

ASIAN LAND BILL, 1953

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**Proceedings of the Third Session of the Assam Legislative
Assembly assembled after the First General
Election under the Sovereign Democratic
Republican Constitution of India**

The Assembly met in the Assembly Chamber, Shillong, at
10 A.M., on Saturday, the 28th March, 1953.

P R E S E N T

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, nine
Ministers, two Deputy Ministers, two Parliamentary Secretaries and
sixty-three Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

**Arrest of Shri Purna Narayan Singh, Municipal Commissioner,
Tezpur**

Shri HARESWAR GOSWAMI asked:

*158. Will the Minister-in-charge of Home Affairs be pleased
to state whether Shri Purna Narayan Singh, Municipal Commis-
sioner, Tezpur, was arrested on 8th September 1952 and if so, what
was the charge against him ?

†**Shri SIDDHINATH SARMA (Minister)** replied:

158.—Yes, Shri Purna Narayan Singh was arrested on 8th
September 1951 not 8th September 1952 and charged under sections
420/406/468, Indian Penal Code in case No.17(9)51 of Tezpur Police
Station.

Shri HARESWAR GOSWAMI: For how long he was
detained in the Hajat ?

Mr. SPEAKER: How does it arise ? It seems the matter
is still subjudice.

Shri GAURISANKAR BHATTACHARYYA: Is it still
subjudice ?

† Shri Siddhinath Sarma (Minister) replied in the absence of the Chief Minister.

Mr. SPEAKER: Yes, certainly.

Shri GAURISANKAR BHATTACHARYYA: Is the case still pending or decided or withdrawn ?

Shri SIDDHINATH SARMA (Minister): I do not know, Sir.

Mr. SPEAKER: From the answers it seems that the case is still pending.

Shri HARESWAR GOSWAMI: In 1951 he was charged under Section 420 and the case was suddenly withdrawn. Is it not a fact ?

Shri SIDDHINATH SARMA (Minister): I have no information, Sir.

Mr. SPEAKER: It seems the case is still pending.

Shri GAURISANKAR BHATTACHARYYA: Shall I be wrong if I say that the case has been withdrawn by the Police ?

Shri SIDDHINATH SARMA (Minister): I want notice of that, Sir.

Settlement of land of Jorabari Grazing Reserve of Barpujia Mauza

Shri HARESWAR GOSWAMI asked :

*159. Will the Minister-in-charge of Revenue be pleased to state—

- (a) Whether 30 bighas of land from the Jarabari Grazing Reserve (Dag No.664) of Barpujia Mouza has been settled with some people recently ?
- (b) Whether it is a fact that villagers of the nearby 14 villages protested against such settlement and that the Chief Minister gave them an assurance on 15th November 1951 that this reserve would not be settled with anybody ?
- (c) Whether it is a fact that this is the only grazing reserve for the cows in the locality and attempt to settle this reserve was not approved of before this Ministry came in ?
- (d) What are the reasons for settling 30 bighas of this reserve with these people ?
- (e) Whether the Minister will be pleased to lay on the table a list of names of the persons who have been given land in the reserve ?
- (f) Whether they are all landless people ?

Shri MOTIRAM BORA (Minister) replied :

159. (a)—No, not yet settled. The fact is that Government sanctioned dereservation of 30 bighas of land from the Jarabari Village Grazing Reserve (Dag No. 664) comprising a total area of 191B. 1K. 8L. for allotment to 30 families at the rate of one bigha each for residential purpose. But as there was protest from some people the Deputy Commissioner, Nowgong has stayed allotment and has submitted a revised proposal. The proposal is still under consideration of Government.

(b)—Yes. Some people of neighbouring villages made a protest but their protests do not appear to be very reasonable. Chief Minister never gave any assurance at any time to the effect that the Village Grazing Reserve would not be thrown open for settlement.

(c)—No. There are two Village Grazing Reserves in Dags Nos. 664 and 365 in the locality. The last Ministry has accorded approval to throw it open.

(d)—The persons with whom it was proposed to be settled have no lands sufficient for residence, and to give land for such landless persons and thereby to relieve congestion in the village, the portion of the reserve was proposed to be thrown open.

(e)—A list of the proposed allottees is given below but that list is being reviewed by Government as stated above.

Names of persons who have been given land in the Reserve

Serial No.	Name of persons
1	Srijut Baraju Nath.
2	„ Someswar Nath.
3	„ Harikanta Nath.
4	„ Bhogali Nath.
5	„ Tazuram Nath.
6	„ Tahiram Nath.
7	„ Paniram Nath.
8	„ Robiram Nath.
9	„ Dukhahari Nath.
10	„ Noranath Nath.
11	„ Bulan Nath.
12	„ Puniram Nath.
13	„ Bormura Nath.
14	„ Lalai Nath.
15	„ Sarumura Nath.
16	„ Bihguti Nath.
17	„ Ajala Nath.
18	„ Dhanjur Nath.

