendent of Police for action in this particular case.

The second point on which I must join issue with hon. Mr. Borooah is the misleading account of the shooting affair. To the best of my knowledge, the shooting incident was enquired into by a Magistrate, who I understand was Mr. P. N. Das. Therefore, I do not think it is very helpful to this Assembly to be told that Sir Manmatha could not enquire into the incident because it was *sub judice*. I think it would be fairer to read out the report of the enquiring Magistrate who examined the case at some considerable length. His report may leave room for differences of opinion, but in my opinion it is a complete vindication of the Officers who had to take part in this tragic affair.

Whilst the magisterial enquiry was in progress there was no need for the Superintendent of Police to order an investigation as the mover suggests. I do not understand therefore how the Superintendent of Police's conduct can be criticised on this score. I oppose the motion.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, my hon. friend the learned lawyer of Dibrugarh has tried to represent his case in a very lucid way, but the facts he has placed before the House are most unconvincing. He wants to criticise Government for not taking action on the conduct of the Police and Assam Rifles before, during and after the shooting incident at Digboi. He has analysed his motion in three parts; in one part he wants to criticise Government, particularly the Police Department, for not taking action just before the incident, in the second part he refers to failure of Government to take proper action during the incident, and the third part concerns itself with the affair after the incident. Now, let us see whether he stands self-condemned or not, whether the present Government was in power before, during and after the incident, so that they deserve censure for their inability. Now, Sir, it is known to the hon. members of this House that this Government came into power only 3 months back, but this incident occurred as long before as one year. So, if any Government is to be censured, it is not the present Government, but the previous Government, which was at the helm of administration at that time and which my hon. friend the mover supported. So, I find absolutely no justification for censuring or criticising this Government.



With these few words, Sir, I fail to sympathise with the hon. mover.

**Srijut BISHNU RAM MEDHI:** Mr. Speaker, Sir, I want to say a few words in reply to the points raised by my hon. friend Mr. Whittaker. He wants to rely very much on the report of the learned Magistrate who made enquiries on the spot; but for his information I would like to tell him that that report of the learned Magistrate was set aside on application before the Sessions Judge, and a further enquiry was ordered by the learned Sessions Judge. Moreover, I think strictures were passed against the learned Magistrate in that order. After that order a most unfortunate thing happened. Under the Defence of India Ordinance all those persons, who were complainants, were driven out of the place. The Provincial Government could not do anything in the matter, but after they had been driven out from the place it was the duty of the Government now in existence to give facility to those persons to come to Assam so that another enquiry might be held and witnesses from different places of India might be brought up before the trial Court. It is the duty of the present Government to bring those persons, who would have been in the position of complainants and would have been able to give valuable evidence as witnesses before the Court and appoint impartial lawyers to prosecute the case. On the whole, a further enquiry was ordered by the District Judge. The present motion has been brought forward with a view to criticise the Government because after the disclosure in Sir Manmatha's report about some charges made against different officers and after the order of retrial by the Sessions Judge no action has been taken by the present Government either to prosecute or draw up proceedings against officers on account of dereliction of duty or bring those persons, who are witnesses and complainants in the case, before the trial Court.

That is the whole crux of the case. I quite agree with the hon. mover of the motion that when there was a distinct order that there should be a fresh enquiry, when there was a distinct finding by Sir Manmatha that there was a dereliction of duty on the part of the Superintendent of Police, Mr. Routledge, it was the duty of the present Government to take action. We would like to know why the Government have not yet taken any action against the officers concerned and why no steps have yet been taken for the prosecution of those persons responsible for the death of three innocent labourers on the fateful night of 18th April, 1939.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** On a point of information; Sir. May I know the date of the Sessions Judge's order?

**Srijut BISHNU RAM MEDHI:** I do not exactly remember the date.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Was it in September?

**Srijut BISHNU RAM MEDHI:** I do not remember the date. The matter must have come up to Government in November or something like that. Because the parties were Europeans, the District Magistrate and the District Police Officers must have sided with them and that may be the reason why the reports were not sent to the Government in time—it may be like that.

**Khan Bahadur Maulavi KERAMAT ALI:** Was not a copy of the judgment sent to the previous Government?

**Srijut BISHNU RAM MEDHI:** I am not the Government. I do not know (*laughter*). There is another point. I think Mr. Whittaker, who exercised the powers of a first class magistrate will appreciate my remark, that on the



night of the shooting incident an eye witness gave information to Mr. Routledge, Superintendent of Police that European officers of the Company killed the labourer. It was the duty of the Superintendent of Police to get the first information recorded and to direct an enquiry as the information discloses a cognizable offence. I wish to know why the Superintendent of Police did not immediately record on the first information and get the matter investigated? The reason is that the persons accused of are Europeans, and had he directed his subordinate to record a first information report against them, it would have gone very hard against them. People think, he omitted to do his duty with a view to shield those officers. Is it not a dereliction of duty on the part of Mr. Routledge, a high official, who was deputed there specially for the purpose of keeping the peace and for the purpose of stopping such serious offences as murder. What would have happened had a European been shot and an Indian was suspected as the culprit? Immediately an enquiry of the fact whether the case was true or not would have been made. But what happened in this case. The people who were supposed to have done the shooting were allowed to roam from place to place and no action was taken against them. That was a dereliction of duty on the part of Mr. Routledge. Why the Government is not taking any action against him? Is it because he is a European officer of high position. I think, these are the reasons why this House should censure the present Government unless it gives an assurance that action will be taken against those officers, and the Government gives facility to the witnesses who have been sent away from the province and bears all the expenses in coming before the trial court. I submit that since these people have been turned out from Assam, it is the duty of the Government that they should be brought in by Government at Government expense to give evidence.

With these remarks, I submit that unless Government give us a definite assurance that they will take action against the officers, I think, the cut motion should be accepted by the House.

**Mr. JOBANG D. MARAK:** Mr. Speaker, Sir, I also rise to oppose the motion. We are really sorry for the tragic incident, but we are helpless in the matter. So far as I know, action was taken by the Government then in power under the direction of the Congress High Command, and this deputation of Sir Manmathanath Mukherji and others was made according to that direction, and all that was necessary was done, and we are helpless. So I do not see any reason why the present Government should be criticised and censured. The incident took place before, or during, the time of the previous Government.

So, for this reason I oppose this motion.

**Khan Bahadur Maulavi KERAMAT ALI:** Mr. Speaker, Sir, so far as I could follow the hon. mover, he has taken up three points. Firstly, that the Superintendent of Police, Mr. Routledge, did not take down the statement of the informant, who, it is alleged, reported the shooting incident to the officer. The second is that the case of Ahir was supervised by the Superintendent of Police and that he ordered submission of a final report. And the third is that of Kalpanarayan whose case was enquired into by the Officer-in-charge of Digboi. So far as the first point is concerned, perhaps my hon. friend does not know that there was an Assistant Superintendent of Police at Digboi at that time, and that immediately after the occurrence, this Assistant Superintendent of Police came to the Magistrate, Mr. P. N. Das, and reported the matter to him, and the Magistrate at once ran to



the place of occurrence and took up an enquiry. After this enquiry was started there was no necessity on the part of Mr. Routledge to take down the statement of anybody or to start separate enquiry.

**Srijut BISHNU RAM MEDHI:** May I ask the hon. Khan Bahadur whether the Superintendent of Police was present when Mr. P. N. Das went to the spot ?

**Khan Bahadur Maulavi KERAMAT ALI:** He was not present but the Assistant Superintendent of Police accompanied him.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir. Is it a fact that the learned Sessions Judge hold that there was a dereliction of duty on the part of the police and ordered a fresh enquiry under section 119 of the Indian Penal Code. ?

**Khan Bahadur Maulavi KERAMAT ALI:** This matter was taken up to the Sessions Judge and an application was filed before him, and the learned Sessions Judge, without coming to any finding as to the merits of the case, held that the Magistrate did not act legally in not enquiring into the formal complaints filed before him on the same subject, and therefore ordered further enquiry into the matter. The case again went up to the District Magistrate, who perhaps when he found that there was nobody to prosecute, made it over to the Inspector of Police, who must have tried his best to find out the witnesses in support of the complaints that were filed against the accused people, but as there was no evidence available.....

**Mr. BAIDYANATH MOOKERJEE:** After the people had left under the Ordinance.

**Khan Bahadur Maulavi KERAMAT ALI:** The Ordinance came long after it, and therefore these complainants and witnesses must have been at Digboi or near about at the time when the records were sent to the District Magistrate, but none of them came forward in order to push up their case. It is very probable that the Inspector, in spite of his best efforts, failed to get the complainants or any evidence worth the name. I do not therefore understand why my hon. friend proposes to censure either the Government or Mr. Routledge.

**Mr. BAIDYANATH MOOKERJEE:** On a point of information, Sir, may I know whether the hon. Khan Bahadur was a retained pleader for the Company in this case ?

**Khan Bahadur Maulavi KERAMAT ALI:** I appeared on behalf of the Company before Sir Manmatha and, therefore, I know the facts of the case much better than many of the hon. members.

**The Hon'ble the SPEAKER:** He may enquire whether the hon. member was pleader for any other party.

**Khan Bahadur Maulavi KERAMAT ALI:** But I may inform the House that the hon. member, Srijut Bishnu Ram Medhi, was a pleader for the complainant before the Magistrate.

**Srijut BISHNU RAM MEDHI:** No, I was not. I challenge that statement. We went there to enquire into the matter on behalf of the public.

