

Proceedings of the Fifteenth 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 13th November, 1944.

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker, in the Chair, the ten Hon'ble Ministers and seventy-two Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given.)

Breach in the Dikhow Bund near Sibsagar Town

Srijut SURENDRANATH BURAGOHAİN asked :

*43. Will Government be pleased to state—

- (a) The cause of the breach in the Dikhow Bund near Sibsagar town in July last ?
- (b) Whether they are aware that the Bund at the particular point of the breach was being gradually eroded away during the last couple of years or so ?
- (c) What steps, if any, Government propose to take to prevent recurrence in future of such breaches of the Bund ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

43. (a)—An abnormal flood which exceeded all previous high levels.

(b)—Dikhu river is eroding in many places. There was no serious erosion in this place prior to this flood. After July flood and up to September 1944, however the erosion has been severe amounting to about 100'.

(c)—A retirement will be made in the coming cold weather.

Medical leave admissible to Government High School Teachers

Mr. BAIDYANATH MOOKERJEE asked :

*44 Will Government be pleased to state—

- (a) Whether there is any difference in the limit of medical leave admissible to Government High School Teachers for boys and girls ?
- (b) If so, what is that difference ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

44. (a)—No.

(b)—Does not arise.

Mr. BAIDYANATH MOOKERJEE: Is it a fact that the teachers of the Girls' High English Schools who were appointed after 1934 did not get full pay even on medical leave ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: This branch of service belongs to the Vacation Department, and I think in case of leave they are entitled to only half the salary.

Mr. BAIDYANATH MOOKERJEE: Why then this difference, Sir ? Those who were appointed before 1934 get full pay while those appointed after 1934 get half pay. Will Government please see that this anomaly and disparity are removed ?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN: I do not know of this difference, but I shall look into the matter.

Re Settlement in Bhadhara Village Grazing Ground in Betbari Mouza

Srijut SURENDRANATH BURAGOHAİN asked :

*45. Will Government be pleased to state—

- (a) Whether it is a fact that the authorities are granting *pattas* to the encroachers into the Bhadhara Village grazing ground in Betbari Mauza in Sibsagar subdivision ?
- (b) Whether they are aware of the volume and magnitude of protest from the villagers and of the high state of local feeling against the support accorded by the revenue authorities to these encroachers ?
- (c) Whether in view of the vital need of this grazing ground to the inhabitants of two contiguous Mouzas, *viz.*, Betbari and Hanchora, do Government propose to direct the authorities to keep this grazing ground in tact after evicting the encroachers ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

45. (a) & (b)—Government have no information except that mentioned by the hon. questioner in his letter dated the 7th October, 1944 to the Hon'ble Minister (Revenue).

(c)—It is the Deputy Commissioner who decides upon the necessity of a grazing ground in a particular locality after local enquiry and such authority is legally vested in the Deputy Commissioner. Government cannot, therefore, interfere in the matter. Any aggrieved party may appeal to the Member, Revenue Tribunal against the orders of the local officers. Government have, however, sent a copy of the hon. Member's letter above referred to the Deputy Commissioner.

Srijut ROHINI KUMAR CHAUDHURI: Are Government aware that under the provisions of the Land Revenue Regulation the Deputy Commissioners have no authority to open land in a village grazing ground for settlement ?

The Hon'ble Maulavi MUNAWWAR ALI: That authority is vested in the Deputy Commissioner.

Srijut ROHINI KUMAR CHAUDHURI: May I ask the Hon'ble Minister to refer me to the provision of the Land Revenue Regulation which authorises the Deputy Commissioner to throw open land included in village grazing grounds ?

The Hon'ble Maulavi MUNAWWAR ALI: Government are not aware of the detailed circumstances of the case.

Srijut ROHINI KUMAR CHAUDHURI: My point is this: Will Government issue instructions to the local officers that they have absolutely no authority to throw open land in village grazing grounds for settlement ?

The Hon'ble Maulavi MUNAWWAR ALI: If that is the provision of the law, Government will take necessary action.

Srijut ROHINI KUMAR CHAUDHURI: Are Government aware that on account of the confusion created by the circular regarding settlement of land in professional grazing reserves, the local authorities have also allowed settlement in village grazing grounds ?

The Hon'ble Maulavi MUNAWWAR ALI: Government are not aware of any such fact, Sir.

Srijut ROHINI KUMAR CHAUDHURI: Are Government aware that the village grazing grounds are constituted under the provisions of the Land Revenue Regulation, and that they are not considered as waste lands, and so settlement in those grazing reserves is not allowed ?

The Hon'ble Maulavi MUNAWWAR ALI: This is so, Sir, but in case a village grazing reserve is not taken advantage of, it is capable of being thrown open for settlement.

Srijut ROHINI KUMAR CHAUDHURI: Do I understand that the local officers can in their discretion do away with the village grazing grounds and make them available for settlement ?

The Hon'ble Maulavi MUNAWWAR ALI: No, Sir.

The Hon'ble the SPEAKER: In regard to the answers to these questions I am constrained to observe one thing. Question 45(a) asks: "Whether it is a fact that the

authorities are granting *pallas* to the encroachers into the Bhadhara Village grazing ground in Betbari Mauza in Sibsagar Subdivision?" The answer is "Government have no information except that mentioned by the hon. questioner in his letter, dated the 7th October, 1944 to the Hon'ble Minister (Revenue)". And in answer to the next Question it is said that authority has been given to the Deputy Commissioner to grant settlement. Now, was it not the duty of the Government to enquire of the Deputy Commissioner to ascertain the facts stated in the Question?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, we have forwarded the letter to the Deputy Commissioner, but we have not received any reply as yet.

Srijut ROHINI KUMAR CHAUDHURI: When was the letter forwarded?

The Hon'ble Maulavi MUNAWWAR ALI: Soon after its receipt.

Srijut ROHINI KUMAR CHAUDHURI: It is nearly three months.

The Hon'ble Maulavi MUNAWWAR ALI: How can it be so, Sir? The hon. Member's letter was dated the 7th October last.

(Starred Questions Nos. 46 and 47 were not put and answered as the questioner Babu Bipin Behari Das was absent.)

Patherkandi Tahsil Office Defalcation Case

Maulavi MABARAK ALI asked:

*48. Will Government be pleased to state—

(a) Whether the Police Department has been able to detect the culprits in the recent defalcation case at the Patherkandi Tahsil office?

(b) Whether it is a fact that the enquiry was started after 7 days of the occurrence?

(c) Whether it is a fact that the constables, who were in-charge of the money, were arrested and they escaped on their way to Karimganj?

(d) Whether it is a fact that one set of key of the safe, in which the defalcated amount was kept, was lost some four months before the defalcation took place?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

48. (a) — One constable was prosecuted and convicted, the sentence being up-held on appeal.

(b) — No.

(c) Four constables were originally arrested, but none of them escaped.

(d) No, a key of the *Malkhana* lock was missing, and has not been recovered.

†Maulavi MABARAK ALI: As regards (a), by whom was that constable prosecuted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The case was investigated by police and a regular suit was started against the constable who is supposed to have been the offender.

†Mr. BAIDYANATH MOOKERJEE: When was it found out that one of the keys of the *Malkhana* lock was missing?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: When this defalcation was first found out.

†Mr. BAIDYANATH MOOKERJEE: Who was the custodian of this key?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am sorry, I do not find any material to answer the question as to who was the custodian of the key. If my hon. Friend will require it, I will give it to him later on.

†Maulavi MABARAK ALI: May I know when these four constables were arrested?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: These are rather old cases. The defalcation was found out sometime in May 1942.

†Maulavi MABARAK ALI: After how many months of this occurrence, these constables were arrested?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am finding it out from the records. Unfortunately my doctors told me not to use my eyes and

so I did not go through the old records. The charge-sheet was submitted on the 22nd December 1942. The case was reported in May 1942; so full seven months after.

†Maulavi MABARAK ALI : My question is : after how many months of the occurrence these constables were arrested ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : That I cannot find from the records, Sir.

Unstarred questions

(To which answers were laid on the Table)

(Further Supplementaries to Unstarred question **No.1.)

†Mr. BAIDYANATH MOOKERJEE : 1 (e) The question was : "On what principle such compensations are being determined ?" The reply is : "On the basis of actual loss suffered". Is the actual loss determined with reference to actual facts ?

† Speech not corrected

** REQUISITION OF VILLAGES AND LANDS FOR MILITARY PURPOSES

Babu NIRENDRA NATH DEV asked :

1. Will Government be pleased to state—

- (a) The number of villages that have been requisitioned for military purposes in the district of Sylhet ?
 - (b) The number of families that had to leave their ancestral homes on account of these requisitions ?
 - (c) How many of these families have been given land by Government for settling ?
 - (d) Whether all these families were promptly and adequately paid compensation ?
 - (e) On what principle such compensations are being determined ?
 - (f) Whether it is a fact that the compensations for houses are generally ascertained by Kanungoes ?
 - (g) Whether these Kanungoes have any expert knowledge on the subject ?
 - (h) Whether it is a fact that the compensations ascertained by Kanungoes are given without any previous mutual agreement with the party concerned and that the principle as laid down in that behalf in section 19 of the Defence of India Act is not followed ?
 - (i) Whether it is a fact that the rates given are in most cases much below the Public Works Department Schedule rates of the place ?
 - (j) Whether Government are aware that the rates which are being given to these persons are not sufficient to cover even the labour charges or the expenses of erecting houses similar to those they lost ?
 - (k) Whether Government are aware that 95 per cent. of these families are living in most unhealthy congested huts erected with the help of relations and friends ?
 - (l) Whether Government maintain any record regarding the present whereabouts of these evacuees ?
- 2.(a) Is it a fact that there are circulars of the Central Government to the effect that Government would help such evacuees in all possible ways in the matter of rehabilitation by giving lands, constructing wells, roads, establishing hospitals, schools, etc., for them ?
- (b) If so, how far these obligations have been discharged by Government and where ?
- 3.(a) Will Government be pleased to state whether any Schedule of rates has been framed to compensate such people for their trees, etc. ?
- (b) If so, in which year it was framed ?
- (c) Will Government be pleased to lay on the table a copy of such Schedule ?
- (d) Will Government be pleased to state how these people are paid for the paddy lands ?
- 4.(a) Is it a fact that Government is contemplating to take homesteads of rural areas on rental basis for military purposes ?
- (b) If so, on what principle ?

The Hon'ble Maulavi MUNAWWAR ALI replied :

1. (a) to (c)—It is regretted that this information cannot be given in the interest of security.
- (d)—Yes, adequate compensation is paid as promptly as possible.
- (e)—On the basis of actual loss suffered.
- (f)—Compensation is assessed by the district officers assisted by subordinate staff.
- (g)—Does not arise.
- (h)—Advance payments are made to mitigate hardship in cases where delay is involved in final settlement. Acceptance of such compensation does not preclude an evictee from refusing to sign a final agreement and taking the case to arbitration.
- (i) & (j)—Government have no information. If any one is not prepared to accept the Deputy Commissioner's award he has his remedy in arbitration.
- (k)—Government have no information.
- (l)—No. This is not possible. Some take lands provided for them while others refuse to leave the vicinity of military projects on account of the good wages they earn by working there.

The Hon'ble Maulavi MUNAWWARALI : Yes, Sir.

†Mr. BAIDYANATH MOOKERJEE : Are Government aware that only a meagre sum of two annas given for a pineapple tree as compensation ?

The Hon'ble Maulavi MUNAWWARALI : That is not to my knowledge. If the hon. Member asserts it, I will take it to be so.

†Mr. BAIDYANATH MOOKERJEE : Are two annas for a pineapple tree the right price at the present moment ?

The Hon'ble Maulavi MUNAWWAR ALI : Will it not be an expression of opinion, Sir ?

†Mr. BAIDYANATH MOOKERJEE : Will Government take necessary steps to give the poor people their due share ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes, Sir.

†Babu RABINDRANATH ADITYA : Are Government entitled to reopen cases on the ground of hardship ?

The Hon'ble Maulavi MUNAWWAR ALI : The question need be examined and if it is found permissible by Provincial Government, I will do that if any case of hardship would come to notice.

†Mr. BAIDYANATH MOOKERJEE : Will Government reopen the question in cases of hardship ?

The Hon'ble Maulavi MUNAWWAR ALI : I have already answered that, Sir.

†Babu KAMINI KUMAR SEN : May we know, Sir, what is the principle enunciated for determining those compensations ?

The Hon'ble Maulavi MUNAWWAR ALI : The gist of the principle has been enunciated in reply to question (e).

†Maulavi MABARAK ALI : May I know from the Hon'ble Minister the total area requisitioned in the Karimganj Subdivision ?

The Hon'ble Maulavi MUNAWWAR ALI : Yesterday I replied to that question. The hon. questioner was absent.

†Maulavi MABARAK ALI : My question is, what is the total area requisitioned in the Karimganj Sub-division ?

The Hon'ble Maulavi MUNAWWAR ALI : Do you rule it, Sir, that that reply should be repeated ?

The Hon'ble the SPEAKER : Yes, it is better to repeat the reply.

The Hon'ble Maulavi MUNAWWAR ALI : I submitted the other day that the total area could not be given out in the interest of security.

†Babu KAMINI KUMAR SEN : The reply is "on the basis of actual loss suffered." May we know what is the actual loss in the case of fruit bearing trees ?

The Hon'ble Maulavi MUNAWWAR ALI : If a tree is cut it is valued according to the length of life that the tree would survive and the loss that the owner would suffer thereby, but if it is standing, its entire length of life is not taken into consideration for obvious reasons.

*Mr. BAIDYANATH MOOKERJEE : The question was whether it is a fact that the rates given are in most cases much below the Public Works Department schedule rates of the place. May I enquire from the Hon'ble Minister what are the rates given for the thatched houses ?

The Hon'ble Maulavi MUNAWWAR ALI : To that question I cannot reply off-hand, Sir.

*Mr. BAIDYANATH MOOKERJEE : Will the Hon'ble Minister take it from me that the rate given is 2 annas per cubic foot ?

The Hon'ble Maulavi MUNAWWAR ALI : That may be so, if the hon. Member is aware of it.

*Mr. BAIDYANATH MOORERJEE : I may inform the Hon'ble Minister that the Public Works Department rate for construction of thatched houses is 10 annas per cubic foot.

The Hon'ble Maulavi MUNAWWAR ALI : I am not aware of it just now, Sir.

*Mr. BAIDYANATH MOOKERJEE : Will the Hon'ble Minister please enquire and if this be the case will he enhance the rate given by reopening the cases ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes, Sir, if that is within the competence of the Provincial Government.

*Babu KAMINI KUMAR SEN : Is it not desirable to fix compensation for the fruit bearing trees plus 10 to 15 times the price fixed ? Is it not desirable to lay down a principle in this respect ?

The Hon'ble Maulavi MUNAWWAR ALI : I cannot commit now without examining it thoroughly.

*Babu KAMINI KUMAR SEN : May we take it that Government will examine it and then will issue detailed instructions for working out the compensation ?

The Hon'ble Maulavi MUNAWWAR ALI : If after an exhaustive examination it is found that it is desirable to elucidate that principle, that will be done, Sir.

*Babu KAMINI KUMAR SEN : Is it not also desirable to accept the principle that has been initiated with regard to the compensation that has been granted according to the Land Acquisition Act ?

The Hon'ble Maulavi MUNAWWAR ALI : That is a matter on which I can give no assurance, but I propose to examine it, Sir.

*Mr. BAIDYANATH MOOKERJEE : Is it not a fact that in such cases at the time of assessing, the land acquisition rates will be given ?

The Hon'ble Maulavi MUNAWWAR ALI : That might be so, Sir.

*Mr. BAIDYANATH MOOKERJEE : If that be the case will Government see that in all cases the rates are given according to the schedule rates of Land Acquisition Act ?

The Hon'ble Maulavi MUNAWWAR ALI : That proposal will be taken into consideration, Sir.

*Babu RABINDRA NATH ADITYA : Will Government be pleased to publish these rules in the Gazette ?

The Hon'ble Maulavi MUNAWWAR ALI : Yes, Sir.

*Babu RABINDRA NATH ADITYA : Will Government be able to cite a single instance in which compensation was granted for causing inconveniences to the evictees concerned ?

The Hon'ble Maulavi MUNAWWAR ALI : To give reply to this question the matter will have to be further searched.

*Babu RABINDRA NATH ADITYA : Will Government cite a single instance in which compensation was given for professional loss of the people who have been evicted ?

The Hon'ble Maulavi MUNAWWAR ALI: That is an introduction of an element which is quite questionable.

*Babu RABINDRA NATH ADITYA: Do not Government think that of the people who were evicted there were people having professional occupation?