Serial No.	Name of persons
19	„ Mukuta Nath.
20	„ Mukhmal Nath.
21	„ Bhotoka Nath.
22	„ Santiram Nath.
23	„ Sudram Nath.
24	„ Gohiram Nath.
25	„ Patu Nath.
26	„ Durga Nath.
27	„ Bhatiram Nath.
28	„ Natua Gayanbora.
29	„ Sonbor Nath.
30	„ Dharma Kanta Nath.

(f)—Yes. They have not got sufficient lands for purpose of residence.

Shri HARESWAR GOSWAMI: In regard to Question No.159(a), will the Minister please state what is the revised scheme of the Deputy Commissioner?

Shri MOTIRAM BORA (Minister): They were allotted land not exactly on the spot on which they were given land previously, but in some other portions of the Reserve.

Shri HARESWAR GOSWAMI: Is it the intention of the Minister to keep this Reserve as reserve?

Shri MOTIRAM BORA (Minister): No, Sir.

Shri HARESWAR GOSWAMI: Is it the intention of the Minister to dereserve it?

Shri MOTIRAM BORA (Minister): There are two reserves, Sir. A portion of one of the Reserves will be thrown open.

Shri HARESWAR GOSWAMI: What is meant by landless people?

Shri MOTIRAM BORA (Minister): Those people who have no land for residential purposes. They are given 1 Katha or 10 Lechas like that, for the purpose.

Annual pattas given to people of Mayang and Barabhagia of Saraibahi Mauza

Shri HARESWAR GOSWAMI asked:

*160. Will the Minister-in-charge of Revenue be pleased to state—

(a) Whether it is a fact that annual pattas were given to people of Mayang and Barabhagia of Saraibahi Mauza in 'Kachadhara' of Barpujia Mauza?

- (b) Since when these people were cultivating these lands ?
- (c) Whether these people are landless and whether this was the only plot of land they had to cultivate ?
- (d) Whether it is a fact that these pattas have now been cancelled and the land in question converted into Grazing Reserve ?

Shri MOTIRAM BORA (Minister) replied :

160. (a)—Yes.
- (b)—Since last resettlement.
- (c)—They are not landless and they have lands elsewhere.
- (d)—Yes.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Silchar Civil Hospital

Shri NANDA KISHORE SINHA asked :

130. (a) Is it a fact that no steps have been taken to improve and extend the Silchar Civil Hospital after taking over the same by Government ?

(b) Is it a fact that an X-Ray Plant installed at a heavy cost is lying idle in Government Civil Hospital there for want of an expert operator ?

(c) What steps do Government propose to take to improve and extend the Silchar Civil Hospital in order to meet the growing demand of the increase of population at Silchar ?

Shri RUPNATH BRAHMA (Minister) replied :

130. (a)—No. Since provincialisation of the Hospital a sum of Rs.17,516 has been spent on improvement of its buildings, Rs.59,567 provided in the Budget Estimates for 1952-53 for further improvement besides Rs.16,000 recently sanctioned for the purchase of a new X-Ray Plant.

(b)—The Plant in question was installed from stores left by the Americans after the last war. It is not working for lack of certain parts not readily available for this old Plant and not for want of an expert operator.

(c)—Steps already taken to improve this Hospital. To continue with this work, the Hospital has been included in the Five-Year Plan.

Teaching Staff of the Assam Veterinary College

Shri DANDIRAM DUTTA asked :

131. (a) Will Government be pleased to state the actual number of the teaching staff of the Assam Veterinary College with their respective qualifications ?

(b) Is it a fact that the present Vice-Principal of the Assam Veterinary College is only a Matriculate and is mere diploma holder in Veterinary Science ?

(c) Is it a fact that such qualification does not entitle a person to hold a post like this in an institution like the Assam Veterinary College ?

(d) Is it a fact that both the Principal and the Vice-Principal of the said College do not take classes regularly ?

(e) Is it a fact that the Principal being the Director of the Veterinary Department always remains on tour along with the Vice-Principal ?

(f) Whether the Vice-Principal has got any touring work at all ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied :

131. (a) & (b)—The hon. Member is referred to the answer given to Unstarred Questions No.82(a) & (b) asked by Shri Hareswar Goswami, M.L.A., during the current session of the Assembly.

(c)—No. The Professor of Animal Husbandry appointed on the recommendation of the Assam Public Service Commission is doing the duties of the Vice-Principal in addition to his own duties for which he has been granted a special pay of Rs.75 p.m.

(d)—No. The Director of Animal Husbandry and Veterinary Department is carrying on the duties of the Principal in addition to his own duties and as such he does not take regular classes in the College but the Vice-Principal takes regular classes in the College.

(e)—No.

(f)—No. Except when he is specially deputed.

**Acquisition of Lands belonging to the People of both sides of
the Dalgoma-Damara Road**

Shri HARESWAR GOSWAMI asked :

132. (a) Is it a fact that lands belonging to the people on both sides of the Dalgoma-Damara Road have been acquisitioned by Government ?