**Khan Bahadur Maulavi KERAMAT ALI:** But I found in the proceedings, the names of Srijut Bishnu Ram Medhi and Srijut Debeswar Sarmah as appearing for the complainants.

**Srijut BISHNU RAM MEDHI:** I never appeared for the complainant, in fact there was no formal complaint so long I was at Digboi.

**Khan Bahadur Maulavi KERAMAT ALI:** Then the proceedings are wrong. The proceedings showed that they cross examined witnesses,



Now as regards the case of Ahir, this was first reported to the officer-in-charge and the Magistrate Omaruddin ordered further investigation and then Mr. Routledge supervised the case and ordered a final report to be submitted. My hon. friend the mover and my hon. friend Srijut Bishnu Ram Medhi know it very well that after a final report is submitted it goes to the Magistrate and the Magistrate has to pass the final order as the hon. Mr. Whittaker has said. Now if a complainant is aggrieved by the order of the Magistrate or at the final report, he is at liberty to come to a Criminal Court and put in a formal complaint and then the complaint will be enquired into and a case started. In this case, after the final report was submitted, the complainant did not come to the District Magistrate. This shows that either there was no case or he had a weak case and he feared to lodge a formal complaint and make a statement on oath because, probably, he knew that if he did that he would be liable for prosecution for bringing a false case. That clearly indicates that his case was false and the order of the Superintendent of Police was correct.

As regards Kalpanarayan, his case was enquired into. This was investigated by the officer in charge of Digboi and I hope my hon. friends who have gone through the report of Sir Manmatha Nath Mookherjee have seen that he had nothing but praise for this officer and he commended the officer for the work he did during such a difficult time. Therefore, I hope the hon. mover of the cut motion would see his way to withdraw the same.

**Mr. C. GOLDSMITH:** Regarding the Digboi situation, the country at large knows well in whose time this incident took place and also who were responsible to relieve the people, the public and the labourers, from their difficulties. If the Government of India took the help of the Ordinance or any other thing to stop this enquiry or to help the Assistant Superintendent of Police or the Magistrate, it was upto the Government of those days to take objection and make it an all-India question, quarrel with His Excellency the Governor and then resign. But they did not take that attitude. I do not know who is responsible for this cowardice, the High Command or the Assam Ministry of those days. Now to come with a cut motion is another bit of cowardice shown by the party sitting opposite.

**Srijut GOPINATH BARDOLOI:** I did not propose to take part in this discussion. But after what I have heard from the hon. member, Mr. Goldsmith, I consider it my duty to say a few words in reference to this motion.

The question as to the strike itself is not at issue to-day; and I consider it definitely cowardice on the part of the hon. member, Mr. Goldsmith, to have made a reference to it and taken it as an excuse to use that expression. The point at issue to-day is what action was taken by this Government, or might have been taken by it, or whether any action was to have been taken by the last Government in reference to the incidents that took place before, during or after the incident of 18th April last. Sir, certain allegations were being made by both the employers and the employed in reference to the incidents. Each party were making out cases which appeared so contradictory in themselves that it was difficult for any Executive Government to take any definite line of action in regard to them. Therefore, Sir, any Government with any sense of responsibility would have no option but to take the best advice available through the agency (as we thought) of a person of the status of a High Court Judge before any action could be taken by them. Allegations by the Union that the Police Officers were helping the Company and that these officers had jointly with the Company been recruiting men were openly made. It was alleged also, that certain excesses were committed by the Police against the members of the Union. But they were



allegations only and as Executive Government, we could not take them at anything else than that. These were allegations from one side ; but there were counter allegations from the side of the Company also, namely that the Union people were using methods of intimidation and many other allegations which were much too current in the papers of that time. In such circumstances what was the Government to do ? The incident of the 18th April was by itself the subject matter for a judicial enquiry and all the judicial procedure that was necessary to be taken in this behalf were, as we understood being taken. But in so far as the judgment of the Sessions Judge is concerned, I would definitely tell the House that they did not come to us for any action to be taken by us. Enquiry into the whole thing therefore had to be left to the decision of a person who should be beyond any reproach and who should be beyond any control by anybody, particularly of this Government. Therefore, we thought it necessary to appoint a person, no less than Sir Manmatha Nath Mookherjee, to discharge the responsibility of enquiring into the whole matter and submitting his report. We thought that if any action was to be taken it should be done after the report is submitted. We did not want to prejudge our Police Officers, nor any person connected with the allegations. We thought, Sir, that on the basis of the report some materials would be found on which we would eventually take action ; and it is precisely such action that is wanted in this motion. This motion does not in itself speak of any action directly against any officer or officers. But what it really seeks is to know whether the Government is taking action or not ; and if so, what action Government is prepared to take. Despite the findings of Sir Manmatha Nath Mookherjee the question is whether the Government is prepared to say that they are not going to take any action ? I would definitely urge on Government to take action on the report submitted by no less a person than Sir Manmatha Nath Mookherjee. That is the object of the motion and that is the exact position which this motion seeks to bring out. I hope, the Hon'ble Prime Minister would be able to clear the position which has been brought up by this motion. I am sure the hon. member who was talking of cowardice of the Congress party would be able to judge on whom the cap will fit.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Mr. Speaker, Sir, I am obliged to the hon. mover of this motion for raising this debate so that the atmosphere may be made clear. I am also obliged to my hon. friend the Leader of the Opposition that he had taken businesslike action throughout that matter and even on this cut motion. Sir, it was very unfortunate that there was a strike at all amongst the labour force of the Assam Oil Company. It was very unfortunate for the labourers themselves, the Company as also the Assam Government that some outside agitators conducted the strike for a long time without any justification. I am extremely sorry to hear that during this time, there was a shooting affair and three lives were lost. My heart goes out in pity for those departed men and their bereaved families, but the issue that has been raised in this motion is very grave. Therefore, Sir, I would ask your indulgence to give me more than 7 minutes, which is the usual time-limit for these speeches.

**The Hon'ble the SPEAKER :** Yes, it is a very important matter. I allowed the hon. mover more than the allotted time and I shall allow the same concession to the Hon'ble Premier.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I have already given my praise to the Prime Minister and the Police in-charge that they took all precautions they thought necessary to deal with the



situation. The Prime Minister had a Resident Magistrate placed on the spot in the person of Maulavi Umaruddin Ahmed. Then there was the shooting incident in which three lives were lost and he deputed Babu Pabitra Kumar Das, Magistrate, to enquire and report. Then after the reports of these Magistrates were received, he thought that these allegations and counter-allegations should be enquired into by a man of eminence of the status of Sir Manmatha Nath Mookherjee with whom I had the privilege to work as a fellow Vakil, as well as I practised before him while he was a Judge. The findings of the report of Sir Manmatha Nath Mookherjee have been freely used and I hope the House will bear me out when I place a few relevant matters from that.

To start with, as my hon. friend has started with the history of the strike, I will just place before the House the summary of the findings of Sir Manmatha Nath Mookherjee at page 30 of the printed Resolution and Report which probably my hon. friends have already seen. It is this:—

1. That the strike was resorted to without any really justifying grievance.
2. That the Labour Union, which was responsible for bringing it into existence, had notions about the respective rights of Capital and Labour which are not correct and cannot be justified.
3. That it is far from established that the Labour Union was conducting its affairs in the way in which a statutory organisation is expected to do.
4. That there are indications that many of the strikers themselves had no idea of the grievances for which they had gone on strike, and it is not at all clear that the strike resolution represented the wish of the majority; and further it would rather seem that once the strike was declared all had to join and keep the strike going.”

After reading this summary I would place the findings of the same high personage who had once adorned the highest seat in the Tribunal of the Calcutta High Court about the conduct of the strikers and the volunteers: “From the talk we had with Maulavi Muhammad Umaruddin we got a fair idea of the kind of lawlessness and terrorism that the regiment of volunteers of the Union were practising during the period of the strike in the name of peaceful picketing and moral persuasion. The account he gave confirmed our conclusions to the same effect, at which we had arrived on the unimpeachable evidence that we had before us.” I think, Sir, nothing more condemnatory can be said about the conduct of the strikers and the regiment of volunteers. I quite sympathise with the position of the Hon'ble Ministers who held the rein of office at the time. Again it is stated by Sir Manmatha, “The Deputy Commissioner sent us copies of some of the speeches delivered at the meetings of the Union on diverse dates, *e.g.*, on June 11th and 24th, August 3rd, 9th and 11th and August 12th. These copies, if they have correctly re-produced the speeches, show that the speeches were full of lies and misrepresentations, highly inflammatory and objectionable beyond measure. In these speeches propaganda of the worst form was being carried on, charging the Ministry and especially the Hon'ble the Premier with weakness and bad faith, inciting the audience to violence and egging on them to be resolute and unbending.”

Sir, with this background we could really see that officers whether the magistracy or the police, had a very difficult time before them and this also has been clearly stated by Sir Manmatha Nath Mookherjee while he had to discuss the conduct of the different officers—the Magistrates as well as the Police. Sir, I will start with the Police first. After reviewing the matter that was placed before them, Sir Manmatha speaks thus of Mr. Misra, Officer-in-charge of Digboi Police Station. “This Officer had a singularly strenuous time and, as far as I can judge, he did his best to hold the



scales even between the parties." Sir, there is absolutely nothing against this officer. Next Mr. Chaudhury. His case refers to Tinsukia, so we are not concerned with him. About Mr. Lloyd Rees, the Additional Superintendent of Police. Against this officer there was an allegation that "he unnecessarily searched the persons of some volunteers and that on that occasion he took away from the pocket of one Suraj Bali, an Assistant Commander of the volunteers, a note-book which contained 3 Government Currency notes of Rs.10 each and never returned them to him."