The Hon'ble Maulavi MUNAWWAR ALI: It might have been so, Sir.

*Babu RABINDRA NATH ADITYA: Do Government propose to take into consideration for payment of compensation to those whose occupation had been spoiled?

The Hon'ble Maulavi MUNAWWAR ALI: That question will be examined, Sir, but nothing can be stated now as to what the Government will do.

*Babu RABINDRA NATH ADITYA: Do Government know that compensation for lands where there was standing Aus crop last, has not yet been paid for this year?

The Hon'ble Maulavi MUNAWWAR ALI: I am not aware of that, Sir.

The Hon'ble Maulavi MUNAWWAR ALI replied:

2. (a)—The hon. Member's attention is invited to (d) above. Government's liability consists in the payment of adequate compensation but land is provided, if available. There are no such instructions regarding wells, hospitals, schools, etc.

(b)—Does not arise.

*Babu RABINDRA NATH ADITYA: Is it not the duty of Government to help the evictees in all possible ways?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, in all possible ways.

*Babu RABINDRA NATH ADITYA: But, is it the only liability to pay compensation only?

The Hon'ble Maulavi MUNAWWAR ALI: That is the first liability and the rest are on humanitarian grounds.

*Babu RABINDRA NATH ADITYA: Is it not also a liability to see that the evictees are provided with employment?

The Hon'ble Maulavi MUNAWWAR ALI: No, Sir.

*Babu RABINDRA NATH ADITYA: Is it not laid down in the rules that these evictees should have preference in employment in any Defence projects?

The Hon'ble Maulavi MUNAWWAR ALI: That may be so, Sir.

*Babu RABINDRA NATH ADITYA: Will Government see that these instructions are followed?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, Government are always anxious to see that their instructions are followed.

*Babu RABINDRA NATH ADITYA: Are Government aware that they are not getting employment in the Patharkandi project?

The Hon'ble Maulavi MUNAWWAR ALI: The matter was not brought to my notice even though the hon. Member was actually there and had many a talk with me at Patharkandi when I visited that place as recently as the 28th of October last.

*Babu RABINDRA NATH ADITYA: Has the Hon'ble Minister read the representation submitted to him in this respect?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir. That representation is being attended to.

*Mr. BAIDYANATH MOOKERJEE: May we know, Sir, so far as Patharkandi project is concerned, whether any land has been provided for the evictees in the District of Sylhet?

The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir.

Mr. BAIDYANATH MOOKERJEE: In which area, Sir.

The Hon'ble Maulavi MUNAWWAR ALI: In the Longai Valley Reserve large areas have been thrown open and many people have gone there and others are still negotiating, rather trying to bargain.

*Mr. BAIDYANATH MOOKERJEE: What is the area, Sir?

The Hon'ble Maulavi MUNAWWAR ALI: This is about 7,000 bighas.

*Mr. BAIDYANATH MOOKERJEE: May I know the reason, Sir, why some people are not given land now?

The Hon'ble Maulavi MUNAWWAR ALI: There is no more area available.

*Mr. BAIDYANATH MOOKERJEE: Sir, does not the answer mean that 'so long' the land is available'?

The Hon'ble Maulavi MUNAWWAR ALI: The land has been made available for the last two years, but some of the evictees are still trying to bargain.

*Mr. BAIDYANATH MOOKERJEE: Is it not a fact that Government is not giving due facilities to these people and there is corruption at the time of settlement, so those poor people cannot afford to pay according to the demands of the officer in charge?

The Hon'ble Maulavi MUNAWWAR ALI: No, Sir, so far as Government are aware.

*Mr. BAIDYANATH MOOKERJEE: Then what is the real cause, Sir, and what is the bargaining spirit?

The Hon'ble Maulavi MUNAWWAR ALI: I had been there twice, particularly in connection with providing lands for the evictees. Some of them have gone to the lands set apart for them and others are refusing to go. I went to persuade them to go there on the terms proposed, that is to say, as a temporary measure, but they want that they should get periodic *pattas*.

Maulana ABDUL HAMID KHAN: মাননীয় Revenue Minister কে আমি জিজ্ঞাসা করি, যে সমস্ত প্রজাবর্গের জমি এবং বাড়ী যুদ্ধ সংক্রান্ত ব্যাপারে requisition করা হইয়াছে তাহাদের শতকরা ৫ জন লোকেরও জমির ব্যবস্থা আসাম গভর্ণমেন্ট করেন নাই।

The Hon'ble Maulavi MUNAWWAR ALI: আসাম গভর্ণমেন্ট ইহাদের জন্য জমির ব্যবস্থার চেষ্টা করিতে জেলা অফিছারদের নিৰ্দেশ দিয়াছেন।

Maulana ABDUL HAMID KHAN: কেবল District Officer দের নিৰ্দেশ দিলেই হবে না তাদের প্রকৃতপক্ষে জমি দিতে হইবে।

The Hon'ble Maulavi MUNAWWAR ALI: তাহার ব্যবস্থা করা হয়েছে। দৃষ্টান্ত স্বরূপ আমি বলতে পারি যে সিলেটে ভাটেরা রিজার্ভ তাহাদের জন্য খুলে দেওয়া হয়েছে। তাহারা প্রথমে বলেছিলেন যে ঐ রিজার্ভ তাহারা চান কিন্তু যখন রিজার্ভ খুলে দেওয়া হলো, তখন তাহারা বলেন যে সেখানে তাহাদের সুবিধা হবে না। পাথারকান্দির অনেকেই লঙ্গাই রিজার্ভে জায়গা নিয়ে ফেলেছেন।

Maulana ABDUL HAMID KHAN: একথা কি সত্য যে তাহারা যেখানে জমি চাহিয়াছিল সেখানে মোটেই জমি দেওয়া হয় নাই? গভর্ণমেন্ট এমন জায়গায় জমি দিয়াছিলেন যেখানে শস্য উৎপন্ন হয় না। একথা কি সত্য?

The Hon'ble Maulavi MUNAWWAR ALI: একথা মোটেই সত্য নয়। বা সত্য সেইটে এই যে সিলেটের ভাটেরা রিজার্ভে জমি নিতে তাহারা প্রস্তাব করেছিলেন কিন্তু পরে তাহারা সেখানে যেতে রাজী হন নাই।

Maulana ABDUL HAMID KHAN: Surma Valley হইতে অনেক লোক Assam Valley তে বাইবার জন্য দরখাস্ত করিয়াছিল কিন্তু Revenue Minister এইসব লোককে তেজপুর ও নওগাঁতে জমি দেন নাই। একথা কি সত্য?

The Hon'ble Maulavi MUNAWWAR ALI: এ কথা সত্য নয়।
Babu RABINDRA NATH ADITYA: Do Government realise that the people will have to incur heavy expenditure in reclaiming these jungle lands and unless they get certain rights over these lands it is not possible for them to take that risk both in health and money?

*The Hon'ble Maulavi MUNAWWAR ALI: That is a question of opinion, Sir.
Babu RABINDRA NATH ADITYA: Are Government aware of their objection that unless these lands are disforested and settlement granted as other Ilam lands they were not in a position to sink their money and life?

*The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, this is applicable to those people who are bargaining to Government to give them periodical *pattas* but those who have better sense have already accepted the terms offered by Government.

Babu RABINDRA NATH ADITYA: Better sense in the standard of Government certainly.

*The Hon'ble Maulavi MUNAWWAR ALI: Better sense in all conscience.

Babu RABINDRA NATH ADITYA: Do Government realise that if these people are required to spend some amount of money and energy for reclaiming these lands and building structures thereon they will get nothing whatsoever when required to come back after some years?

*The Hon'ble Maulavi MUNAWWAR ALI: While a section of the people could accept the terms offered by Government and while another section did not accept those Government have no reason to come to an inference as suggested by the hon. questioner.

Babu RABINDRA NATH ADITYA: What is the objection in disforesting those lands? As the Hon'ble Minister had both the portfolios was he incompetent to disforest those lands?

*The Hon'ble Maulavi MUNAWWAR ALI: I was not incompetent, Sir.

Babu RABINDRA NATH ADITYA: Is it not a fact, Sir, that those areas which were not meant to be thrown open to these evictees, have no forest utility whatsoever?

*The Hon'ble Maulavi MUNAWWAR ALI: That would be a sweeping generalisation as the plantation area is increasing year after year.

Babu RABINDRA NATH ADITYA: Is it a fact, Sir, that only those areas were proposed to be given to them where there were no plantation at all?

*The Hon'ble Maulavi MUNAWWAR ALI: Yes, Sir, but those areas are potentially in expansion.

Babu RABINDRA NATH ADITYA: Will Government please take into consideration the additional expenses they will have to incur in this connection?

*The Hon'ble Maulavi MUNAWWAR ALI: The Government will consider this, Sir.

The Hon'ble Maulavi MUNAWWAR ALI replied:

3. (a)—The preparation of a Provincial Schedule of rates was not found feasible on account of the wide variations in the value of trees in different places. The district officers pay compensation according to the price prevailing in the locality.

(b) & (c)—Do not arise.

(d)—Compensation on account of standing paddy crop on the requisitioned land which is not allowed to be reaped by the grower is assessed according to the average wholesale price prevailing in the locality during the harvest season of 1942-43. From the next year $\frac{2}{3}$ rd of the full value of the crop paid for in the first year is payable as annual compensation, one-third being deducted as approximate cost of cultivation not incurred. So long as the period of a tenant's lease continues, compensation is payable on this basis. After the Tenancy ceases it is the landlord who is to be compensated. The basis of compensation in his case is the income that he used to make legally out of the land. The above principles apply in the case of lands other than those held under annual leases. In the case of annual land full value of the crop is paid for the year of requisition and no subsequent payment is made as the lease is determined and the land becomes Sorkari.

*Mr. BAIDYANATH MOOKERJEE: Sir, cannot the schedule be prepared for different districts?

—The Hon'ble Maulavi MUNAWWAR ALI: Sir, the preparation of a provincial schedule of all rates was not found feasible on account of the wide variations in the value of trees in different districts.

*Mr. BAIDYANATH MOOKERJEE: Is it a fact, Sir, that in the case of land acquisition there are different schedules for different districts?

The Hon'ble Maulavi MUNAWWAR ALI: It is not possible for the Government at this present time of stress to have recourse in every matter to the line of Land Acquisition Act.

*Mr. BAIDYANATH MOOKERJEE: It is possible for Government to turn away the inhabitants of the Province from their homesteads and is it not possible for them to make necessary arrangements for their homesteads?

The Hon'ble Maulavi MUNAWWAR ALI: All effort is made to that end, Sir.

*Mr. BAIDYANATH MOOKERJEE: Is it anything but true, Sir?

The Hon'ble Maulavi MUNAWWAR ALI: That may be the hon. questioner's opinion.

*Mr. BAIDYANATH MOOKERJEE: Are Government aware that India Government made adequate arrangements for the Burmese evacuees?

The Hon'ble Maulavi MUNAWWAR ALI: I am not aware of that, Sir, but they perhaps tried.

*Babu RABINDR NATH ADITYA: Is it not laid down in the Central Government Rules regarding compensation that six months' payment should be made in advance?

The Hon'ble Maulavi MUNAWWAR ALI: I am not aware of that, Sir.

Babu RABINDRA NATH ADITYA: Did not the Hon'ble Minister tour round all the affected areas some time in October last?

The Hon'ble Maulavi MUNAWWAR ALI: Yes I did and in several places but not all and I assured that their grievances would receive prompt attention and as a matter of fact these are receiving that amount of attention that is necessary.

The Hon'ble Maulavi MUNAWWAR ALI replied:

4. (a) & (b)—Requisitioning is made by District Officers according to necessity. In the case of agricultural homesteads taken the full value of houses and trees is ordinarily paid in addition to the rental for the land. The rental is determined according to the rate prevailing in the neighbourhood.

Increase of Kerosene ration

Maulavi MABARAK ALI asked:

5. (a) Will Government be pleased to state the basis of their issuing Press Note No. PD.6G/44/158, dated the 23rd June 1944 to the effect that from June 1944, Government were increasing Kerosene ration by 40 per cent.?

(b) Are Government aware that the subdivisions actually got an increased supply of 20 per cent. only?

(c) Is it a fact that this increase will again be withdrawn from September 1944?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

5. (a)—The increase was 40 per cent. of the previous supply, *i.e.*, the supply previous to June 1944.

(b)—Yes, 20 per cent. of the supply in 1941, which was double the supply previous to June 1944.

(c)—It is continuing in September but its further continuance is subject to various considerations on which correspondence is going on.

Maulavi MABARAK ALI: Will the Hon'ble Premier be pleased to show how the supply in the year 1941 which has been alleged to be double the supply previous to June 1944, is equal to the supply previous to June 1941 plus 40 per cent. increase?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The answer is very simple. Previous to 1941, kerosene was not controlled and Assam had as much kerosene as they could consume. Then the Government of India stepped in and suggested that Assam should consume only 50 per cent. of what they used to burn in

1941. Then, on receipt of certain representation from the oil producing company at Digboi, we approached the Government of India and they allowed us 40 per cent. increase of the previous year *i.e.*, 1943 which in itself was 50 per cent. of what was used in 1941. Therefore my reply is correct that although the increase is 40 per cent. of the previous supply in 1944, but in reality it was only 20 per cent. of the supply in 1941.

Maulavi MABARAK ALI: Now it is admitted that the supply of 1941 was double the supply previous to June 1944. Now if we take that the kerosene supply was 40 per cent. in the year previous to June 1944, and if that is doubled then we get 80 per cent. but as regards (a) the increase was 40 per cent. of the previous supply, that is, the supply previous to June 1944. If we take the supply of previous to June 1944 to 40 per cent. *plus* this 40 per cent. it becomes 80 per cent. and how this 80 per cent. can be equal to cent. per cent. ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sir, I cannot follow the hon. Member.

*Maulavi MABARAK ALI: I am sorry, probably I am not yet clear.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I do not understand his difficulty.

*Maulavi MABARAK ALI: If we take that at the time previous to June 1941 the kerosene was given only 40 per cent. and if we take the double of it, it becomes 80 per cent. and if that 80 per cent. is increased by 20 per cent. it become cent. per cent.

*Khan Bahadur Maulavi KERAMAT ALI: Sir, there are so many "Ifs". Can the question be allowed ?

*Srijut ROHINI KUMAR CHAUDHURI: May I ask the Hon'ble Premier if he took Mathematics as one of the subjects in his student career ? (*Laughter*).

The Hon'ble the SPEAKER: The hon. Member should put his question with reference to question (b) and its answer.

*Maulavi MABARAK ALI: If we take the answer (b) to be correct, in that case the increase by 40 per cent. of the supply previous to June 1944 taken together becomes equal to 80 per cent.

The Hon'ble the SPEAKER: Has the Hon'ble Premier understood the question?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Not yet, Sir.

*Khan Bahadur Maulavi KERAMAT ALI: What was the supply previous to 1944 ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It was 50 per cent. of 1941.

The Hon'ble the SPEAKER: Then the present increase is 40 per cent. of 50 per cent. (*Laughter*).

*Maulavi MABARAK ALI: Why in that case the answer has been given in this cumbrous way ?

*Babu RABINDRA NATH ADITYA: Was it not a misleading propo- ganda ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is not a misleading statement, Sir, but a straight reply.

Post of the Trade Adviser to the Government of Assam

Babu KAMINI KUMAR SEN asked :

6. Will Government be pleased to state—

(a) Since when and for what reasons the post of 'Trade Agent at Calcutta' has been created ?

(b) What is the function of this officer and what are his pay and prospects ?

- (c) Whether the Trade Agent has got any office establishment attached to him ?
- (d) If so, what expenditure is involved therein ?
- (e) Who is going to bear the pay of this officer and his establishment ?
- (f) Who has been appointed to the post ?
- (g) Was any application invited for the purpose ?
- (h) If so, who are the other applicants ?
- (i) If not, why not ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

6. (a) & (b)—The post of the Trade Adviser to the Government of Assam was created from the 16th June 1944, with a pay of Rs.900 per mensem. His duties are to control the operations of the Civil Supply Agency, to keep up-to-date information about market conditions and to contact big importers and manufacturers.

(c)—Yes.

(d)—Non-recurring expenditure is.....Rs.1,200 and recurring expenditure isRs.1,300 per annum approximately.

(e)—Government of Assam.

(f)—Mr. A. C. Datta, retired Assistant Commissioner of Income-tax, Assam.

(g)—No.

(h)—Does not arise.