### Adjournment

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

### After lunch

#### The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADDULLA:

Mr. Speaker, Sir. I was addressing the House before the recess about allegations against the Additional Superintendent of Police, Mr. Lyod Rees. I will again quote the allegation against this officer. "(a) It is said that on the night of June 2nd, 1939, this Officer unnecessarily searched the persons of some volunteers and that on that occasion he took away from the pocket of one Suraj Bali, an Assistant Commander of the volunteers, a note-book which contained 3 Government Currency notes of Rs. 10 each and never returned them to him. (b) It is also said that on the night of June 4th, 1939, the officer abused a Volunteer Captain named Akaddas Ali, struck him 3 or 4 times on the head with a torch and also declared that he would beat him in the presence of all if he did not go away to his own quarters." Sir Manmatha Nath Mookherjee says, "that so far as (a) is concerned, it is denied by the Officer. There may have been a search for weapons but the story of the snatching away of the note-book containing the 3 Government Currency notes is unbelievable even upon the evidence of the two witnesses who sought to prove it, having regard to what, according to them was said by the Officer at the time. As regards (b), the incident was enquired into by the Magistrate, who as the result of the enquiry wrote to the Union as follows:— 'I am to inform you that the Additional Superintendent of Police had to take recourse to search as on the previous nights some persons were actually found roaming about late at night in suspicious circumstances with concealed weapons and also for the fact that nightly occurrences of violence were taking place. So far as the question of assault on Volunteer Captain Akaddas Ali is concerned, the Additional Superintendent of Police informs me that except for having a pure joke with him he had no intention of causing any offence to him. You are presumably aware that at my suggestion the Additional Superintendent of Police called in Sadhu Singh the next day and explained the actual position to him and expressed regret for the misapprehension caused by his action. As I understand, you have made a grievance of this matter before a representative of the All-India Congress Committee despite the Additional Superintendent of Police's expressing regret for his action, I do not think that any further action in the matter is now called for on my part' ". This is the Magistrate's letter. Sir Manmatha Nath Mookherjee remarks as follows:— "I think the matter should have been closed down with the expression of regret by the Officer."

Now from the speech, I find that the main criticism is directed against Mr. Routledge the Superintendent of Police. As regards Mr. Routledge, Sir Manmatha Nath Mookherjee said as follows:— "With the exception of a few specific charges the allegations against this Officer were of a general



nature, amounting to bias and partiality in favour of the Company and against the Union, but extending over a variety of matters." Three specific cases have been placed before the House by my hon. friend the mover of the motion and on that he wants to base his indictment against Mr. Routledge. These three charges can have some bearing upon the conduct of Mr. Routledge. The first one is the case about the accidental or intentional knocking down of one Kalpanath Mazumdar. As regards the fact that the occurrence took place, there can be no doubt. The question is whether it was, as alleged, on behalf of the Union or accidental, as alleged, on behalf of the Company. The Magistrate Mr. Umaruddin has said:—"A complaint was made to me and I sent the case for investigation. Later on I met the investigating officer and from what I ascertained from him I concluded that the case would be sent on a charge-sheet. Later on the Superintendent of Police supervised the case and ordered the submission of final report." Sir, here Sir Manmatha Nath Mookherjee opines as follows:—"It is difficult, in my opinion, to make out how, in either view,—intentional or accidental,—a trial could be escaped.

But the charge levelled against the Company's Medical Officer (by Kalpanath) has been completely negated as the injuries on examination were found to be mere small abrasions on the left knee requiring no medical assistance. Kalpanath's own evidence that he went about limping for a mile or more is also sufficient for this purpose".

I put it to the hon. members of the House to say whether any reliance could be placed upon the statement of this Kalpanath after Sir Manmatha Nath Mookherjee's view about his reliability as to the second part of his complaint. The case was supervised by Mr. Routledge and therefore the charge has been levelled against him that he was biased against that man and so he did not submit the charge but the fact that Sir Manmatha Nath Mookherjee had to find fault with Kalpanath's statement about his allegation against the Company's Medical Officer clearly shows that his allegation was baseless. There were only small abrasions which required no medical assistance.

Now I shall deal with the case regarding the assault on Kamal Ahir. Here also I find that Sir Manmatha Nath Mookherjee held the view, "the Officer-in-charge of Digboi thana took Gurdit Singh to the thana with the spear. What was found in the investigation is not clear, but the result was that the case was not sent up." Now whatever may be the case an allegation has been made against the Superintendent of Police but he was in no way implicated in the result of that case. Sir, I would now go into the occurrence of firing incident that took place on the night of the 18th, *i.e.*, the fateful night. But, Sir, suffice it for me to say that Sir Manmatha Nath Mookherjee's report does not touch that part because it was beyond his jurisdiction. At page 28 of the printed report, Sir, I find that Sir Manmatha says:—"Obviously, it is not possible for us to comment on this statement, for the firing incident is outside the scope of our enquiry." Therefore, we have got no finding or pronouncement beyond that of the Magistrate as regards the unfortunate occurrences on the night of the 18th, April. I have placed all these facts in order to show, Sir, whether this Government deserves any censure. The motion refers to 'criticising Government for not taking action on the conduct of the Police and Assam Rifles before, during and after the shooting incident at Dighoi'. Sir, the shooting incident, as has already been stated was on the 18th of April and from the 18th of April to the 17th of November there was a space of six months during which my hon. friends on the opposite held the reins of Government. They could



take any steps they liked against the officers who did not follow their instructions. They did not do that. Probably they had a very good reason, for as the learned Leader of the Opposition has stated, there were only allegations and no legal findings. Even now, Sir, there are only allegations and no judicial finding, because the finding of Sir Manmatha, in spite of his eminence as a Judge, cannot be treated as a judicial finding. The Opposition have said that we have taken no action to conduct the prosecution which the Sessions Judge had ordered. But if we have not taken any action in this matter, we are not to be blamed, for the learned Sessions Judge gave every opportunity to the then Government to interest themselves in this prosecution. Sir, my friend Khan Bahadur Keramat Ali informs me and he had the best opportunity to know as he was appearing on behalf of the Oil Company in this matter—that the Government was served with a notice by the Sessions Judge to appear in the revision case, but the Government chose to remain absent. If they had appeared, they would have been cognisant of the result or the order passed by the Sessions Judge. So far as I remember, the Sessions Judge passed orders early in September and the then functioning Government was continuing for nearly two and a half months after that order. If they did not take any action, we should not be visited with their sins of omission or commission.

Then, Sir, it has been said that the witnesses in that case had been driven away. This is much too sweeping a remark to make. After the higher authorities, I mean the Central Government, declared Digboi as a protected area, orders of externment were passed against some of the so-called leaders, who may better be described as agitators, after the finding of Sir Manmatha. Except Mr. Pramanik—who is not a native of this province and had absolutely no interest either in the Company or its employees, and one or two others, the rest were repatriated on their own sweet will at the expense of the Company. If any of those people wanted to bring in any complaint against some employees of the Company, they were perfectly at liberty to do so. The Company paid them their railway fare and also the fare for their families. They paid them their full bonus as well as their provident fund and asked them to vacate their houses and sent them away.

✓ Sir, I have very carefully gone through the report of Sir Manmatha, and if I had any definite finding of Sir Manmatha that Mr. Routledge had exceeded his powers, I would have at once jumped upon him. The fact that he is a high European Officer would not have stood in the way. I have examined all the materials that appear in Sir Manmatha's report carefully. What I find is that the Police had a very trying time and that the volunteers, in the name of picketting, were responsible for all kinds of lawlessness—they had actually taken the law into their own hands. If there was a little over-zealousness on the part of some of the Police, I hope my hon. friends will excuse them, instead of raking up the old sore which is just now healing. After an analysis of the facts of the case, as is evidenced in the report of that eminent judicial luminary, Sir Manmatha, I believe there is hardly any case for censuring the present Government.

**Srijut LAKSHESVAR BOROOAH:** May I know what the Hon'ble Premier has got to say about the finding of Sir Manmatha about the Police and the Military giving aid to the Assam Oil Company?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, I do not think that it can be said that the Police did anything beyond what was necessary for the preservation of law and order. It was necessary that the loyal workers should be protected, and therefore whenever they



left their work the Police or the Assam Rifles escorted them to their residences. Similarly when the Company was faced with the dire necessity of recruiting not only for the principal business of the Company but also for their household servants, they had, in order to be safeguarded from molestation by this volunteer organisation, to take the shelter of the Police escort. In this, Sir, I do not think the Police had exceeded their legitimate duties.

**The Hon'ble the SPEAKER:** The question is:

"That the provision of Rs.47,304 under Grant No.14, Major head—29.—Police, Minor head—B.—District Executive Force, Sub-head—(a)—District Police—1.—Pay of Officers (total), at page 98 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.101."

The Assembly divided

Ayes—40

- |  |                                       |
|--|---------------------------------------|
| 1. Babu Akshay Kumar Das.                  | 21. Srijut Lakshesvar Borooah.        |
| 2. Mr. Arun Kumar Chanda,                  | 22. Babu Lalit Mohan Kar.             |
| 3. Mr. Baidyanath Mookerjee.               | 23. Srijut Mahadev Sarma.             |
| 4. Babu Balaram Sircar.                    | 24. Srijut Mahi Chandra Bora.         |
| 5. Srijut Bepin Chandra Medhi.             | 25. Mr. Naba Kumar Dutta.             |
| 6. Babu Bipin Bihari Das.                  | 26. Srijut Omeo Kumar Das.            |
| 7. Srijut Bisnu Ram Medhi.                 | 27. Srijut Paramananda Das.           |
| 8. Babu Dakshinaranjan Gupta<br>Chaudhuri. | 28. Babu Nirendra Nath Dev.           |
| 9. Srijut Ghanashyam Das.                  | 29. Srijut Purna Chandra Sarma.       |
| 10. Srijut Gaurikanta Talukdar.            | 30. Babu Rabindra Nath Aditya.        |
| 11. Srijut Gopinath Bardoloi.              | 31. Srijut Rajani Kanta Barooah.      |
| 12. Srijut Haladhar Bhuyan.                | 32. Srijut Rajendra Nath Barua.       |
| 13. Babu Harendra Narayan<br>Chaudhuri.    | 33. Srijut Ram Nath Das.              |
| 14. Srijut Jadav Prasad Chaliha.           | 34. Srijut Sankar Chandra Barua.      |
| 15. Srijut Jogendra Chandra Nath.          | 35. Srijut Sarveswar Barua.           |
| 16. Srijut Jageshchandra Gohain            | 36. Babu Shibendra Chandra<br>Biswas. |
| 17. Srijut Kameswar Das.                   | 37. Srijut Siddhi Nath Sarma.         |
| 18. Babu Kamini Kumar Sen.                 | 38. Maulavi Md. Ali Haidar Khan.      |
| 19. Babu Karuna Sindhu Roy.                | 39. Mr. Fakhruddin Ali Ahmed.         |
| 20. Srijut Krishna Nath Sarmah.            | 40. Srijut Bideshi Pan Tanti.         |



## Noes—54

1. The Hon'ble Maulavi Saiyid Sir Muhammad Saadulla.
2. The Hon'ble Srijut Rohini Kumar Chaudhuri.
3. The Hon'ble Maulavi Munawwar Ali.
4. The Hon'ble Srijut Hirendra Chandra Chakravarty.
5. The Hon'ble Khan Sahib Maulavi Mudabbir Hussain Chaudhuri.
6. The Hon'ble Dr. Mahendra Nath Saikia.
7. The Hon'ble Maulavi Abdul Matin Chaudhuri.
8. The Hon'ble Khan Bahadur Maulavi Sayidur Rahman.
9. The Hon'ble Miss Mavis Dunn.
10. The Hon'ble Srijut Rupnath Brahma.
11. Srijut Jogendra Narayan Mandal.
12. Babu Kalachand Roy.
13. Maulavi Abdul Aziz.
14. Maulavi Abdul Bari Chaudhuri.
15. Maulana Abdul Hamid Khan.
16. Khan Bahadur Hazi Abdul Majid Chaudhury.
17. Maulavi Abdur Rahman.
18. Maulavi Syed Abdur Rouf.
19. Maulavi Md. Abdus Salam.
20. Maulavi Dewan Muhammad Ahabab Chaudhury.
21. Maulavi Dewan Ali Raja.
22. Maulavi Muhammad Amiruddin.
23. Maulavi Muhammad Amjad Ali.
24. Maulavi Ashrafuddin Md. Chaunhury.
25. Maulavi Badaruddin Ahmed.
26. Khan Bahadur Dewan Eklimur Roza Chaudhury.
27. Maulavi Ghyasuddin Ahmed.
28. Maulavi Jahanuddin Ahmed.
29. Khan Bahadur Maulavi Keramat Ali.
30. Maulavi Muhammad Maqbul Hussain Chaudhury.
31. Maulavi Matior Rahman Mia.
32. Maulavi Mabararak Ali.
33. Khan Bahadur Maulavi Mufizur Rahman.
34. Maulavi Muzarrof Ali Laskar.
35. Maulavi Namwar Ali Barbhuiya.
36. Maulavi Sheikh Osman Ali Sadagar.
37. Shams-ul-Ulama Maulana Abu Nasr Md. Waheed.
38. Mr. A. H. Ball.
39. r. A. F. Bendall.
40. Mr. F. W. Blennerhassett.
41. Mr. N. Dawson.
42. Mr. W. R. Faull.
43. Mr. D. B. H. Moore.
44. Mr. C. W. Morley.
45. Mr. R. A. Palmer.
46. Mr. A. Whittaker.
47. Mr. Benjamin Ch. Momin.
48. Srijut Bhairab Chandra Das.
49. Srijut Binode Kumar J. Sarwan.
50. Rev. L. Gatphoh.
51. Mr. C. Goldsmith.
52. Mr. Jobang D. Marak.
53. Srijut Khorsing Terang.
54. Srijut Rabi Chandra Kachari.

The motion was negatived.

**The Hon'ble the SPEAKER:** We got ample time from the question hour and that time I allotted to 'Registration'. It was not utilised. So we can devote some more time to this demand. I propose to go on with this demand up to 3 p. m.

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I beg to move that the provision of Rs. 15,49,579 under Grant No. 14, Major head—29.—Police, Minor head—B.—District Executive Force—(a)—District Police Sub-head—2.—Pay of Establishment—(i)—Police Force (total), at page 98 of the Budget, be reduced by Rs. 101, i.e., the amount of the whole grant of Rs. 23,52,100 do stand reduced by Rs. 101.



Sir, I move this motion to discuss about the undesirability of posting Inspector and Sub-Inspector of Police within same district for more than 3 years. During the current session, in reply to a certain question, the Hon'ble Premier was pleased to state that the principle of the Government was not to allow Police Officers of the cadre of Inspector and Sub-Inspector to serve in the same district for more than 5 years and 3 years respectively. But I want to submit that though it is the declared policy of Government that such officers should not serve in one particular district for more than a particular period, we find that in practice this policy is not given effect to. Sir, one gentleman is serving as Inspector of Police in the Habiganj town for more than 5 years. Sir, on various occasions we have noticed that though the hon. members of the House, who are the real representatives of the people of the province, are opposed to allow particular officers to remain in the same station for more than a particular period, and though it is also the declared policy of the Government, this policy is not translated into action. Sir, I would urge upon the Hon'ble Premier to see that the officers of this particular department are not allowed to remain in the same station for more than 3 years. If any principle is enunciated, my submission is that the Government should be alert that it is given effect to. With these words, I commend my motion for its acceptance.

**The Hon'ble the SPEAKER :** Cut motion moved :

That the provision of Rs.15,49,579 under Grant No. 14, Major head—29.—Police, Minor head—B.—District Executive Force—(a)—District Police, Sub-head—2.—Pay of Establishment—(i)—Police force (total), at page 98 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs. 101.

**Srijut LAKSHESVAR BOROOAH :** Mr. Speaker, Sir, I rise to say a few words in support of the wholesome principle involved in this motion.

Sir, when a public officer is allowed to stay in a particular place for a long period, he naturally creates likes and dislikes for people surrounding the locality, and as such their investigations into cases and their works, generally are liable to be tarnished by their likes and dislikes. So, Sir, it is in the fitness of things that Police Officers should not be allowed to stay in a particular place for more than 3 years. I take this opportunity to mention before the House that the Inspector of Police placed in Tinsukia has been in the locality for more than 5 years. So also is the case with Officer-in-charge at Digboi, and his likes and dislikes for this party or that party have been evident in most cases. Therefore, I urge upon the Government to take immediate steps to have those officers transferred. With these few words, Sir I support the motion.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Mr. Speaker, Sir, as I stated in reply to a question put by my hon. friend Babu Bipin Behari Das in this Session, an Inspector is allowed to serve ordinarily for 10 years in the same district and 5 years in one subdivision, whereas for Sub-Inspectors the rule is the general rule of 3 years at one station. By means of this motion my hon. friends have drawn the attention of Government to the fact that certain Police Officers have been stationed in particular areas for more than the stated period. Sir, I am not in a position to say why they have been there so long, but I can assure the hon. members that I will take their suggestions into consideration. I would also see, Sir, whether the rule for Inspectors should not be the same as for Sub-Inspectors. On this assurance, I hope my hon. friend will see his way to withdraw the motion.



**Maulavi ABDUR RAHMAN:** After hearing the Hon'ble Premier, I beg leave of the House to withdraw my motion.

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

**Srijut KAMESWAR DAS:** Sir, I beg to move that the provision of Rs. 20,28,207 under Grant No. 14, Major head—29.—Police, Minor head—B.—District Executive Force, Sub-head—(a)—District Police (total), at page 95 of the Budget, be reduced by Rs. 101, *i.e.*, the amount of the whole grant of Rs. 23,52,100 do stand reduced by Rs. 101.

Sir, the purpose of bringing this motion is to bring to the notice of Government the necessity of having more police stations in the Barpeta subdivision of the Kamrup district.

Sir, evidently this is not a censure motion ; it is to urge upon the Government for more police stations in the subdivision. The population of the subdivision has increased twofold since the year 1921. In 1921 the population of the subdivision was less than two lakhs, and it is now in the neighbourhood of four lakhs. In 1921, the population occupied more or less compact areas covering about half the subdivision, and the rest of the subdivision was covered by *beels*, swamps, marshy places, rivers, reserves and other things. At the present moment there are people residing in every quarter of the subdivision. There are about 1,200 such villages in the subdivision, and the number of *thanas* there is only 4. In 1921 the number was 3. Sir, the communication in the subdivision is very bad ; there is no communication facility worth the name. Some of the police stations are located at more than 40 miles from the furthest corners under their jurisdictions. There are no roads. Most of the areas there remain under water for a period of about 9 months of the year. Just before the rains and just after the rains difficulties of transport facilities increase hundredfold. Plying of boats, or foot-traffic become impossible. All these make it very difficult for the Police to effectively deal with the crimes that now take place in abundance in the subdivision at various distances sometimes more than 40 miles away. Again with the increase of population crimes have also increased. Serious cases are often left undetected. It is the opinion of the local officers also that unless there be some more police stations in the subdivision, effective checking of crimes or dealing with them when committed is impossible. Under all these circumstances, I hope the Government will consider the suggestion that I have placed before them, and will take steps to have some more police stations in the subdivision as early as possible.