(i)—Government did not consider it necessary as both the All-India Controller of Consumer Goods with headquarters at Bombay, Mr. C. C. Desai, I.C.S., and the Deputy Controller, Mr. K. F. Sobhan, I. P., with headquarters at Calcutta advised that an officer who can read accounts in Nagri and is accustomed to check account books to find out cost price of commodities is necessary at Calcutta on behalf of Assam Government and as Mr. A. C. Datta, retired Income-tax Assistant Commissioner was interviewed by them and received their recommendation.

Babu KAMINI KUMAR SEN: It is stated in the reply to (a) and (b) that "his duties are to control the operations of the Civil Supply Agency, to keep up-to-date information about market conditions and to contact big importers and manufacturers". If that is so, may we know why knowledge of Nagri is necessary ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: In order to find out the real invoice prices of commodities of the importers and manufacturers who are mostly members of the Marwari community and keep their accounts in Nagri.

Babu KAMINI KUMAR SEN: Do the Marwaris allow their accounts to be checked by the officer ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, when there are competing tenderers, each of the tenderers allows his accounts to be checked by the officer.

Khan Bahadur Maulavi KERAMAT ALI: Is the Hon'ble Premier aware that there are certain very big importing and manufacturing firms in Calcutta who keep their accounts in Persian letters and figures ? Does the Trade Adviser know Persian also ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He does not know ; but the Civil Supply Agency are quite competent to keep accounts in English and check accounts kept in Urdu if that is so.

Babu KAMINI KUMAR SEN: Cannot the Civil Supply Agency manage the accounts kept in Nagri ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It is unfortunate that they are Up-Country Muslims who do not know Nagri.

Khan Bahadur Maulavi KERAMAT ALI: May we know from the Hon'ble Premier whether the Civil Supply Agency keep accounts in Urdu or Nagri ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: So far as Assam business is concerned, they keep accounts in English.

Khan Bahadur Maulavi KERAMAT ALI: Does the Trade Adviser know Urdu ? If he does not, how can he check the accounts ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I replied that the Assam business accounts of the Civil Supply Agency are kept in English.

Khan Bahadur Maulavi KERAMAT ALI: May I know whether the Trade Adviser is within his jurisdiction in placing orders with different firms in Calcutta and in fixing the price also?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is entirely a new question.

Khan Bahadur Maulavi KERAMAT ALI: My question is whether it is within the function of the Trade Adviser to place orders with different firms in Calcutta?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is no information with Government to give the reply.

Khan Bahadur Maulavi KERAMAT ALI: May I know from the Hon'ble Premier whether the Trade Adviser has been authorised to place orders with different firms in Calcutta?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The Trade Adviser ordered certain goods for Assam as the stock was going to be short. We found, Sir, that the goods supplied at the order of the Trade Adviser were not up to our expectation. Therefore, we have ordered that without consulting the Government of Assam he should not place any order for supply to the Province.

Khan Bahadur Maulavi KERAMAT ALI: Is it a fact, Sir, that the prices fixed by the Trade Adviser for certain articles that are being sent to Assam on orders issued by him are higher than the then prevailing prices in Calcutta market?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It has been reported only a week ago that the ordinary cutting instrument, *dao* and electric bulb of a particular brand that were sent to Assam have been found to be higher in price than the prevailing price in the Calcutta market. The matter is being looked into by the Government of Assam.

Babu RABINDRA NATH ADITYA: Is it not a fact, Sir, that the washing soaps are charged much higher prices than what are available from Dacca?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is perfectly correct, Sir. But these soaps were not sent by the Trade Adviser but by the Government of India Officer—the Deputy Controller of Consumer Goods, Mr. Sobhan.

Srijut ROHINI KUMAR CHAUDHURI: Is it not a fact, Sir, that some of the goods supplied are also of inferior quality and the traders refused to take delivery at all on their accounts.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That is perfectly true, Sir. Two varieties of soaps, washing & bar, were bought, without the knowledge of the Government of Assam, by the Deputy Controller of Consumer Goods—Mr. Sobhan. He tried to help the Government of Assam, but he or his subordinates had no time to look into the actual goods. And when those articles arrived in Assam the traders refused to take delivery. I sent for samples and the samples are with me. I find that both the varieties of the soaps are not up to the particular brand. One the Greenland bar soap is very hard and no body will take them, while the washing soap is not up to the Dacca standard. I am awaiting Mr. Sobhan's visit to Shillong to take up the matter with him.

Mr. BAIDYANATH MOOKERJEE: Were the soaps purchased at his own initiative or he was requested by the Government of Assam to purchase on their behalf?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The soaps were purchased at his own initiative, Sir to supply shortage in Assam.

Babu KAMINI KUMAR SEN: Will the Trade Adviser be held responsible for placing these orders in which the articles supplied are of an inferior quality?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We are asking for his explanation.

Khan Bahadur Maulavi KERAMAT ALI: After this experience, do Government propose to save the Province of Assam from the activities of the Trade Adviser and the Deputy Controller of Consumer Goods?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As regards the Trade Adviser, we have already instructed him not to place any orders without consulting the Assam Government and without giving us sample of the Goods.

As regards Mr. Sobhan, the Deputy Controller of Consumer Goods, I will take up this matter with him when he next comes, as he periodically visits Assam.

Babu RABINDRA NATH ADITYA:—Does the Civil Supply Agency make purchases on behalf of the Government of Assam?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: They are entitled to purchase both on Government account as well as on traders' accounts.

On Government account, they buy only the goods for which quota has been fixed by the Central Government. For example, butter. Its quota was given to us and this quota was bought on Government account by the agency.

But their services are being utilised more by the traders of Assam, as they find difficulty in arranging transport and godowns to store the goods at Calcutta. Of course, on receipt of commission they take charge of the trader's goods and send them either by rail or by steamer.

Shortage of essential food-stuffs in the Province

Babu KAMINI KUMAR SEN asked:

7. Will Government be pleased to state—

- (a) Whether it is a fact that imported articles of food-stuff such as salt, sugar, Atta, flour and Soojee supplied from Government stock are hardly sufficient to meet even one-fourth of the normal requirement of the Province?
- (b) Whether it is a fact that with regard to those articles no permit is granted to anyone for the purpose of additional supply?
- (c) Whether Government are aware that except for the meagre supply from the Government stock, these articles are absolutely unavailable in the open market?
- (d) Whether Government propose to make some arrangement for import and distribution of at least the normal demand of the Province either through its own agency or through the trade channel?
- (e) Whether Government are aware that most of the Government supply of sugar go to meet the demand of the confectioners?

8. (a) Are Government aware that milk is extremely scarce almost in every part of the Province and that a major portion of the available supply is consumed by the confectioners?

(b) In view of the very urgent and pressing demand of the general public for additional supply of milk and sugar, do Government propose to stop the supply of sugar and milk, at least temporarily for the purpose of preparation of sweetmeats?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied:

7. (a)—Government do not think so.

(b)—Yes, as their importation is restricted by basic quota and consequently by limited transport.

(c)—Yes, in view of the limitation imposed by the Central Government on the export of these commodities from surplus areas.

(d)—Government have already asked for increased quota.

(e)—No. The supply to confectionaries has been regulated either by rationing where regular rationing has been introduced or by informal rationing where regular rationing has not been introduced.

Babu KAMINI KUMAR SEN: With regard to question No. 7 (a), may I know, Sir, what is the normal requirement of the Province in respect of sugar?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Sugar is a controlled commodity. We cannot increase beyond the quota that has been given to us by the Government of India. This commodity is very short in quantity and less than what we imported before the war.

Babu KAMINI KUMAR SEN: My question was: "whether it is a fact that imported articles of food-stuff such as salt, sugar, Atta, flour and Soojee supplied from Government stock are hardly sufficient to meet even one-fourth of the normal requirement of the Province."

The reply given is—"Government do not think so."

Now, my question is—may I know what is the normal requirement of the Province with regard to sugar?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That would depend upon the ration of sugar which may be given to each individual. My reply that "Government do not think so" is based on the assertion made in the question that the quantity of imported articles is one-fourth of the normal requirement.

Mr. BAIDYANATH MOOKERJEE: What percentage of normal requirement is being given at present, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That will again depend upon the quota which my hon. friend will have for each adult or each family. If sugar was issued on any definite standard or measure, then I could say what would be the normal requirement of the Province.

Mr. BAIDYANATH MOOKERJEE: What was the normal requirement before rationing was introduced and when there was no restriction in the matter of transport?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: When there was no restriction in the matter of transport, and control, any body and every body could import according to his own convenience without any reference to normal requirement.

Therefore often times the stocks in the Province used to be higher than the normal requirement. Now, without a definite standard, the standard on which sugar can be rationed per head, whether it be one *powa* or one seer per head "normal requirement", cannot be calculated.

Mr. BAIDYANATH MOOKERJEE: What was the average consumption of sugar before the introduction of rationing?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The average import was in the neighbourhood of 6 lakhs maunds.

Mr. BAIDYANATH MOOKERJEE: What is the present average, Sir?

The Hon'ble Saiyid Sir MUHAMMAD SAADULLA: A little over 4 lakhs in the year.

Mr. BAIDYANATH MOOKERJEE: As regards question No. 7 (d), may we know when we can expect to have the increased quota?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Both for sugar as well as wheat, I am glad to be able to say that as regards wheat, the Government of India is willing to give us an unlimited quantity. At present the quota allowed is 20 thousand tons a year. They have already increased it to 40 thousand tons and they are going to increase it further, if required. So far as sugar is concerned, the Government of India have warned us that there is about 15 percent reduction in the sugar cultivation in the United Provinces and Bihar. Therefore most probably there will be a shortage to the extent of 20 to 25 per cent in the production of sugar. They warned us that we should reduce consumption of sugar to that extent. But we insisted that Assam is now a front line Province, there are various war projects engaging vast number of labourers who must get food-stuffs with calory value. They have for the present agreed not to reduce our quota for the current year although production will be decreased at source.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

8. (a)—Yes, but the scarcity is not due to the consumption of milk by confectioners, but due to dearth of milch cows and the military demand of the available production.

(b)—The District Magistrates have been authorised to regulate the distribution of milk and sugar for the purpose of preparing sweetmeats and they have already passed orders under Defence of India Rules restricting the use of these commodities for the purpose of preparing sweetmeats.

Appointment of wholesalers for imported commodities in Barpeta Subdivision

Maulana ABDUL HAMID KHAN asked :

9. Will Government be pleased to state—

(a) The number of wholesalers appointed by the Subdivisional Officer, Barpeta, for imported commodities during the period from April 1943 to March 1944 ?

(b) Of these how many were Muslims and how many belong to other communities ?

(c) The number of wholesalers appointed by the said officer during the current year ?

(d) Of these how many are Muslims and how many belong to other communities ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

9. (a)—Six.

(b)—All were caste Hindus.

(c)—The Subdivisional Officer appointed 30 wholesalers in April 1944 but the Deputy Commissioner, Kamrup, revised the list and reduced it to 9 in May 1944.

(d)—Of these one is a Muslim appointed temporarily pending decision of an appeal, while others are non-Muslims.

Famine Enquiry Commission

Maulana ABDUL HAMID KHAN asked :

10. (a) Are Government aware that a Famine Enquiry Commission has been appointed by the Government of India to investigate into the causes of last year's famine in Bengal and Assam and acute food shortage in this part of the country?

(b) Do Government propose to place before the Commission the causes of Assam's shortage of food and the possibilities of improving the situation by throwing open the cultivable waste lands to grow more food?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

10. (a)—Yes.

(b)—The Secretary, Department of Supply appeared before the Commission as a representative of the Assam Government and placed all the facts for its consideration.

Shifting of the Dak Bungalow and the Police Station of Tarabari to Chenga

Maulana ABDUL HAMID KHAN asked :

11. (a) Will Government be pleased to state whether it is a fact that there is a proposal lying with Government to shift the Dak Bungalow and the Police Station of Tarabari in the Subdivision of Barpeta to Chenga, a place some five miles from Tarabari?

(b) Are Government aware that Tarabari is one of the biggest business centres of the Province and that about 70 thousands of people belong to that area?

(c) Are Government aware that the shifting of the Police Station from its present site will cause hardship to the people of the locality?

(d) Do Government propose to allow the Police Station and the Dak Bungalow to remain where they are at present?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA replied :

11. (a), (b), (c) & (d)— A proposal for the regrouping of Mauzas in Barpeta Subdivision for more efficient Police supervision, involving the creation of one new Thana and the shifting of Tarabari Thana to Chenga was submitted in 1940, but its execution was postponed owing to the war and the high cost of building materials. There is no immediate likelihood of its being implemented and the merits of the proposal will be re-examined before any further action is taken. There is, however, no Dak Bungalow at Tarabari.

Primary Schools and Maktabs in the Barpeta Subdivision

Maulana ABDUL HAMID KHAN asked :

12. Will Government be pleased to state the total number of Primary Schools and Maktabs in the Barpeta Subdivision?

The Hon'ble Khan Bahadur Maulavi SAYIDUR RAHMAN replied :

12.—There are 400 Lower Primary Schools and 20 Muktabs in the Barpeta Subdivision.

District Medical Officers of Health

Babu RABINDRA NATH ADITYA asked :

13. Will Government be pleased to state—

(a) Whether they fixed any percentage for appointment as District Medical Officers of Health from the cadre of Public Health Sub-Assistant Surgeons ?

(b) If so, what is that percentage ?

(c) How many have already been so appointed and whether the percentage has been complied with ?

(d) Whether Government has posted District Medical Officers of Health for all the eight plain Districts of Assam ?

(e) If not, why not ?

The Hon'ble Miss MAVIS DUNN replied :

13. (a), (b) & (c)—One post in the cadre of Assistant Surgeons of the Public Health Department which consists of only 9 posts (designated now as District Medical Officers of Health), is reserved for promotion of selection grade Sub-Assistant Surgeons of the Department. Reservation is not made on any percentage basis. This reserved post has already been filled up.

(d)—Yes.

(e)—Does not arise.

Babu RABINDRA NATH ADITYA: Has Jorhat been provided with any District Medical Officer of Health, Sir ?

The Hon'ble MISS MAVIS DUNN: Yes, Sir.

Babu RABINDRA NATH ADITYA: When ?

The Hon'ble MISS MAVIS DUNN: Quite recently—the exact date I am not able to give.

The Hon'ble the SPEAKER: Order, order. The question hour is now over.

Request by the Leader of the Opposition to make a statement regarding the attitude of his party in the House

Srijut GOPI NATH BARDOLOI: Mr. Speaker, Sir, after a lapse of about three years the Congress Party is officially attending the session of the Assembly and I would crave your indulgence to give me an opportunity to make a statement in the House, not to-day but to-morrow or any other day, regarding the attitude of my party regarding the business in legislature.

The Hon'ble the SPEAKER: Yes, I shall be quite willing to accede to the request of the Hon'ble Leader of the Opposition.

Mr. A. WHITTAKER : What is the request, Sir ?

The Hon'ble the SPEAKER : Request to make a statement with regard to the attitude of his Party in this House. I would request him to be as brief as possible and I would certainly permit him to make a statement to-morrow just after Questions.

Srijut Surendra Nath Buragohain to speak on his Adjournment Motion which he moved for leave on the 11th November.

***Adjournment Motion re refusal of Government to allow extraction of thatching grass from Majuli (continued)**

Srijut SURENDRA NATH BURAGOHAIN : Mr. Speaker, Sir, I should like to hear the Hon'ble Minister before I make further observations on the subject.

The Hon'ble Maulavi MUNAWWAR ALI : Mr. Speaker, Sir, I remember to have heard the hon. Mover to say that by his Motion he wanted merely to draw pointed attention of the Government to the grievances he has mentioned. I wish to know, Sir, if I am correct in thinking that that is his attitude and not one of censuring Government.

The Hon'ble the SPEAKER : Does the hon. Member want to censure Government ?

Srijut SURENDRA NATH BURAGOHAIN : I want to draw the attention of Government to this particular matter and I want an assurance from Government that they would immediately do something to remove the confusion that is prevailing among the villagers and rescue them from the molestations of the contractors and overbearing subordinates.

The Hon'ble Maulavi MUNAWWAR ALI : I would promptly look into the grievances which he has mentioned and try to do all that is possible, Sir.

The Hon'ble the SPEAKER : Then I take it that the hon. Member does not press his Motion. In that case it is not necessary for me to decide whether the Motion is in order or not.

Does Mr. Aditya ask for leave to move his Adjournment Motion with regard to oranges ?

Adjournment Motion re ban on Civilian Trade Movement in Oranges in the District of Sylhet

Babu RABINDRA NATH ADITYA : Sir, I beg leave of the House to move the following Adjournment Motion :—

“This Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the situation created by the ban imposed by Government on the civilian trade movement in oranges in the District of Sylhet”.