With these observations, I commend my motion to the acceptance of the House.

**The Hon'ble the SPEAKER:** Cut motion moved :

“ That the provision of Rs.20,28,207 under Grant No.14, Major head—29.—Police, Minor head—B.—District Executive Force, Sub-head—(a)—District Police (total), at page 95 of the Budget, be reduced by Rs.101, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.101.”

**Srijut GHANASHYAM DAS:** Mr. Speaker, Sir, I shall be failing in my duty if I do not add some words in support of the motion which my hon. friend, Srijut Kameswar Das has brought forward. It is really unfortunate that the motion has been moved in this form. I would have been glad if this motion would have been a censure motion. It is all the more unfortunate because it concerns the Barpeta subdivision. The Government have determined not to take any suggestions from Barpeta. (I must say that it is not a question of this Government or that Government.) If any question is



brought forward regarding the improvement of the Barpeta Subdivision it has been the customary policy of the Government not to answer the question or to give an evasive reply stating that the Subdivisional Officer, or some one else, will look into this. Sir, I sent one question to impress on the Government that some more *thanas* are necessary in the Barpeta Subdivision, but Government have not answered that question—perhaps I will not get an answer in this session, or will get an answer after we have gone from here.

Sir, I think it is a pity that the Government have not looked to the Barpeta Subdivision even in this point. The population of the Subdivision has increased, and along with the growth of the population crime has also increased. Sir, for the information of the House I may tell the hon. members that 10 or 12 murder cases have remained undetected and untraced this year. Is it not a pity that the Government and their Police Administration should be so bad in the subdivision? Is it not a glaring neglect on the part of this Government? My hon. friend Srijut Kameswar Das has stated that the population has increased and with it crime has also increased to such an extent that the present police *thanas* and staff have not been able to cope with the growth of the crimes in the Subdivision. Sir, is it not the duty of the Government to check crimes and to increase the number of *thanas*. Sir, Bagbar and Sorukhetri Mauzas are far away from present police *thanas*. And I think the Government should establish two *thanas*, one at Bagbar and another at Sorukhetri. For the information of the House, I may tell one thing that in Bengal for every fifty thousands of population there is one *thana*. Here also there has been an increase in crimes with the influx of immigrants. So, is it not necessary that in every fifty thousands of population there should be one *thana* in the subdivision? Even if you compare with other subdivisions, the police *thanas* in the Barpeta Subdivision is far less. I am told that in Mangaldai and in other places the police *thanas* there have to deal with less number of cases. So, Sir, I think Government will look into these points and will try to give Barpeta subdivision more *thanas*.

**Maulavi ABDUR RAHMAN**: May I know what will be the number of crimes in the subdivision? Can he give us an idea?

**Srijut GHANASHYAM DAS**: Government will give those figures, or the hon. member may look into the Administration Report.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: Mr. Speaker, Sir, the last speaker characterised that successive Governments have treated Barpeta or rather the suggestions from the hon. members from that Subdivision, like irate parents neglecting the child. It is quite true that Barpeta subdivision has increased in population by nearly a hundred per cent. during the last 20 years. Formerly there were only three *thanas* in that subdivision. But if I remember aright about 1933 or 1934 I added one more *thana*. But now that my hon. friends say that as these 4 *thanas* are not capable of looking after the peace, law and protection of property in that vast area which has now been cultivated by influx of outside population, two more *thanas* are wanted. I will be very happy to supply them if this Hon. House will vote the demand for expenses. It has been suggested that the number of serious crimes have increased. I have looked into the figures and I find that there was tremendous increase between the years 1933-35. But since then the number of crimes are very nearly stagnant and not increasing.

**Srijut KAMESWAR DAS**: It has increased very much in the current year and there were as many as 10 to 12 murder cases during the last nine months.



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:**

I am sorry to hear that Barpeta Subdivision of Assam is trying to vie with the North Western Provinces where the monthly number of murders amounts to 40 to 50. Anyway, as I said, I shall be very glad to help my hon. friends if not with two but with one more *thana* in the subdivision if a case is made out and I hope they will give me their support when I come before the House for voting the supplies therefor. Incidentally, I must thank my hon. friends from the opposition for bringing in this cut motion.

For this is an indirect way of giving a good certificate to the Police who have been more sinned against than sinning. If the Police were an evil, as they are often painted then my hon. friends would not have asked for increasing police stations. The fact that with the increase in population and with the increase in crime, Police are wanted in larger numbers clearly shows that the Police is responsible for peace, order and protection of both lives and property of the people.

As I am willing to meet my friends' demand and give them a *thana* as soon as possible, I hope the hon. mover will see his way to withdraw the motion.

**Srijut KAMESWAR DAS:** After I have heard the Hon'ble Prime Minister, I beg leave of the House to withdraw my motion.

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

**Babu DAKHSHINARANJAN GUPTA CHAUDHURI:** Sir, I beg to move that the provision of Rs.1,22,502 under Grant No.14, Major Head—29.—Police, Minor head—G.—Criminal Investigation Department (total), at page 107 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.100.

Sir, while we look to the activities of the Criminal Investigation Department one is tempted to call the Department, "Crime Manufacturing Department". We have heard what the two hon. members have said already, I mean Srijut Lakshesvar Borooah and Srijut Karuna Sindhu Roy. They have been watched. Their letters have been intercepted many times, they have missed letters which have not reached the destination. I find that the activities of our young men who are healthy and stout are observed by these people. Also we note that in a public meeting these people go in plain clothes and take report at random and also we find that the steps of every young man who works in the cause of the public are dogged by the people who work in this Department. With the coming of the Congress Coalition Government in 1939, people got some relief and they are breathing a free air. But with the coming in of the present Government again, we are left in the old order of things and with the declaration of the war our troubles have increased and the movements of even hon. members of this House are watched. By this cut motion I want to bring this matter to the notice of the Hon'ble Premier and I would ask him that he will see that the people have freedom of opinion and expression and their movements are not watched and nobody would like to have his steps dogged.

With these words, I move my motion and I do not like to take any more time of the House, since I have been allowed only two minutes by the Hon. Speaker.

**The Hon'ble the SPEAKER:** Cut motion moved:

"That the provision of Rs.1,22,502 under Grant No.14, Major Head—29.—Police, Minor head—G.—Criminal Investigation Department (total), at page 107 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.100."



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Mr. Speaker, Sir, my hon. friend says that this Criminal Investigation Department is there to stifle the activities of the law-abiding citizens. I think, this is a contradiction in itself. If the people are law-abiding, no Police will go near them. It is only those who engage themselves in subversive activities that their steps are dogged and were dogged even before this Ministry came to function. So it cannot be said that Government has hampered the lawful activities of the citizens of the province. Next, Sir, the fact up till now that there has been neither any prosecution of newspapers nor of any speakers who in no uncertain words have tried to create disaffections between the people and His Majesty's Government and to arouse communal feeling—clearly shows that Government has not up till now taken any repressive measures. Then it is ill-befitting that such a Government should be censured for the alleged misbehaviour of the Criminal Investigation Department.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI :** Does the Hon'ble Premier mean to say that Mr. Karuna Sindhu Roy and Mr. Lakshesvar Borooah are engaged in the subversive movement ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** I am not sure about Mr. Karuna Sindhu Roy. He is engaged in agrarian movement which is causing great trouble in the Sylhet district. I do not know whether it is a subversive movement or not. So far as Mr. Lakshesvar Borooah is concerned, we know that before the strike he used to go to Digboi and address meetings every week end.

**The Hon'ble the SPEAKER :** The question is :  
"That the provision of Rs 1,22,502 under Grant No. 14, Major head—29.—Public, Minor head—G.—Criminal Investigation Department (total), at page 107 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.23,52,100 do stand reduced by Rs.100."

The motion was negatived.

**The Hon'ble the SPEAKER :** The question is :  
That a sum not exceeding Rs.23,52,100 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head "29.—Police".

The motion was adopted.

### GRANT No.33

(LOANS AND ADVANCES BEARING AND NOT BEARING INTEREST).

**The Hon'ble Maulavi Saiyid Sir MUF AHMAD SAADULLA :** On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.4,82,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head "Loans and Advances".

**The Hon'ble the SPEAKER :** Motion moved :

"That a sum not exceeding Rs.4,82,000 be granted to defray the charges which will come in the course of payment during the year ending on 31st March 1941, for the administration of the head Loans and Advances".

**Srijut KAMESWAR DAS :** I beg to move that the provision of Rs.30,000 under Grant No 33, Major head—Loans and Advances, etc., Minor head—B.—Loans and Advances by the Provincial Governments, Sub-head—Loans to Municipalities, Port Funds, etc., Detailed head—Loans to Local Bodies, at page 208 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.4,82,000 do stand reduced by Rs.100.



Sir, the object of my bringing this motion is to criticise the action of the Government for not sanctioning a loan of Rs.10,000 to the Municipality of Barpeta. This loan was applied for by the Municipality as early as February 1939 and the decision of the Provincial Government is still awaited. The Municipality had to send reminders after reminders but to no effect. The first application was made on the 14th February, 1939 to the Deputy Commissioner, Kumrup. A reminder was next sent to the same official in March, 1939. After about a couple of months, the Commissioner of Divisions enquired of the Municipality as to the method of redeeming the same loan. The Municipality replied to the same query as early as April 1939 and in the same month, the Commissioner informed the Municipality that the application for the loan had been forwarded to the Local Government and that Government's orders are awaited. Sir, so many months have passed in the meantime and we do not know what has been done with the loan application. Till now the Municipality has not been informed as to whether the loan will or will not be sanctioned. The Government cannot deny that the Municipality of Barpeta is a very poor one. The roads are very bad indeed. There are pressing needs from various sides. The loan was applied for the improvement of communications, for improvement and construction of several buildings and for the purpose of expansion of education. Already there has been so much delay. I hope after considering the facts I have laid before the Government, they will be in a position to give us a satisfactory reply and see their way to sanction the loan as soon as possible. With these remarks, I commend my motion for the acceptance of the House.

**The Hon'ble the SPEAKER :** Cut motion moved :

"That the provision of Rs.30,000 under Grant No.33, Major head—Loans and Advances, etc., Minor head—B.—Loans and Advances by the Provincial Governments, Sub-head—Loans to Municipalities, Port Funds, etc., Detailed head—Loans to Local Bodies, at page 208 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.4,82,000 do stand reduced by Rs.100."

**Srijut GHANASHYAM DAS :** Mr. Speaker, Sir. I am unfortunate in the sense because I am not the repository of all the documents as my hon. friend Mr. Kameswar Das. Perhaps the Chairman of Barpeta Municipality did not care to inform me what he did on behalf of the Barpeta Municipality. So far as I hear from Mr. Kameswar Das that the Municipality has applied for a loan of Rs.10,000 for the improvement of the town. Sir, nobody will deny that the people of Barpeta are very poor. The subdivision is backward in every respect—in point of education, in point of communication and in point of sanitation too. But, Sir, what I can urge upon the Government is to have pity and sympathy for the town. There are also men who like to live like men—there are also men who have same feelings and same sense of status and of comforts like you all. If the Gauhati Subdivision can enjoy so much benefit from the Government and if Tezpur Subdivision can take so much loan from the Government, I do not find any reason why this loan to Barpeta Subdivision should be neglected and should not be recommended and given. With these few words, I support the motion.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA :** Mr. Speaker, Sir, from the speech delivered by the hon. mover of this cut motion, it is apparent that if any Government is to be censured it will be censuring the Government sponsored by him. He says that in 1939 he applied and within two months he got a reply from the Commissioner that the matter had been referred to the then Government. I am speaking as



Head of the Finance Department and I can tell my hon. friend that no such proposal has been put to me, through the proper channel. I mean, the Local Self-Government Department. I wonder if my Hon'ble friend the Minister-in-charge has got the file with him but I can assure my hon. friend that they need not be jealous of Gauhati or Tezpur or any other Municipality. I am prepared to lend this money to the Barpeta Municipality provided the scheme of repayment has been approved both by their Board as well as by the Commissioner. As soon as I get the scheme approved by the Municipality and the Commissioner, I will pass appropriate order.

**Srijut KAMESWAR DAS** : After hearing the Hon'ble the Premier, I do not like to press the motion and I beg leave of the House to withdraw it. The motion was, by leave of the House, withdrawn.

**The Hon'ble the SPEAKER** : The question is :  
 "That a sum not exceeding Rs.4,82,000 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head Loans and Advances."  
 The motion was adopted.

### GRANT NO. 18

(37. — EDUCATION OTHER THAN EUROPEAN)

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** : On the recommendation of His Excellency the Governor of Assam, I beg, Sir, to move that a sum not exceeding Rs.37,91,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head "37. — Education (other than European)".

**The Hon'ble the SPEAKER** : Motion moved :  
 "That a sum not exceeding Rs.37,91,500 be granted to defray the charges which will come in the course of payment during the year ending on the 31st March, 1941, for the administration of the head 37. — Education (other than European)".

**Babu RABINDRA NATH ADITYA** : I beg, Sir, to move that the provision of Rs.7,200 under Grant No.18, Major head—37.—Education, Minor head—A.—Government Arts Colleges, Sub-head—1.—Pay of Officers, Detailed head—Principals, at page 120 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.37,91,500 do stand reduced by Rs.100.

Sir, the other day the Hon'ble Premier in course of his budget speech remarked that in education lies the salvation of the country. Naturally, Sir, we are interested to see how he has made provision to pave the way to that salvation, but I must confess that we are really disappointed. I will only quote a few figures which will speak for themselves, as I do not like to say much on the subject.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** : I rise here on a point of order. If my hon. friend wants to criticise the policy of the Government as regards education he is in his proper place but if he wants to discuss the inadequacy of provision for education he is quite irregular. He has taken Colleges only, therefore, that point does not arise. There are other cut motions on which my hon. friend can speak.

**The Hon'ble the SPEAKER** : Yes the hon member has taken a wrong one.

**Babu RABINDRA NATH ADITYA** : I shall discuss about the educational policy. I may say about the education of masses by the way which will also involve college education.

**The Hon'ble the SPEAKER** : For the masses there may be necessity for higher education.



**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If you hold that view, I must submit to your ruling, Sir.

**The Hon'ble the SPEAKER:** After all the cut is on the entire demand

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** There are so many sub-heads. If you allow that, I have nothing to say.

**Babu RABINDRA NATH ADITYA:** I will put only a few comparative figures of budgetary provision for education in the province. In the current year, *i.e.*, 1939-40, the revenue receipts of the province was estimated at Rs.2 crore 84 lakhs 45 thousand whereas the revenue expenditure was estimated at three crore one lakh eighty-four thousand. Even under such a financial position with a deficit of 18 lakhs, the Government of the last year made a provision for new schemes under education to the extent of Rs.2,20,157. If we compare the provision for new schemes of education in this year's budget we will find that our revenue receipt is 3 crore 24 lakhs and our revenue expenditure is 3 crore 19 lakhs 24 thousand, *i.e.*, it leaves a surplus of 5 lakhs. Even then, provision for our new schemes on education does not go beyond Rs.1,96,975, *i.e.*, about Rs.25,000 less than the current year's provision. We must also take into account that last year's budget which was prepared by the Congress-Coalition Ministry was introduced rather in a hurry and they had very little time to prepare it in their own way. In spite of a deficit budget and lesser income, the provision for education that was made last year was far liberal than the provision made in this budget. This year the present Ministry have got the full advantage of taxing statutes passed last year and with all the benefits of taxation measures at their door, we find that they have reduced their new schemes with regard to education and this is the way how they work up the salvation for the people.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I must request my hon. friend to say whether 'by last year' he means the calendar year or the financial year.

**Babu RABINDRA NATH ADITYA:** I mean the current financial year.

The Hon'ble Premier often cites examples from other Congress provinces. I have got the figures of some of the Congress-administered provinces and I can say that the budget provision for education in those provinces is 50 per cent. higher than that of Assam. For example, in Bombay the revenue is 12 crores 21 lakhs and the provision for education there is 2 crores 7 thousands, that is to say nearly one-sixth. Then again in Bihar the revenue is 4 crores odd and the education budget is 69 lakhs 45 thousands. In the United Provinces, the revenue is 14 crores 16 lakhs and the education budget is 2 crores 10 lakhs. So, everywhere it is near about one sixth of the total revenue income of the province, whereas in Assam it is about one-ninth. Then also we must take into account that in a bigger province the expenditure on overhead charges is bound to be much less. So the amount actually spent for development of education in those provinces is much higher than in this province.

The other day the Hon'ble Premier referred to a garbled statement from our Congress-Coalition Party scheme for 1940-41. I would not have referred to it as it is more or less a confidential document. But since reference has been made to it, I am compelled to refer to its context, which will show how we suggested financial provision for education for the next year. "Basic education should be introduced as an experimental measure and that Rs.50,000 should be provided for that. Rupees 1,54,000 should be provided for mass literacy. Grant for the Hindi Prachar Samiti



should be increased by Rs.4,000. Government should extend the grant-in-aid to venture schools and a provision of Rs.1,50,000 should be made in the next year's budget for the purpose. Rupees 60,000 should be provided in the next year's budget for increase in pay of primary teachers on condition that they will render voluntary service in connection with the mass literacy campaign." These were the proposals made by the Congress-Coalition Party to the Government and when this is compared with what has, as a matter of fact, been provided by this Government, we can see what the difference is between our outlook and the outlook of the present Ministry.

**Maulavi Syed ABDUR ROUF:** Was that scheme prepared after the Budget?

**Srijut GOPINATH BARDOLOI:** As a matter of fact that scheme was submitted long before that.

**Babu RABINDRA NATH ADITYA:** Then we had made a separate provision in the last year's budget, Sir, for the education of Tribal, Scheduled, and tea-garden pupils and Rs.50,000 was set apart for that purpose. So far as I find, for primary education, a sum of only Rs.50,000 has been allotted this year, leaving aside the portion intended for education in towns. Including that, it does not go beyond Rs.63,000. This is the education budget of the present Ministry in spite of the fact that all the available sources of taxation have been utilised. We naturally expected that a good portion of the new income would be utilised for the spread of education among the masses, but we are sorry to see that the education budget and the budget for the new schemes, have been curtailed instead of being made more liberal. If that is the position in our education budget, it is for the House to say whether they can give their approval to it.