The orange season has just begun and Government have imposed a ban on the movement of oranges except for the supply to military contractors. The military contractors in the District of Sylhet would take about 2 lakhs of oranges daily from Latu area in the Subdivision of Karimganj and 5 lakhs from the Sylhet centre, whereas, the normal supply from Karimganj Subdivision would be over 5 lakhs a day and about 10 lakhs from the different parts of Sylhet. So it is evident that the military contractors cannot consume the whole supply. Orange is a perishable commodity and if the ban is not lifted it would react very adversely on the growers. They have now been thrown into the mercy of the military contractors who get Rs. 14 per maund from the Military and sub-let at the rate of Rs. 9 per maund, and the sub-contractors insist the growers to supply them at five to six rupees per maund. Now, there is no other

*“That this Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the situation resulting from utter confusion now prevailing among several thousands of Sibsagar villagers while attempting to extract thatching grass for domestic use from Brahmputra Chapari, an Unclassed State Forest, in Majuly, owing to the failure on the part of the Deputy Conservator of Forests, Sibsagar Division, to facilitate such customary and lawful extraction.”

purchaser in the market and nobody can move his oranges outside the District. Thereby the growers have been forced to submit to the rates of the military sub-contractors. Sir, the same process is being applied in the case of pineapple, potato, rice and paddy. These methods are being applied not to the interest of the growers but to safeguard the interest of a few contractors.

Mr. A. WHITTAKER: May I hear from Mr. Aditya what he wants Government to do in this matter? What is the important point which he wants to be extracted from Government in reply?

Babu RABINDRA NATH ADITYA: I want free movement of civilian trade. At normal times, country boats from Bengal Districts used to pour into Karimganj to take the oranges and other commodities. Now, on account of the ban, free movement of the trade has entirely been stopped.

Mr. A. WHITTAKER: May I take it that Mr. Aditya wants normal trade to be opened but he does not ask for special rail or road transport for these oranges? Is it quite certain that as soon as the ban is removed, all these oranges will go to normal distribution channels by country boats?

Babu RABINDRA NATH ADITYA: Yes.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, probably when Mr. Aditya tabled his Adjournment Motion he was not in possession of all the facts. It was reported that the orange crop would be short this year and the Military had placed a contract with a certain party to supply them on an average, 7 lakhs of oranges daily. Originally, the Deputy Commissioner thought that as there was short crop, probably the complete requirement of the Military would not be met. Later on, he was satisfied with certain statistics that were placed before him that there would be a surplus and that should be released either for civilian consumption or for export outside. When I received his report, I went through the matter thoroughly with the Supply Secretary and also the Deputy Commissioner on the 'phone and just before the day on which this Session started, I ordered that to the west of Chatak, all the previous traders, should be allowed permits to sell their oranges either locally or beyond the boundaries of this Province. And from this area all the oranges are taken by country boats. When Session began, two hon. Members of this House approached me and said that even after meeting the full requirement of the Military Authorities about 5 lakhs of oranges daily, would be surplus at Chatak and unless the ban was removed the growers would suffer. I asked them to submit a petition to me and a petition was submitted day before yesterday. But I was too ill to take up this matter immediately. I will look into it as soon as I can get a breathing space. I can assure Mr. Aditya that if the statement made by the two hon. Members of this House is correct, I will have to consult their figures, and if I get Deputy Commissioner's report that the figures are correct then the surplus, after Military requirement, will be allowed for export provided, of course, they can get transport facilities. As regards country boat transport, there is no difficulty.

Babu RABINDRA NATH ADITYA: I am obliged to the Hon'ble Premier for the assurance he has given. Yesterday also, I received a telegram from the Jaldhup Central Orange Trade Association which runs thus: "Orange export prohibition order badly affects growers and dealers. Immediate relief solicited".

As a matter of fact, there is very little trade in oranges west of Chatak. Actually the orange-growing area, in the District of Sylhet, is Karimganj Subdivision. So, if people to the east of Chatak are not allowed any facilities for export, I am afraid, that the Military will not be able to consume the whole quantity there. As the matter is very urgent, I would request the Hon'ble Premier to pass the necessary orders in a day or two and communicate them to the Deputy Commissioner by telephone.

Maulavi MABARAK ALI: I have also received a telegram this morning from the Secretary, Orange Traders' Association. The Hon'ble Premier stated that he would release some oranges for civilian consumption. May I know since when has civilian consumption been banned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: If the entire produce is taken over by the Military, there will be nothing left for civilian consumption. That is what I meant.

Babu RABINDRA NATH ADITYA: May we know the decision of the Hon'ble Premier in a day or two ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: As I mentioned, the petition was filed before me day before yesterday. Yesterday, I was too ill to look into the matter. Even now the doctor has prohibited me to use my eyes—I am suffering from ophthalmia. Normally, I should not have attended to-day, but as an important Adjournment Motion, about the rice situation in the Province, stands in the name of Maulavi Abdul Bari Chaudhury, I have come. Otherwise the doctor advised me to remain in bed. Any way, if I get time on Wednesday, I will go through the file and pass necessary orders. But I doubt that, as there is the meeting of the Economic Advisory Board from 10 o'clock that day. Probably there will be less work on Thursday, a Government Business day, and I will look into this matter then, and inform both Maulavi Mabarak Ali and Mr. Aditya about my decision, which will also be communicated to the Deputy Commissioner by telephone.

Babu KAMINI KUMAR SEN: On a point of information, Sir. Is there at present any notification or any order banning the export of oranges, outside the Province ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: A certain notification was issued last year by the Deputy Commissioner, Sylhet, and this is still in force.

Maulavi ABDUL BARI CHAUDHURY: The surplus for the whole district will be 15 lakhs and not 5 lakhs as stated by the Hon'ble Premier.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I was speaking of the surplus of Latu area only. The bulk of the oranges go down from the Khasi Hills.

Maulavi ABDUL BARI CHAUDHURY: In that case the Hon'ble Premier is right, Sir.

Babu RABINDRA NATH ADITYA: In view of the assurance given by the Hon'ble Premier I will not press my Motion, but I request him to look into this matter very promptly, as one day's delay means great loss to the growers.

The Hon'ble the SPEAKER: It is not necessary then to decide if the Motion is in order.

Adjournment Motions re (i) failure of Government to take action against the Chairman, Silchar Municipal Board for his misconduct, (ii) situation created by the failure of the food supply policy of Government and (iii) failure of Government to save the growers of betel-nuts in the Province from being taxed, etc.

The Hon'ble the SPEAKER: The next three Motions stand in the name of Babu Rabindra Nath Aditya. I should say straightaway that none of these Motions is in order.

The first Motion says: "this Assembly do now adjourn to discuss a definite matter of urgent public importance, viz., the failure of Government to take action against the Chairman, Municipal Board, Silchar, for his misconduct as particularly revealed in the judgment of the damage suit brought by Babu Rabindra Kanta Sen". On this matter Questions were asked during the last Session, and in this Session too we have got numerous Questions. Moreover, it appears that it is not at all a matter of urgent public importance nor of recent occurrence.

The next Motion says: "this Assembly do now adjourn to discuss a definite matter of urgent public importance, viz., the situation created by the the failure of the food supply policy of Government." This becomes unnecessary having regard to the other coming up for discussion.

The next Motion states: "this Assembly do now adjourn to discuss a definite matter of urgent public importance, viz., failure of Government to save the growers of betel-nuts in the Province from being taxed on the weight of green nuts with shells and also on tree basis, in the homestead of the agriculturists."

This subject-matter certainly relates to the Central Government.

Babu RABINDRA NATH ADITYA: But they are encroaching on agricultural income for which Provincial Government is certainly responsible. Agricultural income should not be doubly taxed.

The Hon'ble the SPEAKER: That is a legal matter. This Motion is not in order. The next Motion stands in the name of Mr. Baidyanath Mookerjee.

Adjournment Motion *re* refusal of Government to permit Mr. A. K. Chanda, M. L. A. to attend the current November Session of the Assembly

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I beg leave of the House to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance, *viz.*, the situation created by the refusal of permission by Government to Mr. A. K. Chanda on his application seeking permission for attending the current Session of the Assembly.

The Hon'ble the SPEAKER: What is the situation created?

Mr. BAIDYANATH MOOKERJEE: It affects the privilege of the hon. Members of this House. We find that all other Members who similarly applied have been allowed by Government to attend the Session. Mr. Chanda intimated to Government that in case he felt fit he would like to join the Assembly Session. But, Sir, he has been disallowed; he has been asked not to come. Sir, I fail to understand that when Mr. Bardoloi, the Leader of the Party, has been allowed to come why the Deputy Leader has been restrained from doing so and to represent his constituency which is going on unrepresented for more than two years.

There is another point, Sir. So far as we know there is practically no restriction imposed on him. The last letter that was written to him was that in case he wanted to come to Assam he should intimate his desire to Government. Accordingly, Mr. Chanda intimated his desire, but he has been prevented from coming and representing his constituency in this House. Why this *zoolum* on him? His petition has been rejected recently, and I think even if I do not add anything more it is quite sufficient to prove that this is a definite matter of urgent public importance, and I hope the hon. Members of this House will grant me leave to move my Motion.

Srijut MAHI CHANDRA BORA: I have tabled another Motion to-day.

The Hon'ble the SPEAKER: I shall come to that later on.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My reply to this Adjournment Motion will be very simple and on two grounds. On the technical ground, I do not see, Mr. Mookerjee has made out a case that it is a matter of urgent public importance. He had to rely upon the fact that Government orders entrench upon the right of privilege of a Member to attend the House. If that is the point, the matter should go to the Privileges Committee, rather than be discussed in an Adjournment Motion. On facts, he is not quite correct. There is a gentleman's agreement with Mr. Chanda. I, who passed the order, made it plain to him that Mr. Chanda was released for the purpose of treatment in Calcutta and if he thinks that he has perfectly recovered and wants to come back to Assam, he should inform the Assam Government who will then decide whether to restrain him or to bring him back to jail, or keep him as a home internee. Now, what Mr. Chanda has done is that he has written a letter stating that he proposes to attend the Assembly if his health permitted. This was in accordance with the understanding that he would remain in Calcutta and would not return until he has given notice of his intention.

The Hon'ble the SPEAKER: What did he write?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: He wrote stating that he proposed to attend the Assembly if his health was good enough. He was not sure of his own health. He was released on medical ground and he should not jeopardize his health without being fully recovered. That is the position.

The Hon'ble the SPEAKER: If he really jeopardizes his health, he should not take the risk. Mr. Chanda is not to jeopardize his health by coming up here. That is the intention of Government, it appears.

*Mr. BAIDYANATH MOOKERJEE: The contents of the letter run like this:—

"I would invite a reference to my letter of the 31st March, 1944 and I would inform you that I propose to attend the next Session of the Assam Legislative Assembly, provided, of course, that I am fit and I am able to stand the journey".

The Hon'ble the SPEAKER: Then what the Hon'ble Premier has stated is quite true. I may enquire, what is the reply to it. The Hon'ble Premier said that he should not take the risk.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The actual reply is not forthcoming.

*Mr. BAIDYANATH MOOKERJEE: A telegram was sent and it runs like this:—"Your letter of the 22nd October disallowed. Reply posted. Assam".

The Hon'ble the SPEAKER: Has that reply been received? It must have been confirmed by a letter. Is the hon. Member in possession of the letter? I want the letter from Government which confirms this telegram.

*Mr. BAIDYANATH MOOKERJEE: No, Sir.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I have got it with me.

*Srijut ROHINI KUMAR CHAUDHURI: May I ask, on a point of information, Sir, from the Hon'ble Prime Minister, if Mr. Chanda makes a regular application, stating that he wants permission to attend the Session, will such a permission be granted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Provided it is backed by a medical certificate that he is fit.

The Hon'ble the SPEAKER: What I understand from the Hon'ble Premier is that Government is solicitous about the health of Mr. Chanda. Therefore he was not permitted. If Mr. Chanda says that he is quite fit, Government will consider his case.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Let Mr. Chanda formally apply saying that he is perfectly fit and I will pass orders as I have passed orders in the case of many others.

*Mr. BAIDYANATH MOOKERJEE: Will the Hon'ble Premier enlighten the House whether he knows anything about this telegram?

The Hon'ble the SPEAKER: Was not that letter sufficient?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There are so many 'ifs' that he was not himself quite sure that he was in a fit condition to travel.

The Hon'ble the SPEAKER: Then the Hon'ble Premier is ready to consider this matter. Let Mr. Chanda apply formally. What does Mr. Mookerjee intend to do?

*Mr. BAIDYANATH MOOKERJEE: After this assurance there can be no reason for pressing the Motion.

The Hon'ble the SPEAKER: I have got a similar Adjournment Motion about Mr. Purna Chandra Sarma from Mr. Mahi Chandra Bora. I should like that that Motion be taken up now.

Adjournment Motion re refusal of Government to permit Srijut Purna Chandra Sarma, M.L.A., to attend the current November Session of the Assembly.

Srijut MAHI CHANDRA BORA: Mr. Speaker, Sir, I beg leave of the House to move my Adjournment Motion which runs as follows:

"This Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the situation created by the refusal of permission by Government to Srijut Purna Chandra Sarma, M.L.A., for attending the current Session of the Assembly."

The Hon'ble the SPEAKER: What is the situation created?

Srijut MAHI CHANDRA BORA: Breach of privilege on the part of Government. Srijut Sarma is still a Member of the Assembly.

The Hon'ble the SPEAKER: The question of privilege cannot be discussed in an Adjournment Motion. If it is a matter of privilege that should be brought forward in the way prescribed by the Rules.

Srijut MAHI CHANDRA BORA: The question is that he applied for permission to attend the Assembly. I do not see why the permission has been refused to him when it has been allowed in other cases.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Purna Chandra Sarma was ordered to be released only very recently on account of the report of the Civil Surgeon—the Superintendent of Jail, that he was suffering from various diseases. He is so ill that if he is allowed to take part in political matters he may have a relapse. I do not think that he should be allowed to come to Shillong. At this stage, when he is not perfectly cured of his diseases, Government cannot take the responsibility of allowing him to come up to Shillong for attending the Session. He had been only recently released on the ground of very many diseases including typhoid.

The Hon'ble the SPEAKER: Did he state anything about his health?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Nothing so far as I remember. His petition is to this respect—"I am an internee within the Tezpur Police Station, which I cannot leave without your permission (this was to the District Magistrate of Darrang). I, being a Member of the Assam Legislative Assembly, am going to sit in the next Session of the same on the 10th November. Therefore, I want to leave Tezpur on or before the 7th of November. I wish a change of climate and treatment. Please reply early and oblige". There, he says, that he requires a change of climate and treatment. He requires treatment even now. The treatment that he wants is still available there—the climate of Tezpur now is as good as that of Shillong.

*Srijut ROHINI KUMAR CHAUDHURI: Sir, in the case of Srijut Rajendra Nath Barua, he has been released on account of bad health. So, he takes the advantage of taking an X-Ray in Shillong, as there is no arrangement for taking an X-Ray in Tezpur. If permission is granted, he can both get the treatment here after taking an X-Ray and attend the Session. It is the look-out of the hon. Member whether he would avail of those opportunities or not. His case is not comparable to every other security prisoner, and internee.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: From the report of the Medical Officer, who was treating him, it was found that an X-Ray would be necessary and therefore on this ground, I have released him so that he could come up to Shillong to avail himself of the X-Ray facilities. If he had applied for attending the Session as well, I would have allowed it.

*Srijut MAHI CHANDRA BORA: May I know then why Srijut Purna Chandra Sarma has been deprived of his home District and also of his hearth and home? The climate of Nowgong is not very indifferent.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: It may be so, but the Deputy Commissioner of Nowgong says that the activities and mentality of Mr. Sarma were such that if kept in Nowgong District, he might jeopardise the peace and security of the District.

Srijut GOPINATH BARDOLOI: Sir, in this respect, I may tell the Hon'ble Premier that by the time the order of his release was sent, he was already in a convalescent state inside the jail. If Government really care for his health, as the Hon'ble Premier says, he should be allowed to come to Shillong, which is the best place for him. If he comes here for his convalescence and treatment, there is hardly any reason why there should be any bar for him in attending the Session. If he cannot be allowed to go to Nowgong, he should at least be brought to Shillong and be allowed to attend the Assembly.

The Hon'ble the SPEAKER: Then I gather that on medical grounds it would be better if Mr. Sarma is brought to Shillong.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I will surely consider it.

The Hon'ble the SPEAKER: Then I take it that the leave for moving the Adjournment Motion is not pressed.