**The Hon'ble the SPEAKER:** Cut motion moved:

"That the provision of Rs.7,200 under Grant No.18, Major head—37.—Education, Minor head—A.—Government Arts Colleges, Sub-head 1.—Pay of Officers, Detailed head—Principals, at page 120 of the Budget, be reduced by Rs.100, *i.e.*, the amount of the whole grant of Rs.37,91,500 do stand reduced by Rs.100."

**Rev. L. GATPHOH:** Sir, I notice that this cut motion before the House is a very comprehensive one. I have a motion in my name, and if you will permit me, I shall speak about that under this motion.

**The Hon'ble the SPEAKER:** That is a particular grievance which the hon. member wants to speak about.

**Rev. L. GATPHOH:** My motion also refers to educational policy.

**The Hon'ble the SPEAKER:** The hon. member may go on, but he will have only five minutes.

**Rev. L. GATPHOH:** Thank you, Sir. Sir, in the last Budget Session I brought to the notice of the Government by a similar motion the total neglect of the Jowai Subdivision on the part of Government in the matter of secondary education. And now I stand to urge on the Government to consider the necessity of making necessary provision in order to enable a Government High School to be started at once in Jowai. In the past and up to the present moment, facilities for secondary education in the Jaintia Hills have been provided by the Christian Missions alone. Government have never at any period of the British rule in these Hills contributed anything, not a penny even, towards secondary education in the Jaintia Hills. Whether it is the policy of Government, or whether it is not, to give facilities for secondary education in all the subdivisions in the Hill Districts in Assam is not a matter for me to know. Supposing it was the policy of the Government to discourage secondary education for the people



in the Jaintia Hills, even then that would not in the least deter me from pressing my claim as representative of the people who have been for years unfairly and heavily taxed.

In no district in Assam do we hear of people being taxed both for land and houses. It is in the Jaintia Hills alone, a long-oppressed subdivision, that the system of double taxation has been in vogue. The houses are taxed at a uniform rate, whether they belong to the rich or poor, in one and the same village, and wet rice fields are assessed at a much higher rate than in other districts in the whole of the province. I say at a higher rate when all the conditions of economic life are taken into consideration, namely, the absolute lack of marketing facilities, lack of communications by land or water and the fact of initial heavy outlay in converting high land into wet rice fields and of raising the water level and also the costly artificial manuring required in order to get one crop only from the land. The system of double taxation is grinding the people into penury. The system of land revenue has brought the engine of oppression and harassment to the agriculturists.

But for the people of such a subdivision Government cannot provide a Government Middle English school even. The seriousness and gravity of situation will be realised when the hon. members of the House are told that the Christian Missions may not for long bear the financial strain owing to the war in Europe, and they may at any time this year be compelled to change their liberal policy of providing grants for higher English education for the people in these hills. We are passing through a transitional stage when the process of devolution is taking place in the Missions, that is the Missions are transferring their financial responsibility to the indigenous churches. When I say indigenous churches, I mean the tax-payers who are heaving anxious time to find money for education. Is not this the time for Government to come forward and make amends for its past neglect to the subdivision?

I do not want the House to think that I appeal to Government to subsidise the existing Missions or the indigenous churches in Assam. I deprecate such a thing. On the other hand, I would rather take this point of view, that is, that even if the Christian Missions were prosperous and able to maintain and develop their educational institutions, it would be the bounden duty of Government to give to the tax-payers their due share out of the revenue for their educational needs. It may be said that money has been provided in the Budget for Jowai High School. Just look at page 91 of the Memorandum on Budget Estimates of the Government for 1940-41. As much as Rs.1,200 has been budgeted for the purpose. It is all well and good, Sir. And I say, thank you to the Government for it.

I must make it quite clear to the House, that on principle I take exception to this. And I am sure the hon. members of the House will at least give me the credit for consistency, when I give my reasons for making this my protest against the policy of giving grants-in-aid to any one body either religious or non-religious in the Jaintia Hills. Yes, we have heard so much of the policy of deprovincialisation of Government schools and colleges and private schools being encouraged by the system of giving Government grants-in-aid. May I ask to what extent it has been put into practice in the most advanced and cultured parts of this province? Have all the Government High Schools been converted into aided schools in all the subdivisions? Is it not a fact that even in this Budget, provisions have been made for purely new Government schools? When all these things are taken into consideration, Sir, we feel that the item in the list of new schemes for the Jowai subdivision is like an insult added to injury.



I dislike using hackneyed expression if I can help it, but as I anticipate the Hon'ble Minister-in-charge of Education saying "half a loaf is better than no loaf", for brevity and lack of proper expression, I am obliged to use a similar expression: "either give us a full loaf or withhold it altogether". We demand, Sir, what we believe to be our share and we refuse to take what is not ours—a dishonourable course of action or procedure to gain our end which my constituency will never stoop to.

**Srijat GAURI KANTA TALUKDAR:** Sir, while supporting this motion for discussing the educational policy of the Government, I intend to criticise the Government policy towards Sanskrit education and to draw the pointed attention towards the continued injustice done to it. Sir, the Government have not only been indifferent, but rather unjust in the matter of discharge of their duties towards the cause of advancement of Sanskrit learning in the province. Sir, the following indictment from the Director of Public Instruction's Quinquennial Review of the Progress of Education in Assam during 1932-37 will establish my accusation beyond any question:

"There are 77 *Tols* in the Surma Valley and 85 in the Assam Valley, and the average number of students in each was 16.

It is regrettable that these institutions scattered all over the province, with so many pupils on the rolls should go without inspection. Almost in every convocations in the past, resolutions were passed for the appointment of an Inspector of *Tols* and such a resolution was passed in the Legislative Council. It is earnestly hoped that funds will now be available for the appointment of an Inspector of *Tols*.

At the beginning of the Quinquennium, the grant to the Board was reduced from Rs.22,500 to Rs.19,750. In 1935-36 this was raised to Rs.20,250. This sum is inadequate to meet the needs of more than 150 *tols*, many of which urgently need grants for buildings and books.

Sanskrit education has received less generous treatment than Islamic education of recent years."

Sir, this is the impartial view of the Head of the Education Department of the Province.

Sir, the number of *Tols* and pupils and the examinees under the Sanskrit Board must have, by this time, increased to a considerable extent. But, Sir, has any increase in Government sympathy for Sanskrit education taken place in the meantime? Sir, a cry for help on the part of Sanskrit education is still a cry in the wilderness. We see from the Review that as time passes on and the necessity for further Government grant for Sanskrit education becomes intense, the grants begin to dwindle. The number of members of the Board, Sir, has to be decreased from ten to six for the sake of economy; but when it was again raised to ten,—for the same sake of economy—the number of meetings had to be curtailed from four to two.

Sir, for want of funds, no convocations were held, as the Review says, in 1931, 1932, 1933 and 1934. Only two convocations were held—one in 1935 and the other in 1937, and no more.

The much-needed Inspector of *Tols* has ceased to occupy any room in the otherwise busy programme of the Government.

The office of the Sanskrit Board, Sir, is located in a room of the Hostel of the Sanskrit College at Sylhet as if to put the Board to public ridicule.

Sir, the *tol* houses and hostels attached to them, are as we all know, provided by the Adhyapak or the Keepers of the *Tols*. And we can easily imagine in what wretched condition they have been. There are no libraries worth the name in these institutions and our Government are making no provision for improvement of the buildings or for supplying necessary books for these ever neglected *tols*.



Sir, let me come to a concrete instance of the Government attitude towards Sanskrit education.

Sir, the "*Britta-Manjari*" of the late Mahamahopadhyaya Pandit Dhireswar Acharya a unique and monumental work on Sanskrit Prosody probably second only to "*Srutabodha*" of Moha'avi Kalidas, still remains in its manuscript form. The beauty of the work is that while giving a definition of a *Chhanda*, the author gives an illustration of the very *Chhanda* in the body of the definition itself. The renowned author has died more than twelve years ago. The Government once thought of publishing the book and took it from Rai Bahadur Kalicharan Sen of Gauhati, but after some years of correspondence with the Kamarupa Anusandhan Samity, abandoned the idea of publishing it, not because it was not worth publishing but only because there was no fund, and the manuscript was returned. This is an instance, Sir, of how the Government discharge their duties towards Sanskrit education which is practically in the plight of a helpless orphan. Now, may I know, Sir, when the Government will discharge their duties towards Sanskrit education upon which depends the cultural advancement of the majority of the inhabitants of the province? I say "majority of the inhabitants of the province" because the Hindu culture depends upon Sanskrit culture.

Sir, even in this year of deficit budget, the Government have found money to provide Rs.10,000 as recurring grant for the expansion of Madrasa education. But, Sir, why could not they provide, say a few hundreds, for the maintenance of the *Tol* education which has been crying hoarse for aid for its very existence. For these reasons, Sir, I beg to support the motion and in doing so I earnestly hope that this hon. House will have sympathy for the cause I have espoused, and I believe that my pleadings will not go in vain.

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:**

Mr. Speaker, Sir, I rise to oppose the motion. I am playing the role which my hon. friends were playing last year, so they need not grudge it. I attentively listened to Mr. Aditya as he was criticising very lucidly the policy of education followed by the present Government. Sir, if the present Government have committed any sin, the sin is that they have dropped the Wardha scheme, which aimed at turning all the schools into factories and all the students into labourers. Otherwise, Sir, I find that the Government has committed no sin for which they deserve such a scathing criticism. They have provided Rs.50,000 for taking over venture schools into the aided list, and this will go a long way towards providing compulsory primary education; of course, not all at once but following gradual process. My hon. friend has said about much-talked-of mass education. What we need, Sir, is provision for educating our sons and daughters, but my friend was trying to impress upon the House that Government ought to have made provision for educating our grand parents (*Laughter*). To me the need of educating our sons and daughters is more needed than educating our grand parents. Sir, I sound a note of disapproval for the provision of Rs.12,000 for mass education, but my viewpoint is quite different from that of my hon. friend Mr. Aditya. As far as I remember, Mr. Bardoloi informed the House last year that some 1,000 venture schools were clamouring for grants-in-aid, I am of course speaking subject to correction. Sir, without making adequate provision for these schools, to provide money for so-called mass education in order to capture public imagination is, I think, nothing but sheer waste of public money. I am at one with Mr. Bhimbor Deori, a member of the Upper House, who said the same thing while discussing the



Budget the other day. Sir, I am illustrating by one example how this much-talked of mass education was successful. Perhaps at Nalbari, wherefrom my friend Mr. Talukdar comes, there was started a night school. This school was started with 70 or 72 students including some fathers of students. The number of students in that school now has been reduced to 7 or 8. This is the way in which public are receiving this scheme. My point is, Sir, that first of all adequate money should be provided for bringing all the venture schools in the aided list and then, if funds permit, Government should make all possible attempts to provide funds for introducing the scheme of compulsory primary education (*A voice*: Is the provision sufficient?). I do not say it is sufficient, but this provision for mass education is useless. It is no use teaching some letters to people of 70 or 80 years of age. They will learn them only to forget after two or three months, and many of them are waiting to retire from this world (*Laughter*) and I don't like to disturb their peaceful retirement. So, I most earnestly request the Hon'ble Premier to withdraw the grant, and for the sake of our children's education, to open schools in every village and to give grants-in-aid to all those schools. That will carry more weight and more valuable result. I know, Sir, that there are areas where the number of schools is very small. If my hon. friend Mr. Aditya remembered the condition of his own constituency, he would not have criticised the Government in this way for the provision of Rs.12,000 for mass education. In tribal areas, in the rural areas of the district of Sylhet as well as in other districts, people are crying for more schools and more provision for schools. But for want of money Government are not able to provide the necessary funds. So, I would urge upon the Government to move in that direction and not to waste their energy and money for the so-called mass education with doubtful results.

**Mr. C. GOLDSMITH**: Mr. Speaker, Sir, we are considering the general policy of mass education in Assam, and I am glad that we should talk on such matters. Sir, all policies and undertakings of this nature aim at something great and vast. Such a campaign to be of any success must get the full sympathy of all the people in the country. It must also get full co-operation and whole-hearted support from the various communities in the land. But at the present moment the political and social atmosphere is not so suitable, not so fit to undertake such a large campaign as this. At this time the political atmosphere is very acute, and there is a great party feeling in this land, and all these measures, and all mass movements or any mass literacy campaign, or prohibition, require a calm and quiet atmosphere, and this is not prevalent at the present moment.....

**Mr. BAIDYANATH MOOKERJEE**: Then let us sit tight.

**Mr. C. GOLDSMITH**: If the Hon'ble Sir Muhammad Saadulla were to begin to launch a scheme of this kind there would be opposition from somewhere—the Congress will come forward and withhold co-operation—they will throw cold water on it, there will be suspicion. In like manner if the Congress launches a scheme, the non-Congress elements will like to throw cold water on it and will withhold co-operation.

**Mr. BAIDYANATH MOOKERJEE**: Certainly not.

**Mr. C. GOLDSMITH**: It is a fact, and we have seen it throughout the country.

We want that all take part in this campaign and sit together and decide things for the good of the country as a whole. I say that without the Congress, non-Congress elements in the country cannot advance, and without non-Congress elements, the Congress cannot advance in any scheme or any project. Therefore I say that we must all get together and try to solve our



domestic problems first. But what has the Congress done ? It has staged a walk out, and if we ask "why are you walking out" ? They reply—"It is the High Command's order".....

**Mr. BAIDYANATH MOOKERJEE :** No.

**Mr. C. GOLDSMITH :**—But when asked "Did not the High Command make any special consideration for Assam ? They said "We have tried, but they would not yield". (*Hear hear*)

**A voice :** Is he supporting or opposing the motion ?

**Mr. C. GOLDSMITH :** I am laying a charge, I was stating the reasons for the Congress bringing about a deadlock in Assam. (*laughter.*)

**The Hon'ble the SPEAKER :** The hon. member should not digress from the point. He should confine himself to the motion.

**Mr. C. GOLDSMITH :** If we ask them whether they are really walking out and will not co-operate, they will say "yes, we are walking out and will not co-operate." But in their absence when they found Sir Saadulla on the *gadi*, they come by the back door and try to break the Cabinet.

**The Hon'ble the SPEAKER :** The hon. member is digressing too much ; he should resume his seat.

**Mr. JOBANG D. MARAK :** Mr. Speaker, Sir, this cut motion is to discuss the educational policy of the Government, and also the inadequacy of the provision. These two things are to be discussed.

**A voice :** Is he supporting or opposing the motion ?

**Mr. JOBANG D. MARAK :** Supporting or opposing is no question (*laughter.*) This motion is only for discussion.

Now so far as the policy is concerned, how to proceed with the spread of education among the masses.....

**Voices :—** Mass education ?

**Mr. JOBANG D. MARAK :—** Education of the masses, not mass education. You do not note the words. (*Laughter.*)

Sir, I have been to Lailyngkot once during the session time, and I have been fortunate to peep into the Government Primary School there—(of course, one question will arise here whether Government has provided school-buildings or not for the year 1939-40.) I found three teachers in the school—one is a male matriculate, and another a matriculate Khasi lady and the third is a non-matriculate. The number on the roll is about 80. But the school house is more worse than a chicken coop and one can count the stars through the roof (*laughter*) and it is in a most prominent place—on the Shillong-Sylhet Road. This is the policy of the Government to proceed on with the spread of education with teachers and students only but without any material and without any apparatus, and if this is the policy of the Government how can we expect any radical improvement.

**A voice—**In the Garo Hills ?

**Mr. JOBANG D. MARAK :** Certainly not. So these things are to be discussed first ; about the money we do not care much, but the money provided must be utilised to the best advantage. My point is that although the provision is inadequate we must see to the utilization of the money—how the money is being utilised. May I know from the Hon'ble Minister if there was any non-recurring grant given to Primary Schools taken over by the Government from the Khasi Hills Mission ? I understand that the money was given, but the Head Master complained that no money was received during the financial year 1939-40. I am waiting for the Hon'ble Minister's reply, and as the time is now up I resume my seat.

#### Adjournment

The Assembly was then adjourned till 11 a.m on Tuesday, the 12th March, 1940.

SHILLONG :

The 27th April, 1940.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.



## APPENDIX F

## EXCESS GRANTS FOR 1937-38

**Expenditure actually incurred in excess of voted grants***(To be discussed on the 11th March 1940)*

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** to move :—

“ That an excess grant Rs.2,370 be voted by the Assembly to regularise the expenditure actually incurred in excess of voted grants in the year 1937-38 ”.

*Explanatory Notes*

Details of the items which make up the total of Rs.2,370 which the Assembly is now asked to vote is given in the note below. The Committee on Public Accounts have recommended to the Assembly that all the excesses should be voted. An extract from their proceedings is given below :—

“ 3. As required by rule 103 of the Assam Legislative Assembly Rules the Committee scrutinised the accounts and were satisfied that the money voted by the Assembly was spent within the scope of the demands voted by the Assembly. No re-appropriation was made from one grant to another. In three cases voted grants were exceeded and the circumstances were explained to the Committee by the controlling authorities. In two cases the excesses were petty while under the third it was due to the lack of co-operation from the Department of the Central Government owing to smaller outlay on works executed on their behalf. The Committee recommended that the excesses referred to in paragraphs 9 and 10 of the audit report should be regularised in the case of charged items by the Finance Department and in the case of voted ones by the Assembly ”.

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**Note on the excesses over certain voted grants noticed in the Appropriation Report for the year 1937-38**

The total voted expenditure for the province during the year 1937-38 as originally provided in the budget amounted to Trs.2,20,68 and supplementary grants to the extent of Trs.6,91 were subsequently voted by the Assembly, thus raising the total to Trs.2,27,59. The total actual expenditure amounted to Trs.2,20,96 and there was thus no excess over the grant as a



whole. Excesses, however, occurred under the following voted heads for the reasons stated against each:—

| Head of Account   | Amount of excess | Reasons for the excess over the sanctioned grants  |
|---|------------------|--|
| 1   | 2                | 3  |
|   | Rs.              |  |
| “ 9.—Stamps ” ...   | 194              | The excess was small. It was due to an increase in the sale of non-judicial stamps which could not be anticipated.                               |
| “ 11.—Registration ” ...  | 110              | The excess under this head was also small. This was due to an officer drawing his arrear leave salary of the previous year late in the year.     |
| “ 50.—Civil Works (Tools and Plant and Establishment Charges)”. | 2,566            | The excess is due to lesser recoveries from the departments of the Central Government owing to smaller outlay on works executed on their behalf. |
| Total ...   | 2,870            |  |

A. V. JONES,

*Secretary to the Government of Assam,  
Finance Department.*