Adjournment Motion *re* non-publication of the Report of the Karimpur Enquiry Committee by Government

The Hon'ble the SPEAKER: Now let us come to the next Adjournment Motion, namely, the one with regard to withholding by the Government of Assam, of the report of the Karimpur Enquiry Committee. The discussion is intended to be confined to the question of delay that is being made in publishing the Report.

Maulavi ABDUL BARI CHAUDHURY: I beg leave of the House to move "That the Assembly do now adjourn to discuss a definite matter of urgent public importance, *viz.*, the withholding by the Government of Assam, of the Report of the Karimpur Enquiry Committee."

I may submit, Sir, that there is a great agitation over this matter. An enquiry was held in public and the Report was submitted in due course. So, in the fitness of things the Report ought to be published. The public at large are waiting eagerly for it.

The Hon'ble the SPEAKER: Then the situation is, the public remaining in suspense. Will the Hon'ble Premier say anything about this?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I can enlighten the House, Sir. Everybody is very sorry on account of this Karimpur disaster, which has caused the death of hundreds of people. But this is a matter which closely concerns the Central Government since the Manager of that estate was recruiting labour for Defence Projects and the Central Government have telegraphed to us that they must have a full report before they can decide whether they should leave the action to be taken by the Provincial Government. All the papers have been sent to the Central Government and we are awaiting their decision. Without their permission we cannot publish the Report. This is the position and there is no secrecy about it. If the Central Government allow us to publish the Report, it will be published. The Provincial Government have recommended a certain course of action and if the Central Government endorse it, the public will see what action the Provincial Government take. Till we get the final sanction, I am not in a position to disclose either the contents of that Report or what is the recommendation of the Local Government.

Maulavi ABDUL BARI CHAUDHURY: May I know from the Hon'ble Premier whether sanction of the Central Government was obtained when the order for holding the enquiry was passed?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: When sought to be held it was not objected.

*Mr. BAIDYANATH MOOKERJEE: Was the enquiry held on the initiative of this Government or according to the desire of the Central Government, Sir?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: On the initiative of this Government with the approval of the Central Government.

Babu KAMINI KUMAR SEN: What was the necessity for representing the Provincial Government before the Committee if it was constituted at the instance of the Central Government?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: My hon. Friend, would not listen to what I have stated. It was definitely stated that the enquiry was held at the instance of the Local Government but with the approval of the Central Government.

The Hon'ble the SPEAKER: Having heard from the Hon'ble Premier, I do not think this Motion is at all in order. Government have shown good reasons for not as yet publishing the Report.

Adjournment Motion *re* forcible occupation of grazing reserves by Immigrants from Bengal

Srijut BELIRAM DAS: Mr. Speaker, Sir, I beg leave of the House to move that this Assembly do now adjourn for the purpose of discussing an urgent matter of public importance and of recent occurrence, *viz.*, forcible and unauthorised occupation of

lands set apart for grazing purposes, by immigrants from Bengal and acts of lawlessness and breach of peace committed by the trespassers, without any check or hindrance by the authorities.

Sir, the scope of this Motion should be distinguished from the scope of other Motions regarding encroachment of Line System and other encroachments. This new encroachment is the result of a new policy adopted by Government in August 1943 and which is being given effect to by the local officers. Those grazing and forest reserves, since their creation, were held to be inviolable by all Governments and even by the Government headed by Sir Saadulla in 1939 and 1940. Therefore, it is entirely a new matter brought about by the new policy of Government. This will be clear if I refer to the communique issued by the Government of Bengal on the 30th. October which runs as follows:—

'The Government of Assam' in their Resolution dated the 21st. June 1940, prohibited settlement of land with persons coming from outside the Province after the 1st. January, 1938. This decision affected the border districts like Mymensingh from where large numbers of agriculturists go to Assam in search of agricultural land on account of heavy pressure on such lands in this Province.

During the last Session of the Bengal Legislative Council a Motion was carried for presenting an address to His Excellency requesting him to urge upon the Government of India to take immediate steps so that all existing restrictions, imposed by the Government of Assam on cultivators from this Province in getting settlement of land in the Assam Valley, might be removed. Accordingly, the Government of Bengal requested the Government of Assam to withdraw or suspend the restrictions imposed by the said Resolution in the interest of inter-provincial amity and as a measure of relief to the distressed people of Bengal.

The Government of Assam have stated in reply that the policy regarding settlement of lands with immigrants has since been liberalised and that they are trying their level best to accelerate the process by de-reserving surplus lands, in the professional grazing reserves, in certain Districts. The Government of Assam are, however, unable to abolish the restrictive measures wholly, particularly in areas where the Tribal people are numerous, as these people are apprehensive of the near approach of immigrants as a result of which many of them suffered in the past, but Government have given an assurance that they will continue the process of gradual abolition of the restrictions and to open up fresh areas for immigrant settlement as far as is consistent with the necessity for reservation of lands for indigenous people and protection of the Tribal classes."

Sir, there have been clashes in various districts. Before I came to the Assembly, I went to Darrang and Kamrup Districts and I inspected many reserves. I also learnt that there were clashes at Misamari and Saring *Cihapori* near Mangaldoi. There were other clashes in a reserve called Dokania under Hajo Post Office and Lotina reserve under Chaygaon Police Station in the Gauhati Sub-division.

Even today I have received a telegram from Barpeta. "Immigrants forcibly occupying professional grazing reserves, Barpeta, damaging grass. Buffaloes starving. Graziers assaulted on opposition. Pray order immigrants eviction by summary procedure."

The Hon'ble the Speaker: That will do, I think.

The Hon'ble Maulavi MUNAWWAR ALI: I submit, Sir, that the Motion is wholly out of order and as you rightly ruled the other day such matters of policy should not be discussed by an Adjournment Motion.

The Hon'ble the SPEAKER: Have Government enquired whether there has actually been settlement given to immigrants within the grazing reserve?

The Hon'ble Maulavi MUNAWWAR ALI: Not very much.

The Hon'ble the SPEAKER: What is the actual area within the grazing reserve?

The Hon'ble Maulavi MUNAWWAR ALI: I could not tell you, off hand, Sir. But the Deputy Commissioners have been definitely instructed not to settle any land which is not found in excess of the graziers requirements according to the standard laid down.

The Hon'ble the SPEAKER : The question is whether Government is in possession of any report about the serious encroachments complained of ?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Sir, the Motion is rather very widely and vaguely worded. It has been very rightly pointed out that if he had made specific allegation that in a particular grazing reserve encroachers have been allowed, then the Adjournment Motion would have been in order but as it is worded it is only criticising the policy of Government. The policy of Government in a nutshell has been that when it was reported that a very large area has been reserved as professional grazing reserve, much in excess of the requirements of the cattle, Government deputed Mr. Desai to enquire into this matter. He submitted his report. Now, according to his report, in certain areas there has been excess and in other areas there has been deficit in grazing areas. For example, in the Darrang District, Mr. Desai's report is that the area reserved as professional grazing reserve, is far short of the requirement of the number of cattle there. On enquiry Government found that it is so. Therefore, the Deputy Commissioner has been ordered to find new grazing reserves so that all those cattle on which tax is paid may get sufficient pasture land. But in other places, for example, in Barpeta, it was found that 10,000 bighas were reserved where only 100 cattle are to graze. This was much in excess of the requirement. Government after considering what was the requirement of a buffalo or a cattle per year, decided on expert advice that five bighas are sufficient for one buffalo and one buffalo consumes as much as three heads of bovine cattle. Therefore, they have ordered the Deputy Commissioners to go personally into this matter to find out if there was any excess area in grazing reserves after calculation on that basis. If any excess area was found, they should demarcate it. The excess areas are now under demarcation.

There are two schools of thought in this House and also outside. One school thinks that sufficiently speedy action has not been taken on Mr. Desai's report and the other school thinks that very speedy action has been taken. But I can assure the hon. Members of the House that no speedy action has yet been taken because most of the grazing areas went under water during the rains and they could not be demarcated. If it is found that even those portions which have been particularly reserved after demarcation for professional grazing purpose, have been encroached, then alone my hon. Friend can come with an Adjournment Motion. But at present the matter is too vague and you, Sir, have ruled that it is against Parliamentary practice to criticise the policy of Government by an Adjournment Motion.

*Srijut GOPINATH BARDOLOI : I think, Sir, that time has not arrived yet for discussing the facts stated by the Hon'ble Premier and to criticise the policy of Government.

The Hon'ble the SPEAKER: The Adjournment Motion has been based on a very general and sweeping statement.

*Srijut GOPINATH BARDOLOI : There has been a universal encroachment in almost all the reserves, and it is necessary probably to state how it has happened. According to the notification of Government in August 1943, the general policy of Government was that the reserves should be inviolable and that they should not be dereserved. The Government on the 25th. August 1943, enunciated a policy to the effect that the reserves should not be dereserved and that on the basis of it a Special Officer was appointed to enquire into the excess area, if there was any, for the purpose of settling newcomers. Now, on that pretext, the newcomers have trespassed into all the reserves of the Assam Valley—particularly in the Districts of Nowgong, Kamrup and Darrang. As a result, the professional graziers have been compelled to limit the number of their cattle and many of their cattle died for want of grass. So, there has been a huge clamour throughout the country that the incident arose out of the Government Policy enunciated in the Notification. Such encroachment still exists and is continuing. Therefore, I venture to submit that this is a fit Motion for Adjournment.

The Hon'ble the SPEAKER : My difficulty is that without the names of the place, I cannot take the matter to be a definite one. There has been made a general allegation that trespasses have been made upon the grazing reserves, but unless the names of the reserves are given, Government are not in a position to trace whether these cases of trespass are actually cases of trespass or authorised occupation. The Hon'ble Premier has said that they have instructed the Deputy Commissioners to enquire if there was any area in excess of the need of graziers, and if so, to settle the excess area with the newcomers. It is necessary now to enquire whether the immigrants have occupied the reserves on the strength of the order of the Deputy Commissioner or not. It is quite natural that the immigrants would not go within the grazing reserves without the order of the Deputy Commissioner. It ought to be cleared if there was any order of Government to the Deputy Commissioner to settle within the grazing reserves any immigrant provided there was excess of land over and above the requirements for grazing purpose. The matter has been cropping up every Session, but we have not got any particularly definite opinion of Government. Will Government please fix a date for discussion of this matter ?

Srijut ROHINI KUMAR CHAUDHURI : Quite so.

The Hon'ble the SPEAKER : The trouble arose out of the appointment of Mr. Desai and the report submitted by him and what action has been taken on it by Government. The House should be taken into confidence and in view of the state of things, will Government come forward with a statement in the matter, so that, I may be saved from the trouble of deciding an Adjournment Motion of two contrary views—one held by a certain section of the House that as much lands should be given to immigrants as they require and the other that the policy of giving lands to the immigrants is greatly affecting the grazing reserves.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I am perfectly sure that even if a date is fixed and Mr. Desai's report is discussed on the floor of the House, there will be no end of Questions, Resolutions and Adjournment Motions coming in on land settlement policy. I can assure the hon. Members that the report of Mr. Desai would be placed before the House in the Budget Session but not in this Session. The reports that Government wanted the Deputy Commissioners to submit regarding reserves, that are in excess of the requirement and their demarcation are not now before Government. When they will get the details, they will place the matter before the House for discussion. But it will not be possible for them to do it in this Session.

Srijut GOPINATH BARDOLOI : May I make an appeal to the Hon'ble Premier to stay their sanction in regard to allowing lands to immigrants within grazing reserves, if he really wants a discussion of this matter in the House ? If it is to be a popular measure, I think, Government should give the House an opportunity to discuss the matter.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : As I mentioned earlier, the Deputy Commissioners have been authorised to demarcate the excess areas of the reserves and they have done so only in one or two reserves and could not yet complete the work.

The Hon'ble the SPEAKER : The Deputy Commissioners may go on demarcating the areas, but Mr. Bardoloi urges that no settlement should be given till the matter is discussed in this House and the Government Policy is approved by it.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Besides what I have already said, the Government of India are insisting on us that more land should be settled and asking for a monthly report on the progress of settlement. The question of settlement with the immigrants concerns the Districts of Kamrup, Nowgong and Darrang. No immigrants were allowed to settle, except in one small area in the North Lakhimpur Sub-division in the Lakhimpur district.

In Lower Assam this time, there has been failure of crops and unless we avail of this winter season and cultivate some kinds of crop in new land, then there is going to be a serious loss of crop. Therefore, not only the Revenue Department but

also the Agriculture Department are trying their best to avert a very serious situation. Thus, it will not be in the interest of the Province as a whole to withhold settlement in those reserves where excess land has already been demarcated.

The Hon'ble the SPEAKER: Will there be serious loss of crop by waiting even for two months?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Then, it will be too late to cultivate those lands for growing crop.

Maulana ABDUL HAMID KHAN: Mr Speaker, Sir, আমি একটা কথা জিজ্ঞাসা করিতে চাই। ভাঙ্গনামারী রিজার্ভে ৭,৭৪৪ বিঘা ৯ লোচা জমি ছিল-তাহা খাস জমিতত্ত্ব করিয়া বর্তমানে নুতন বিজার্ভের পরিমান ২৮,৪৪৪ বিঘা করা হইয়াছে। Immigrant দের যাহারা নদী নিকটস্থ স্থানে পাটা পাইয়াছিল সেই সমস্ত লোককে আবার নুতন করিয়া হাজার নিকট দোকানী রিজার্ভে জমি দিবার হুকুম হইয়াছে। সেই হুকুম কি আবার Stay করা হইবে?

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, the real cause for the trouble is that dereservation is not being done directly under the orders of Government but it is done by the immigrants themselves; they forcibly enter into the reserves.

The Hon'ble the SPEAKER: But that is not admitted by Government.

Srijut ROHINI KUMAR CHAUDHURI: On account of this forcible action on the part of the immigrants the result has been indiscriminate slaughter of cattle.

The Hon'ble the SPEAKER: Government say that that is not forcible. The immigrants are authorised to enter into the reserves. Therefore, I say, unless the places are named it is difficult to judge the matter.

What I have been able to understand is that the hon. Members of this side of the House want that there should not be any dereservation within the grazing reserves.

Srijut GOPINATH BARDOLOI: That is exactly the case, Sir. I would request the Hon'ble Prime Minister to take the House into his confidence before launching upon a scheme which is absolutely a new phase in the history of the Province. I appeal to the Hon'ble Prime Minister to stay sanction of new settlement till this subject has been fully discussed on the floor of this House; but if he wants to enforce the policy he should give us an opportunity to discuss the matter before it is put into effect.

The Hon'ble the SPEAKER: That object cannot be achieved by a discussion in the House. The Adjournment Motion may be talked out and there will be no definite decision in the House as to whether grazing reserves should be dereserved.

Adjournment

The Assembly was then adjourned for lunch till 2.5 P.M.

After lunch

Request for granting permission to Mr. A. K. Chanda, and Srijut Purna Chandra Sarma to attend the current November Session of the Assembly.

Srijut MAHI CHANDRA BORA: On a point of information, Sir. Will the Hon'ble Premier kindly intimate the decision of Government by wire to Messrs. Chanda and Purna Chandra Sarma so that they may be able to attend at least some sittings of the Assembly during this Session?

The Hon'ble Maulavi Saiyid Sir, MUHAMMAD SAADULLA: Mr. Mookerjee is in possession of all the papers of Mr. Chanda.

*Mr. BAIDYANATH MOOKERJEE: May I enquire from the Hon'ble Premier whether application by wire will be accepted and permission by wire will be given? Otherwise it will be practically a mockery as much time for ordinary correspondence is not available.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The difficulty is that Government cannot vouchsafe for the correctness of a wire. In normal business transaction also a wire is always to be confirmed by a letter. The difficulty about a telegram is that any body may send a wire.

*Mr. BAIDYANATH MOOKERJEE: Unless that is done it is impossible for him to attend this Session. I know it perfectly well that during the last November Session, when I approached the Hon'ble Premier he was kind enough to write the order at once that he may be permitted, but there was some under-ground movement for which he could not attend that Session and he was also busy with some of his personal affairs. I know, Sir, that sincere and honest as he is, the Hon'ble Premier will kindly accept my suggestion. At least in this case, he will accept the petition of Mr. Chanda and Mr. Sarma if sent by wire.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: The best course for Mr. Chanda will be to speak to me on the telephone.

*Mr. BAIDYANATH MOOKERJEE: If the line is available.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Yes, I know Mr Chanda's voice and if I hear his voice I will give him the permission on the 'phone. Permission by wire—that will be just contravening the normal procedure.

Adjournment Motion *re* forcible occupation of grazing reserves by Immigrants from Bengal—(continued)

The Hon'ble Maulavi MUNAWWAR ALI: I think, the Hon'ble Premier did not complete his say on this matter. When he will if you consider it necessary that I should explain certain points, I will do so, when called upon by you, Sir.

The Hon'ble the SPEAKER: One thing I should like to know. What is the exact order of the Government of India regarding land settlement?

The Hon'ble Maulavi MUNAWWAR ALI: The Government of India asked us to settle about 12 lakhs bighas within 1943. That was the Government of India's order and we are sorry that we have not been able to implement one-fifth of that even when another whole year is on its completion.

The Hon'ble the SPEAKER: Is there anything about grazing reserves?

The Hon'ble Maulavi MUNAWWAR ALI: Nothing specifically, Sir. What the Government of India stated emphatically is that a large area of land is available in Assam and the quota of area fixed by them to be settled during 1943 was about 12 lakhs bighas.

The Hon'ble the SPEAKER: I may intimate to the House that I have received notice of a Motion from Sriyut Sarveswar Barua on this matter and the Motion is to this effect: "This Assembly is of opinion that the land settlement policy initiated by the Government of Assam in their Resolution, No.RD.3/43/13 dated the 24th August 1943 has been working to the detriment of the interests of the indigenous population and the graziers of the Province and that therefore the said policy be immediately withdrawn". I am ready to fix up its discussion on the 20th.

The Hon'ble Maulavi MUNAWWAR ALI: As announced by the Hon'ble Premier that the recommendations made by Mr. Desai would be made available to the hon. Members, it will be very good if the House could wait till they had studied those. In that case it would be prudent and it would be very advantageous for every one concerned to raise specific issues in the contemplated debate on accurate knowledge acquired.

The Hon'ble the SPEAKER: But that Report may be made available to the House even during this Session. Important extracts can be read out. I do not see there can be any real objection to this Motion being discussed. The Opposition will state their point of view and Government will state their point of view and there will be a discussion in a proper and regular way on this very important question which I take it, is greatly agitating the public mind.

The Hon'ble Maulavi MUNAWWAR ALI: If you will so permit me, I will communicate my decision to you to-morrow.

The Hon'ble the SPEAKER: But I have to dispose of the Adjournment Motion just now.

The Hon'ble Maulavi MUNAWWAR ALI: In view of what I have said, you may keep this Motion pending till to-morrow.

The Hon'ble the SPEAKER: Very well. I keep Mr. Sarveswar Barua's Motion and the Adjournment Motion pending till to-morrow.

The next two Motions stand in the name of Mr. Rohini Kumar Chaudhuri. The second * Motion becomes unnecessary in view of Mr. Beliram Das's Motion under discussion. Is he going to move his first Motion?

The Adjournment Motion re complete stoppage of Municipal Administration in the town of Gauhati

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I beg leave of the House to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance of recent occurrence, viz., complete stoppage of Municipal administration in the town of Gauhati particularly in Wards Nos. VII, VIII, IX and X.

The Hon'ble the SPEAKER: This matter was discussed during the last Session. Srijut ROHINI KUMAR CHAUDHURI: But, Sir, what I will state now relates to what happened since I brought this matter last time.

Now, Sir, the Hon'ble Prime Minister and the Hon'ble Minister of Local Self-Government had been pleased to visit the town and enquire into the conditions prevailing at the time, and instead of the situation being improved at all, the Executive Officer of the Municipality, which is being run by Government now, has rather in a vindictive spirit, practically stopped all Municipal administration. By "Municipal administration" we understand that we must get supply of good drinking water which was hitherto given to the town; we must have scavengers' service both on the roads as well as for the latrines and also some sort of street lighting. All these things have been stopped, particularly in the wards to which I made reference. Formerly, when they could not supply tap water they used to run motor lorry for supplying water. That also has been stopped entirely. They are not giving us any substitute for the tap water. We, at least, got some supply of drinking water when the Municipality was under non-official management.

As regards the removal of night-soil, the standing order in my ward is that this should be cleared after three days, but that order is honoured more in the breach than otherwise, with the result that the town is full of filthy smell and nuisance. My Friend Srijut Beliram Das will be able to tell his own experience in his ward, which is one of the best wards.

Sir, as regards street lighting, I have enquired and learnt that even in a small town like Tezpur, some sort of lighting arrangement obtains. In Shillong too we have street lighting. But this has been entirely stopped at Gauhati. It seems that the more we draw the attention of Government to this matter, the more stringent becomes the attitude of the Local Authorities. Sir, this may result in very serious consequences because this leads to epidemic. It actually led to an epidemic.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: Mr. Speaker, Sir, I submit that this Motion is not in order, because it is neither urgent, nor it relates to a definite matter. "Complete stoppage of Municipal administration" is a very wide term.

The Hon'ble the SPEAKER: But he has explained how the health of the town is in danger.

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: But, Sir, from the notice I could not understand what was his specific grievance. If I could know this, I could have collected information regarding any particular grievance that the hon. Member might have.

* This Assembly do now adjourn to discuss a question of urgent public importance of recent occurrence, viz., the forcible occupation of land in the neighbourhood of Samaria Satra in the District of Kamrup which was especially excluded from settlement in future in order to respect the religious sentiment of the Hindus.

The Hon'ble the SPEAKER: How long will the Hon'ble Minister take to collect information ?

The Hon'ble Srijut HIRENDRA CHANDRA CHAKRAVARTY: I think two or three days, Sir.

The Hon'ble the SPEAKER: Very well, this matter will stand over for two or three days, *i.e.*, till the Hon'ble Minister in charge is ready with facts.

Next comes Mr. Whittaker's Motion. This on the face of it is not in order, but I should be glad to know his point of view.

Adjournment Motion *re* abuse of the privilege of tabling Adjournment Motions

Mr. A. WHITTAKER: Mr. Speaker, Sir, I know this * Motion is out of order. It really is not an Adjournment Motion at all; it is rather a Motion of disgust that private Members' time is being consumed.....

Babu DAKSHINARANJAN GUPTA CHAUDHURI: On a point of order, Sir. After he has admitted that his Motion is out of order, can he speak on this any more ?

The Hon'ble the SPEAKER: I have allowed him to do so, and to put his point of view.

Mr. A. WHITTAKER: Mr. Speaker, Sir, this was the only way that occurred to me to draw your attention to the fact that so much private members' time and Government's time is being wasted. This time could be employed to more profitable advantage if all Members appreciated more clearly the significance of Adjournment Motions. We have had Adjournment Motions which have no possibility of censuring the Government. You, Sir, have disposed of some of them, I am glad to see, in bulk this morning. I hope it will be possible to continue to do so. Would it be possible for you to issue a small guide to Members of this Assembly as to the precise scope of Adjournment Motions so that the time of 106 people is not wasted by one person who has a purely local grievance ?

My second suggestion would be for Government to be prepared to accept more Short-Notice Questions. Most of the subjects raised during the last three days could easily be dealt with by Short-Notice Questions.

The Hon'ble the SPEAKER: The difficulty is that the Hon'ble Ministers do not generally give their consent to Short-Notice Questions.

Mr. A. WHITTAKER: If we have 23 Adjournment Motions, even the present Ministry will have to consider giving their consent to Short-Notice Questions rather than allow public business to be interfered with in this way.

The Hon'ble the SPEAKER: This will in its turn show the importance of the Questions raised.

Mr. A. WHITTAKER: I hope it will be followed in future.

Babu RABINDRA NATH ADITYA: Mr. Speaker, Sir, I appreciate the anxiety of Mr. Whittaker to utilise the time of the House to the best advantage. But the question is that the Sessions are as scarce as Horlicks and Glaxo in the market. It is almost after nine months that we are meeting and in the meantime many grievances have piled up which cannot be adequately dealt with in Questions. Moreover the Ministry frame their answers in such a way that the purpose is not achieved by putting Questions.

Then, Sir, only two or three days have been allotted for private Members' business. It would have been far better if the Government could extend the Session by some days more, and allow private Members to discuss their grievances. This has not been done. What is the way left by which the Members can legitimately ventilate their grievances ? There is no other way except drawing the attention of the Hon'ble Ministers by means of Adjournment Motions. I hope you will agree.....

* This Assembly do now adjourn to discuss a definite matter of urgent public importance and of such recent occurrence as the 10th November, 1944, namely—the dislocation caused to Assembly Members and Assembly business by the abuse of the privilege of tabling Adjournment Motions.

The Hon'ble the SPEAKER: My difficulty is that the Adjournment Motions should comply with the rules.

Babu RABINDRA NATH ADITYA: Of course, Sir, rules are there. We try to formulate our Motions as best as we can in compliance to these rules, but still sometimes we are thrown out of order. If the Ministry would have given other chances whereby we could ventilate our grievances there would not have been a lot of Adjournment Motions. So it is not the fault of Members but the fault must lie in other quarters. So Mr. Whittaker is quite wide of the mark if he means to attack the Members.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir. I quite realise the feeling of Mr. Whittaker and other Members of his party, who have tabled this Motion. Sir, I am sorry that such an Adjournment Motion has been tabled from the European Group. Sir, it shows that as if wisdom is the monopoly of this Group—as if the other Members of all other parties of this House do not understand how and when an Adjournment Motion can be tabled. Sir, the advice which my hon. Friend, Mr. Whittaker has given just now would have been and should have been given to the Hon'ble Prime Minister at his leisure. Mr. Whittaker stays here and he gets ample opportunity and sufficient time to discuss all these matters with the Hon'ble Prime Minister. Sir, as my hon. Friend Mr. Aditya has already stated that we have got no other alternative than to take recourse to this procedure; sometimes knowingly and sometimes without knowing the significance, I admit, that some of our Adjournment Motions would be disallowed. Sir, I sent two Motions, one for discussing the economic situation of the Province and the other for discussing the political situation of the Province, but both of these Motions have been disallowed.

The Hon'ble the SPEAKER: On the ground that the Hon'ble Minister did not give his consent.

Mr. BAIDYANATH MOOKERJEE: Exactly so, Sir. I think, Mr. Whittaker will understand that. We have sat together for three years and recently he has returned from home. I thought that at least he would have that much knowledge so as to distinguish where an Adjournment Motion can be tabled. Sir, this is not an action of the Government. Adjournment Motion should be tabled for the criticism and censuring some action of the Government, but Government cannot be censured for the action of individual Members of this House. The Leader of the European group should know this much at least.

The Hon'ble the SPEAKER: That is practically admitted by Mr. Whittaker. He said he brought this Motion out of disgust.

Mr. BAIDYANATH MOOKERJEE: Yes, Sir, I could understand that. But when being disgusted he has tabled this Motion, I expected this much commonsense from Mr. Whittaker that that might be the case with other hon. Members as well who tabled other Adjournment Motions. We tried to move our Motions but consent was not given by the Minister concerned. We send Questions but they are not replied to in many cases. The number of days, as I have already mentioned, are so very limited, that we, as representatives of the Province—who draw salary without doing anything for full 11 months at Rs. 100 per month—that is also going to be increased by 50 per cent—if we are not given any opportunity of ventilating the grievances of our constituencies then what is the good of our coming here? It would be better for Mr. Whittaker to join hands with us to see that the days that are allotted and the money that is spent on the salary of the Members of this House are fully and well utilised. I fully sympathise with him when he was disgusted by our action, but, at the same time, I think that he also should sympathise with us as we had no other alternative than to take recourse to these Adjournment Motions. We were compelled and we were persuaded to take such action, and, I hope, in future he will try his level best to persuade the Government over which he has great influence to allot more days to non-official business so that we can justify our presence here and also can do justice to our constituents who pay us.

Khan Bahadur Maulavi KERAMAT ALI: Sir, Adjournment Motions have been provided under the rules of the Assembly and therefore, we cannot object to such

Adjournment Motions being tabled, but we should remember one thing. My hon. Friend, Mr. Mookerjee has truly said that we have come here to place before the Government the grievances of the people whom we represent here. Now, Sir, who are the people whom we represent here? They are the poor miserable cultivators—majority of them at least come from that community. We should always keep in mind that every minute that we spend here is to be paid for, out of the pockets of those poor peasants. Sir, Adjournment Motions as long as they are urgent and important must always be brought in provided we are within the bounds of our rights and speeches made in support of such Motions do not go beyond a reasonable limit. Unnecessary talks or irrelevant statements made in the House mean extravagance. If we confine ourselves to the rules and do not indulge in wild statements, much of the time of the House will be saved.

The Hon'ble the SPEAKER : Does the hon. Member mean that all these talks are irrelevant?

Khan Bahadur Maulavi KERAMAT ALI : I submit, Sir, that sometimes we take recourse to irrelevant talks

The Hon'ble the SPEAKER : Then these talks have not been irrelevant.

Srijut ROHINI KUMAR CHUDHURI : Mr. SPEAKER, Sir, Mr. Whittaker is perfectly justified in bringing this Motion, because, Sir, he has no sympathy for our trouble. But he would have done the same thing, if a meeting of the Indian Tea Association had been banned—he would have been the first person to come with a Motion for adjournment of the House. If some members of the tea planting community had been detained as security prisoners, or sent to prison without any trial for offence which they daily commit in their respective tea estates, probably, Mr. Whittaker would have been the first person to come with a Motion for adjournment of the House. If he had been dependent on rice as the staple food instead of loaves and breads which are available in plenty for members of his community in any town of the Province, Mr. Whittaker would have been the first person to complain against the Government of the day. Fortunately for him, neither he nor members of his community have to suffer from these disadvantages. Mr. Whittaker is trying to find fault with us for wasting the time of the House. He is the greatest sinner in this respect. Mr. Whittaker is a Member of the Indian Civil Service. He would have been the Governor of Bihar by this time if, instead of coming to Assam, he had remained in Bihar. But he is not grasping this simple fact that no Government can be censured if members bring Adjournment Motion and that Adjournment Motion is one which is not especially intended to censure Government. My hon. Friend Mr. Whittaker has suggested that a booklet called "guide to members" may be compiled and supplied to ignorant members like this. I would only add that Government may be pleased to declare a reward of Rs.200 for the author and that my Hon. Friend Mr. Whittaker be entrusted with the task of compilation and given the reward.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir. Mr. Mookerjee has complained that they had to take recourse to an Adjournment Motion because two of his Motions were disallowed by you, as the Member in charge, in this case, my humble self, has refused to give consent. The matter on which Mr. Mookerjee wanted to discuss was one about which I had given orders to my office in the Supply Department to put in a Motion, *i.e.*, to discuss the economic and rice situation of the Province. But by a curious mistake that Motion was not tabled before the House. I thought Mr. Mookerjee would get ample time and opportunity to ventilate his grievances on that Motion. But as I found later on, that by a mistake of the office, my Motion has not been tabled, I readily agreed to a Motion which Mr. Abdul Bari Chaudhury has suggested and in which Mr. Mookerjee will get ample scope to ventilate his point of view in the House. The second Motion that he mentions was to discuss the political situation in the Province. At present there is, for the good name of the Province, hardly any political agitation. If we rouse up bitterness and acrimony—because Mr. Mookerjee will allege certain suppression of political organisations and other Members too will follow, it may be, that the

tranquillity that is in the political field in the Province will be disturbed and there may be further trouble in the Province. If he confines himself to matters concerning the Congress Organisation—banning of the Congress Organisation, detention of certain leaders of the Congress—I may simply tell him that this matter is now regulated by the Government of India and we are following their instructions. So, if he wants to ventilate any grievance he should have approached our representatives in the Central Assembly to discuss those points there.

As regards Short Notice Questions, it has been my policy, which every Hon'ble Colleague of mine has also followed, that if we can answer a Question from the information available in the Secretariat, we at once give our consent. As by agreeing to answer a Question we raise hopes in the minds of the hon. Members putting those Questions that the reply would be forthcoming, during the Session, we generally refuse consent when we have to refer to the District Officers and get materials from them to supply to the hon. Members, as it may not be possible in time to get, in many cases, information to place before the House in the short space of time which is available for us. Therefore I do not encourage such Short Notice Questions. I received notice of about a dozen Short Notice Questions and every one of which I will have to refer to the District Authorities. On that ground, namely, that as the information is not available at the headquarters, District Officers have got to be enquired of and therefore there is hardly any chance of the Questions being answered in this Session, I have refused my consent to the putting of those Questions.

Some hon. Members have suggested that the Session should be prolonged and more days should be given to the hon. Members. If this was possible I would have gladly consented. But situated as we are, we respect the religious feelings of every community. Many times we have been asked that the Session should be called immediately after the Durga Puja. You know, Sir, you pointed out that the period between the Durga Puja and the Kali Puja is generally utilised by the members of the Hindu community in performing pilgrimage or other religious functions and various smaller Pujas. Therefore, a convention has been set up under your recommendation not to call any Session during this period. So, we could not call a Session earlier. Now, a great Moslem festival—Iduzzuha, comes off either on the 26th or on the 27th according to the visibility of the moon. Large majority of the Moslem Members present here would like to be present in the bosom of their families in these days. Therefore we could not extend the Session beyond what we have done this time. If we had not held the Session now, we had to postpone it to December when we would have to face more criticisms.....

Babu RABINDRA NATH ADITYA: Sir, could it not be called a few days earlier?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We have called it as early as possible.

Mr. BAIDYANATH MOOKERJEE: May I know why it could not be held in August or September?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: That would have been too early. After the Assembly Budget Session, the Council Session began and that covered up to the middle of April and if within 3 months we had called another Session when there is not much work, the Members would then have said that we have been wasting the general tax-payers' money in calling the Session.

You yourself, Sir, in discussing the Adjournment Motions, have to point out that the whole series of such Adjournment Motions are absolutely out of order. I cannot conceive that hon. Members, who have 7 years experience of the Constitution Act as well as the rules framed there under—the Assembly Rules framed both by His Excellency the Governor and by you, Sir—had not understood the scope of Adjournment Motions. Yet it has been admitted—I should say rather brazen-facedly, that we have no other alternative and we could not get the Government to do this or that, we have brought these Adjournment Motion. No confession can be more condemning than what has fallen from the lips of my hon. Friend. If my hon. Friends would take the trouble of asking me before submitting Adjournment Motions, of matters appertaining to my Departments, for example, the oranges or betel-nuts position, then much time would

have been saved and I could have told hon. Members what was the position. If on that information they wanted to table Adjournment Motions, if the rules allow, I would not object in the way that I am now compelled to do before the House. I think there are different ways of drawing the attention of Government or having results quicker than by an Adjournment Motion. When an Adjournment Motion is placed before us we have to send a special messenger to these Secretariat to rush up all the papers connected with that. Sometimes it comes within the time. Sometimes we have to ask the District Officials about materials. For example, in the case of Gauhati Municipality, if my Friend Mr. Rohini Kumar Chaudhuri who passes three-fourths of his time in Shillong could get in touch with his ex-Colleague and I understand they are neighbours—he could have got this work done. But my Friend wants that there should be a report on the proceedings of the Assam Legislative Assembly and occasion to display his power of oratory or humour and banter all combined and therefore he prefers no to have quicker result.

The Hon'ble the SPEAKER: I indicated on the very first day that I was not very happy over the large number of Adjournment Motions tabled on the very first day of this session. Now, as Mr. Whittaker said that it was really out of disgust that his party thought it necessary to bring forward this Adjournment Motion knowing it full well that the rules prescribed for Adjournment Motion would not warrant it. But at the same time this Adjournment Motion has served a very useful purpose—the purpose of knowing the real desire of the hon. Members who were responsible for tabling these Motions. Now, it would appear from what has been said by Mr. Aditya and Mr. Mookerjee that it was really a state of helplessness which prompted them to hit upon this plan of coming forward with Adjournment Motions on matters which they thought to be very important and with regard to which it was necessary for them to seek redress from Government. From the discussions that I permitted to be held just now the points of view of the hon. Members who tabled the Adjournment Motions were made clear and they seem to have been satisfied with the result that these Adjournment Motions served practically the purpose of Short Notice Questions in view of the fact that the discussions that were allowed on the Motions for leave to move them in order to ascertain whether they were in order or not elicited important informations bearing on the subject matters of the Motions. But as Mr. Whittaker pointed out that if Short Notice Questions are put the Hon'ble Ministers concerned should give their consent to them and should come forward with answers. The explanation given by the Hon'ble Premier as to why this cannot be done is that some time Short Notice Questions cannot be answered without any reference to District Officials or even to Subdivisional Officers. But these Adjournment Motions have really, as I have pointed out, served the purpose which the hon. Members had in view. They succeeded in getting at least some important informations, which Government could give even without any reference to District or Subdivisional Officials. Of course I would be very glad to have Sessions of the Assembly as oftener as possible and it is a matter which should be considered by Government as to whether sessions of the Assembly cannot be held more than twice in a year. It appears that after the Budget Session every year the next Session comes up after 8 or 9 months. Mr. Aditya has pointed out that during these 8 or 9 months they become naturally anxious to bring forward grievances which naturally pile up during this long interval and so they had to take recourse to this method of tabling Adjournment Motions. I have never encouraged Adjournment Motions when they do not strictly comply with the rules. The hon. Members know that I pointed out on several occasions that Adjournment Motions are really encroachments on the scheduled business of the House. Therefore, there is a tendency in some legislatures to discourage these Adjournment Motions by insisting on a strict compliance with the rules in that behalf.

As regards the dates of holding the Sessions of the Assembly, of course, the Chair is consulted and as the Hon'ble Premier pointed out I drew attention of the Government to the established convention that during the holidays no Session should be held and even after the holidays, there should be sufficient time for the Members to get themselves clear idea of the business of the Session that is proposed to be held.

The hon. Members would remember that on a previous Session I had to point out that to hold a Session just after the holidays would cause a great disadvantage to Members by reason of the dates of notices for Motions, Resolutions and for Bills falling within the vacation. I think by this discussion that has been held now, Government will realise the state of helplessness which makes the hon. Members to come forward with such Adjournment Motions even without hesitating to ignore the rules regarding such Motions. So I hope Government will see that the Members are not placed in such a situation of helplessness in future. At the same time, let me hope also the hon. Members will be very careful about tabling such Adjournment Motions as will not be strictly permissible under the rules.

Now further discussion of Srijut Rohini Kumar Chaudhuri's Motion for consideration of the Assam Land and Revenue Amendment Bill, 1944.

Further Discussion on the Assam Land and Revenue (Amendment) Bill, 1944

Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, when this Bill was discussed in the last Session, I had taken a considerable pain to explain the various provisions of this small Bill and its effects. I had to be rather lengthy in my speech but I wished to remove any misconception that might be in the mind of the hon. Members with regard to my purpose in doing so.

The Hon'ble the SPEAKER: Why should the hon. Member presume that there should be any misconception in the mind of the hon. Members?

Srijut ROHINI KUMAR CHAUDHURI: Sir, some hon. Members went to the length of dubbing this harmless Bill as anti-Ahom legislation. That was far from my intention. The object of this Bill is to give benefit to all landholders and settlement holders and particularly the poor section of the raiyats. I am not going to make a lengthy speech this afternoon. I only say a few words by way of refreshing the memory of hon. Members. The fourth clause of this Bill wants to omit the sentence—"either owning such estate or a part thereof or holding an interest therein by virtue of a title acquired before such sale". As the law stands at present, only the persons who own an estate or a part thereof or hold an interest therein can make a deposit. As I stated the other day, this particular provision has given rise to various conflicting decisions in the Revenue Court. Therefore, it is necessary that these words should be omitted so that any person who deposits can have the sale set aside, whether the depositor is the real owner or anyone who fancies to have any interest in the property. So long as, by virtue of sub-section (2) of clause 6, it does not create any title by reason of the deposit made, no body will be affected by the omission of these words. Revenue will be paid and the sale will be set aside.

As regards clause 5, Sir, this has been inserted so as to enlarge the period of time in which the deposit is to be made. I have explained it that in most cases notices are not received in time. I shall not take the time of the House. I had on the last occasion also tried to refute some of the objections which the Hon'ble Revenue Minister raised in opposing the clauses of the Bill which were put before the House by my hon. Friend Srijut Surendranath Buragohain. I hope the Hon'ble Minister of Revenue will agree to accept the Bill.

The Hon'ble the Speaker: Order, order.

The Motion before the House is that the Assam Land and Revenue (Amendment) Bill, 1944, be taken into consideration.

The Hon'ble Maulavi MUNAWWAR ALI: I have no objection to the Bill being taken into consideration provided the hon. Member assures that he would agree to its reference to a Select Committee. I formally move, Sir, that the Assam Land and Revenue (Amendment) Bill, 1944, be referred to a Select Committee consisting of the following Members:—

The hon. Mover,
Maulavi Abdul Bari Chaudhury,
Srijut Surendranath Buragohain,
Srijut Rabi Chandra Kachari,
Mr. A. Whittaker, and
The Hon'ble Minister in charge of Revenue.

Srijut ROHINI KUMAR CHAUDHURI: Will there be no Member from the Congress group?

The Hon'ble Maulavi MUNAWWAR ALI: I want that Mr. Kamini Kumar Sen and Mr. Baidyanath Mookerjee should also be on the Committee. Four will form the quorum and submit their report by the 15th February, 1945.

*Babu KAMINI KUMAR SEN: So, the Congress group remains un-represented.

The Hon'ble Maulavi MUNAWWAR ALI: Two names might be suggested. (*A voice*—Two names might be suggested by the Leader of the Opposition.)

Srijut ROHINI KUMAR CHAUDHURI: May I suggest the name of Srijut Mahi Chandra Bora?

Srijut MAHI CHANDRA BORA: I regret my inability to serve on the Committee.

The Hon'ble Maulavi MUNAWWAR ALI: If Babu Rabindra Nath Aditya will be willing to serve, I shall be glad.

*Babu RABINDRA NATH ADITYA: Not necessary, I thank you.

The Hon'ble the SPEAKER: Let there be no representative from the Congress party. (*Laughter.*)

The Hon'ble Maulavi MUNAWWAR ALI: I suggest the name of Srijut Jogendra Narayan Mandal, Sir.

The Hon'ble the SPEAKER: The Amendment moved is that the Assam Land and Revenue (Amendment) Bill, 1944, be referred to a Select Committee consisting of the following Members.

*Mr. BAIDYANATH MOOKERJEE: May I know from the Hon'ble Minister whether there is at all any necessity to refer the Bill to a Select Committee? It would be better if he kindly explains it.

The Hon'ble Maulavi MUNAWWAR ALI: Yes, there is the necessity. We want to avoid lengthy speech, Sir, to enable the House to transact more business.

The Hon'ble the SPEAKER: The question is:—That the Assam Land and Revenue (Amendment) Bill, 1944, be referred to a Select Committee consisting of the following Members.—

The hon. Mover.

Maulavi Abdul Bari Chaudhury.

Srijut Surendranath Buragohain.

Srijut Rabi Chandra Kachari.

Mr. A. Whittaker.

The Hon'ble Minister in charge of Revenue.

Babu Kamini Kumar Sen.

Mr. Baidyanath Mookerjee.

Srijut Jogendra Narayan Mandal.

Four will form the quorum and the Committee will submit the report by the 15th February, 1945.

The question was adopted.

Presentation and consideration of the Select Committee's Report on the Sylhet Non-Agricultural Tenancy Bill, 1941

Maulavi ABDUL AZIZ: Mr. Speaker, Sir, I beg to present the final report of the Select Committee on the Sylhet Non-Agricultural Tenancy Bill, 1941 and to move that the Bill as reported by the Select Committee be taken into consideration.

Sir, at the very outset Government expressed doubt as to the necessity of such a Bill. Later on it was proved to the satisfaction of the Government that there was really a necessity for such a legislation.

While sitting on the Select Committee, we had decided to tour through all the Subdivisional towns of the District of Sylhet. Accordingly we toured round and examined witnesses, recording evidences and afterwards we considered all the evidences and in the light of them we made necessary amendments to the Bill. And that amended Bill has now come before us for consideration.

Sir, in the Select Committee we made certain amendments.

The original Bill was meant to improve the bazars and markets of the District of Sylhet but in the Select Committee we thought it expedient to exclude bazars and markets from the operation of the Bill and we limited the operation of the Bill to the Municipal towns only.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir. May we know whether markets and bazars in the Municipal towns have been excluded?

Maulavi ABDUL AZIZ: We have excluded the markets and bazars of the mufassil areas. The present Bill is meant for the Municipal towns, that means for all Municipal areas in the District of Sylhet excluding the bazars and the markets in the country side.

Mr. BAIDYANATH MOOKERJEE: I am sorry, Sir, I could not follow.

Maulavi ABDUL AZIZ: The original Bill was meant for all non-agricultural tenancy in the District of Sylhet. The operation of the present Bill has been widened. As we thought it necessary to limit the operation of the Bill only to the Municipal areas, we had to make the necessary changes in the title of the Bill, and so we inserted the word 'urban', thus limiting the operation of the Bill to the Municipal areas. So, the Select Committee gave the title of the Bill as "The Sylhet Non-Agricultural Urban Tenancy Bill of 1944".

As regards other changes made by the Select Committee, they are of minor nature. For example, the transfer fee of the landlords in the original Bill was Rs. 2 but we raised it to Rs. 10 in the Select Committee. As regards enhancement of rent, it was limited to 50 per cent. in the original Bill, but we have done away with the limit in the amended Bill. We have in the Select Committee added a new Section (Section No. 18) to the effect that the Provincial Government may make rules for carrying out the purposes of this Act. Further we have re-arranged the Sections or the clauses of the original Bill. A further change has been made as regards language. There were considerable objections from many quarters as to the drafting of the Bill and to remedy this defect, we requisitioned Mr. Stork our Legislative Secretary's services. He sat with us in the Select Committee and he was given a free hand in drafting. So he made the necessary changes and made the provisions from legal point of view. In short, these are the changes made by the Select Committee. This Bill was referred by this House to the Select Committee and we have amended the Bill in the Select Committee in the best possible manner and we hope the hon. Members will find it acceptable. With these words, I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved is:

"That the Sylhet Non-Agricultural Tenancy Bill, 1941, as reported by the Select Committee be taken into consideration."

The Hon'ble Maulavi MUNAWWAR ALI: Mr. Speaker, Sir, I have very little to say in this matter except to point out that some very salutary improvements have been made in course of the Select Committee's deliberations. The Bill practically had to be recast and our Legislative Secretary had to take considerable pain in bringing those changes. But so far as Government are concerned, they maintain the same attitude as they had on the previous occasion, that is, they will leave the matter entirely to the judgment of the Assembly and will maintain an attitude of neutrality.

Mr. BAIDYANATH MOOKERJEE: Mr. Speaker, Sir, I rise to oppose this Motion. As has been already stated by the hon. Mover that the Bill was so badly drafted that they had to give full authority and latitude to the Secretary to the Legislative Department to recast the entire Bill. Sir, I admit that there have been some improvements but still there are some big flaws in the Bill and that it can yet be called hopeless. (Maulavi Abdul Aziz: No.) My Friend is interjecting and saying 'No.' Mr. Stork did not draft the original Bill. He had to abide by some rules. For the same.....

The Hon'ble the SPEAKER: And the Select Committee accepted it.

Mr. BAIDYANATH MOOKERJEE: Yes, but with some relevant remarks. If any one cares to see the general remarks of the Select Committee it will be found that it was not accepted by all the Members of the Committee, but was accepted by a bare majority. There was the division. What we find from our past experience—I think I shall not be accused if I say we are wasting our time by delivering our speeches on such a legislation. Sir, it is a novel piece of legislation and it is difficult to find a parallel of this. The Bill is a most revolutionary one. It wants to take away the right of one class just to satisfy the unholy desire of certain section who are fortunate enough to be in occupation of lands in Municipal area. It is very easy to bring such Bills for the sake of gaining cheap popularity and for other objectionable reasons which I do not like to mention here. It is very easy “to rob Peter to pay Paul”. (Maulavi Abdul Aziz: That is going on.) Yes, it is going on but one who is honest should not be a party to it. There was a legislation of this nature relating to the town of Sylhet only and we all know the fate of that Bill. It was passed by this House. There was some modification in the other House. It came to this House and again went to the Upper House and it remained there. A Bill which sought to give some concessions to the so-called oppressed tenants, according to the opinion of my hon. Friend, the Mover, was twice turned down by the other House because of its revolutionary nature. A Bill which could not be passed when intended only to give effect to a particular town has again been brought before the House for a bigger area. By this Bill the hon. Mover is trying to give effect to all the five Subdivisions of the District of Sylhet. Sir, it has been said that witnesses were heard on this matter. We do not know on which side the majority of the witnesses were. Of course we saw the printed opinions, they were sharply divided. Sir, you will mark one very significant point in this Bill. There is a bait both to the Government and to the local bodies. I call it a bait purposely. Why only the private landlords will suffer and why this law should not be applicable in case of Government lands and lands belonging to local bodies? If relief is to be given it should be given to one and all of that particular locality. But, Sir, to draw sympathy of the Government, the hon. Mover has given this bait. But I must thank the Hon’ble Minister in charge of Revenue for his expression that Government will remain neutral so far as this piece of legislation is concerned. Sir, there is a saying in Bengali “সন্দেহ ভাঙ্গ”; the stand taken by the Hon’ble Revenue Minister may be termed as that, but I think it would have been better on the part of Government to take a bold stand. Sir, it was stated by the Hon’ble Revenue Minister that they would bring forward a more comprehensive and less contentious Bill in future, but due to the overzealousness of the hon. Mover he had to submit.

Sir, as I have already stated, this Bill will benefit only those persons who are in occupation of the lands. When the present landlords will be deprived of their rightful share the middlemen will take the benefit. Nothing has been said about the sub-tenants in this Bill. Sir, if the hon. Mover is so very eager to assist the sufferers why did he not make any provision for the sub-tenants? If the tenants are afraid of being ejected, the sub-tenants also may be ejected, as suggested in this Bill. Why no protection has been provided for them?

Sir, I won’t take much time of the House, but I must request the hon. Members of this House to remember the past and act accordingly. They must think over the matter very seriously and see whether this piece of legislation is going to be an honest one. They should carefully look to all the aspects of this Bill before they give their valued opinion.

Maulavi MD. MAQBUL HUSSAIN CHAUDHURY: Mr. Speaker, Sir, I rise to support the Motion. It is certainly an advancement in the right direction. At a time when the ownership of the landlords is in question, this sort of legislation is welcome. Mr. Mookerjee said that it was revolutionary. I do not know why he is so much afraid of revolution. These are the days of revolution. Put the letter ‘R’ before ‘evolution’ and it becomes ‘revolution’. Revolutions can work wonders in a short space of time. (Mr. Baidyanath Mookerjee: A friend of the poor agriculturists!). Certainly I am a friend of the agriculturists, and I am myself an agriculturist. I am not one who sold his caste and changed his home and hearth for a few rupees.

The Hon'ble the SPEAKER : Order, order.

Mr. BAIDYANATH MOOKERJEE : নাচ যদি উঠেচ ভাসে স্তবুন্ধি উড়ায় হেসে।

The bite of a dog is always under the knee—his predecessor not only changed caste but religion as well.

Maulavi MD. MAQBUL HUSSAIN CHAUDHURY : I admire the gut of Mr. Mookerjee ; the gut of a parasite indeed !

Mr. BAIDYANATH MOOKERJEE : I expect this false and rustic remark from a blood sucker who has become rabid and a traitor to his constituency as well as to his country. A pest to the society. My gut is the gut of an honest gentleman.

The Hon'ble the SPEAKER : Order, order.

Maulavi MD. MAQBUL HUSSAIN CHAUDHURY : Whenever any Tenancy Legislation comes, Mr. Mookerjee stands to oppose it. He is neither a tenant nor a Zemindar.....

Mr. BAIDYANATH MOOKERJEE : I know what I am.

The Hon'ble the SPEAKER : Therefore he is in a better position to judge things.

Maulavi MD. MAQBUL HUSSAIN CHAUDHURY : Yes, Sir, because he is neither fish nor flesh and we may not take what he says into consideration. (A voice : "Nonsense" blood-sucker.)

Sir, I find from the Report of the Select Committee that the Members of the Select Committee changed the title of the Bill. Formerly, it was 'Sylhet Non-Agricultural Tenancy Bill', they changed the title to 'Sylhet Non-Agricultural Urban Tenancy Bill'. By this, the Select Committee has curtailed the scope of the Bill. If the original title were retained, the Bill when passed, could be extended to big markets also. However I shall take my chance to change this when the Bill comes up for consideration clause by clause. Sir, so long the tenants in the towns were almost tenants-at-will. This Bill proposes to give them some right, which they deserve, and I thank Maulavi Abdul Aziz Saheb that he has lodged such a laudable piece of legislation which I welcome and support whole-heartedly.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : Mr. Speaker, Sir, I understand fully the inclination and mind of Mr. Mookerjee in opposing this Bill. He has referred to the Sylhet Tenancy Bill which was passed by this House but twice refused in the Upper House. I don't know whom to thank—Mr. Mookerjee or somebody else for the refusal in the Upper House. So far as this Bill is concerned, Mr. Mookerjee styled it as 'revolutionary' and novel but so far as I can see, a Bill of this nature was passed by the Madras Legislature. It is only of recent memory that the Bengal Government passed a Bill giving full rights to urban tenants. The Bengal Government did not rest by passing an Act ; they also passed an Ordinance giving certain rights to urban tenants and while the Bill came in for discussion Mr. Whittaker referred to it.....

Mr. A. WHITTAKER : On a point of information, Sir. I think I am correct in saying that the Bengal Bill is yet to be passed. The Bill was published in the Gazette Extraordinary of May 4th, 1944. I do not think that the Bill has even been introduced in the Bengal Assembly.

Babu DAKSHINARANJAN GUPTA CHAUDHURI : I stand to correction. But the Bengal Government has passed an Ordinance giving certain rights to urban tenants, and that Ordinance is working even to-day. That there is necessity for such a Bill is admitted by all concerned. If there is any necessity of granting any rights to the tenants in the rural areas, the urban tenants must also get those rights. That is the whole basis of Maulavi Abdul Aziz's Bill. I do admit that there were certain defects in framing the Bill, but the Select Committee had gone into those defects and with the help of the Legal Remembrancer, redrafted it. Everyone coming from the District of Sylhet except those people who own lands in urban areas, will bear me out that the tenants in the urban areas are left at the mercy of the landlords concerned. Many people have invested large sums of money by erecting permanent buildings. But they are absolutely at the mercy of landholders. At the time of ejection, there is no law. A notice is sufficient for ejecting an occupant who has been in town for

generations. When the Town Tenancy Bill was on the legislative anvil, we heard heart-rending stories of ejection. In that view of the matter, at this stage I suggest that Mr. Mookerjee will rise to the occasion and instead of his efforts to the contrary, he will realise the time spirit and join hands with other Members and help in passing this Bill. I feel that the Select Committee has fully gone into the interests of both the parties concerned and merely to style it as revolutionary is ludicrous. It is tully to the interests of both the parties concerned and it stands as a compromise and a *via-media* between the interests of landlord and tenants and with these words, I unhesitatingly and fully support the Motion of my hon. Friend Mr. Aziz.

Mr. A. WHITTAKER : Mr. Speaker, Sir, when this Bill was first put before this House, I tried to make certain points, drawing the Mover's attention to omissions. Now, the Bill has come back from the Select Committee. It is fair to say that I have never seen a Bill which has been so transformed by any Select Committee as this one has. The fact that the Bill needed so much transformation seems to me to stamp the Bill as a bad Bill.

Secondly, my main difficulty is this. In the field of tenancy legislation, I do not think it is reasonable for any Government to say about a Bill introduced by a private Member, "we propose to remain neutral." That seems to me a complete abdication by Government. Government should come down definitely on one side or the other. There is no place for neutrality in legislation as contentious as this is. To anticipate, this particular Bill will have the same fate in the Upper House as the previous Town Tenancy Bill. Therefore, I shall join with Mr. Mookerjee in opposing the Bill. I shall, at a later stage, endeavour to introduce Amendments, if Mr. Mookerjee's opposition is not successful, but I would make a final appeal to the Government of Assam to come out in the open and say quite clearly where they stand in this Tenancy Legislation. It is contentious legislation; it is interfering with practice and procedure which has been confirmed by years of legal rulings. The whole of the tenancy case law is going to be upset if such a Bill becomes law. The Government of the day should state clearly and exactly where they stand in this matter.

Srijut ROHINI KUMAR CHAUDHURI : Mr. Speaker, Sir, I am also one of those who is puzzled at the Government's attitude towards this Bill. I think, Sir, that there was an offer made by the hon. Mover of the Bill that he would be prepared to withdraw his Bill if Government come forward with a more comprehensive one.

(The Hon'ble Maulavi MUNAWWAR ALI : That is not so.)

I will read the portion of the report which would show that I am correct in what I say.

"The Committee had before them copies of the corresponding Bengal Bill on the subject and in the preliminary discussion it was suggested that if Government would guarantee to introduce a comprehensive Bill on the lines of the Bengal Bill perhaps the Mover would agree to withdraw the present Bill. It was pointed out, however, that in order to prepare such a piece of legislation it would be necessary to depute a Munsiff on special duty and the preparation of such a Bill might take a considerable time, as was the case when the Sylhet Tenancy Bill, 1936, was under preparation."

So there it is, Sir.

(The Hon'ble Maulavi MUNAWWAR ALI : The hon. Member should read the whole of it).

If the Government agreed to put forward a Bill on the Bengal line, the difficulty which was pointed out, seems to be a very flimsy excuse. Now, it is inconceivable that the present Government which has been spending so much money in appointing different officers of different departments would find it difficult to spare a Munsiff for the purpose of drawing up a Bill of this kind. That excuse is hardly convincing and, I think, if the Hon'ble Prime Minister was approached to spare a member of the Judicial Service for this purpose, he would not have hesitated to do so.

The Hon'ble Maulavi MUNAWWAR ALI : If I may intervene for a moment I will read out the rest of the report :—

“The majority of the Committee was therefore of the opinion that it would be better to proceed with the Bill in its present form and to consider all the Amendments that were necessary.....”

Srijut ROHINI KUMAR CHAUDHURI : It is indeed true, Sir, as has been pointed out by the Hon'ble Minister that it was subsequently agreed to proceed with the present Bill. But what was the reason ? The reason was, Sir, that a very lame excuse was put forward, *viz.*, inability to depute a Munsiff for this purpose. I submit, Sir, that this reason would not convince anybody ; so I would urge that when there is still time if Government have really made up their mind about the legislation of this kind, let them come forward with a more comprehensive Bill, and let them spend a little time for preparing such a Bill, because, Sir, the fate of a private Bill of such a contentious nature is well known. The Sylhet Town Tenancy Bill has not yet been translated into law. It is still more difficult to imagine that this particular Bill will have a better fate. So, Sir, it would be advisable for the hon. Mover of this Bill even now to agree to withdraw this Bill on an assurance being given by the Hon'ble Minister in-charge that he would, if this Bill be withdrawn, come forward with a more comprehensive Bill. I would just remind the hon. Mover of this Bill and ask him to profit by the example which was shown in the case of my hon. Friend, Mr. Abdul Bari Chaudhury's Primary Education Bill. In spite of all the arguments that were put forward on this side of the House and in spite of the appeal which the Hon'ble Minister of Education had made to him, he was obdurate because of the love of his Bill which he loved more than his own child ; therefore, he refused to withdraw the Bill with the inevitable result that the Bill was lost.

Now I have come to take my stand as a bad omen for this Bill. I think my Friend, the hon. Mover of this Bill, who is not usually led away by enthusiasm and who is not usually influenced by extra fondness for his own creation, would listen to my advice and agree to withdraw this Bill provided an assurance to the effect I have suggested is given by the Hon'ble Minister.

The Hon'ble Maulavi MUNAWWAR ALI : That offer was given by me, Sir.

Srijut ROHINI KUMAR CHAUDHURI : I am taking so much pain for the Hon'ble Minister by asking now to accept the offer which was made to him.

The Hon'ble Maulavi MUNAWWAR ALI : If this Bill is withdrawn I will bring forward a more comprehensive and less contentious Bill before the House.

Srijut ROHINI KUMAR CHAUDHURI : The Hon'ble Minister is perfectly clear.

Maulavi ABDUL AZIZ : May I know, Sir, when Government will introduce such a Bill ?

The Hon'ble Maulavi MUNAWWAR ALI : I will try to bring it in the next Session of the Assembly provided my efforts are successful.

Srijut ROHINI KUMAR CHAUDHURI : Now, Sir, as the Hon'ble Minister has repeated the offer which he had made, I think it behoves the hon. Mover to accept that, because I can tell him from my experience that it would not be possible for him, since he has no following in the Upper House and since he will not have much time to push forward this Bill, it is much better that the Bill should come from Government which the Hon'ble Minister will present in the Upper House and he will also do the lobby work and try to see that the Bill is accepted by the Upper House. But the hon. Mover of the private Bill will not have that advantage.

Babu RABINDRA NATH ADITYA : Sir, would it be possible for Government to protect those tenants in the meantime by issue of Ordinance as has been done in Bengal ?

Srijut ROHINI KUMAR CHAUDHURI : So far that point is concerned, in Shillong and Gauhati, the Ordinance is in vogue, that is to say, the rent cannot be raised (*voice* : that is for rented house) and no eviction can take place. Sufficient protection is already there. I quite appreciate the suggestion put forward by Mr. Aditya

that for the interim period some care should be taken to protect the tenants. But I ask him one question, what protection is offered to the tenants now? This Bill will take at least a year or more in the normal course to be passed into law. I am coming to other points now. I also support my hon. Friend Mr. Whittaker's criticism and I submit that it has a great force. The Hon'ble Minister ought to come and give out his own view on this Bill and that will help us considerably in arriving at our own conclusion. What do we find now? We find from the Report that the Hon'ble Revenue Minister made it clear that he could not commit Government to support this Bill in as much as when it was first introduced. Government had to take a neutral attitude. May I now know the opinion of the Hon'ble Minister? Does he still say that he has not been able to make up his mind whether or not to support this Bill? If that is his position I can only say that all the money and time that was spent in the Select Committee was mere and sheer waste. Then, Sir, one serious objection which has been voiced by my hon. Friend Maulavi Abdul Bari in his Minute of Dissent is the objection which cannot be brushed aside and that is with regard to the title of this Bill. We find that we have referred to a Select Committee a Bill which was termed as "Sylhet Non-Agricultural Tenancy Bill". But what do we find—what is proposed to be done? The Bill which we are asked to consider to-day is the Bill which has altogether a different nomenclature and which is termed as "Sylhet Non-Agricultural Urban Tenancy Bill". If it is the intention of the hon. Mover to have such a legislation only in cases of Municipal towns, if on account of the experience gained during the short period, he comes to the conclusion that a tenancy Bill of this nature should not be applied to non-agricultural rural areas and if this is his view, I submit, Sir, that goes against the very root of this Bill. If it is thought that in rural areas such Bill is not acceptable, then he must withdraw this Bill and come forward with a new Bill. When he first moved this Bill he had one single idea in his mind and which had persuaded us to support him on that Committee. Sir, I am in good company so far as the argument is concerned. I can boldly quote the minute of dissent of my Friend Mr. Abdul Bari Chaudhury. He said "In the Select Committee, the scope and object of the Bill was materially curtailed. The 'Title' was changed from Sylhet Non-Agricultural Tenancy Bill to Sylhet Non-Agricultural Urban Tenancy Bill. Certainly it was not contemplated by the Legislature when the Bill was referred to the Select Committee. I doubt very much whether the Committee was competent to effect this vital change. To all intents and purposes, it is a new Bill. I object to this mutilation." I fully support, Sir, the argument. On a point of information, Sir, may I know from the Hon'ble Revenue Minister whether on this aspect of the matter he had consulted the Legal Remembrancer.—I mean to say on the aspect which has been pointed out in the minute of dissent by Mr. Abdul Bari Chaudhury?

The Hon'ble Maulavi MUNAWWAR ALI : Yes, Sir, he was of the opinion that it was perfectly legal and within the scope of the Bill.

Srijut ROHINI KUMAR CHAUDHURI : My complaint is that in the whole Bill as it has come out from the Select Committee, in each clause there is a spirit of compromise and an exhibition of sacrifice of principles or the object which one had in his mind, *i. e.*, somehow or other to get this Bill passed, some how or other, to bring this Bill from the Select Committee and for that purpose, not only the Hon'ble Minister in charge of Revenue has sacrificed the principles, but also all the individual Members of the Select Committee have sacrificed their view points, only in order to produce something in the shape of a Bill which is before this House and from that point of view, this Bill is extremely unsatisfactory.

Another very salient point of objection which has been raised by my hon. Friend Mr. Lalit Mohan Kar in his minute of dissent and that is this. I read paragraph 6 of his minute of dissent. He says "It is not fair, in my opinion, that the town tenants (mostly land-lords in rural areas) should enjoy more privileges in respect of occupancy right than those in rural areas". It is known to the hon. Members of this House that in order to acquire right of occupancy

in rural areas there must be possession of 12 years, whereas in so far as the town tenancy is concerned, the period of occupancy right has been fixed at 10 years. Sir, why this disparity of treatment in case of town tenants and these town tenants as we find from the minute of dissent, are the persons who are really landlords in rural areas and there they give the tenancy right of occupancy only after 12 years but in their own case, Sir, they want to make it an occupancy right of 10 years only? Would not this piece of legislation be dubbed as one coming from some interested persons who are landlords in their own village but tenants in the towns?

Adjournment

The Assembly was then adjourned till 11 A.M. on Tuesday the 14th November 1944.

SHILLONG,

The 16th December, 1944.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