(b) If so, what will be total amount of such land ?

(c) How many families have been affected by such action ?

(d) Has any compensation been paid to the people for the loss of their land and if so, what is the amount paid per bigha ?

(e) If not, why not ?

(f) Whether Government have lately received any representation from the people claiming such compensation ?

Shri HARESWAR DAS (Deputy Minister) replied :

132. (a)—Yes.

(b)—The total area is 319B-4K-18L.

(c)—230 families.

(d)—Yes, compensation has already been paid to those people who are satisfied with the Collector's assessment and valuation and the rest who have contested Collector's assessment and valuation are awaiting disposal of objections. The rate of compensation per bigha varies between Rs.50 to Rs.400 according to class of land.

(e)—Does not arise.

(f)—Yes, the interested people submitted a representation to the Chief Minister at Damara on 12th December 1952 and since then several parties agreed on Collector's award and received their payment. The Deputy Commissioner fixed 16th March 1953 for hearing of objections.

Veterinary dispensaries in the Dhubri Subdivision

Raja AJIT NARAYAN DEB of Sidli asked—

133. Will Government be pleased to state—

(a) The number of Veterinary Dispensaries in the Dhubri Subdivision ?

(b) Whether the area consisting of Bilashipara Police Station, Kokrajhar Police Station, Sidli Police Station, and Bijni Police Station is the biggest circle served by one Veterinary Dispensary ?

(c) Whether Government propose to establish another Dispensary in the area ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied :

133. (a)—There are four Veterinary Dispensaries in the Sub-division of Dhubri.

(b)—Yes.

(c)—There is no such proposal at present before Government.

Sanction of pension to Shri Swarna Kumar Kachari, Overseer, Haflong Civil Works Department who retired in 1947

Shri JOYBHADRA HAGJER asked —

134. Will Government be pleased to state—

(a) If it is a fact that the pension of Shri Swarna Kumar Kachari, Overseer of Haflong Civil Works Department who retired in 1947 has not yet been settled ?

(b) If so, what are the reasons thereof ?

(c) How long does it ordinarily take to settle a pension case ?

Shri SIDDHINATH SARMA (Minister) replied :

134. (a)—Yes.

(b)—Sanction of the pension is delayed pending a decision on the question of certain recoveries to be made from him on account of loss of tools through his negligence, and overdrawal of pay during the period of his re-employment.

(c)—Ordinarily pension is sanctioned immediately on receipt of a report from the Accountant General regarding admissibility of pension after verification of service by him and completion of other formalities as required by Audit. The time taken depends upon the nature of each case.

Statement made by the Finance Minister about the ravages caused by the cyclone occurring on the 13th March 1953 and relief measure taken thereon

Mr. SPEAKER : Item No.2. Mr. Bora to make a statement on damages caused by the recent cyclone.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I propose to make a statement about the damages caused by the storm on the night of 13th March, 1953. Sir, a very heavy storm passed over the State on the night of 13th March last. The storm came from north-west and spread over the south and east. It was a violent storm and caused a considerable damage including loss of human lives. It is not possible to give all the details of the damages done or to give an estimate of the loss caused thereby, as we are not posted with all the necessary information from the districts.

From the information so far received it appears that almost all the districts of the State were affected by the storm. But of all areas, Dibrugarh and Silchar Subdivisions and Goalpara, Kamrup and Nowgong districts suffered the worst.

Loss of human life has so far reported is 22 and loss of cattle as 34; and they are as follows:—

		Loss of human life	Cattle
Silchar	...	5	...
Jorhat	...	1	...
Nowgong	...	7	...
Dhubri	...	2	...
Goalpara	...	1	...
Barpeta	...	6	34
Total	...	22	34

As to the loss of property reports show that there has been a considerable damage to private houses, Government buildings and public institutions. In Cachar many thatched houses mostly of refugees are reported to be badly damaged and one High School building is reported to have collapsed. Deputy Commissioner, Lakhimpur, has reported that a good many houses in Margherita have collapsed and a large number of people have been rendered homeless. In Sibsagar some private houses and some school houses are reported to have been damaged. In Nowgong serious damage has been caused to dwelling houses, dispensaries, schools, a railway station and some Government buildings. In Goalpara also many houses have been damaged including Government buildings. The residential quarters of Serfanguri Sub-Tahshil are reported to be totally damaged. Damage has been considerable in the North Salmara Thana. The Subdivisional Officer, Barpeta, has reported that Barpeta, Sarukhetri, Chenga and Paka mouzas of Barpeta circle and all the five mouzas of Baghbor circle and Runshi mouza of

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ABOUT THE RAVAGES CAUSED BY THE
CYCLONE OCCURRING ON THE 13TH MARCH
1953 AND RELIEF MEASURES TAKEN THERE-
ON.

Barnagur circle have been badly affected. It is reported that about 20 per cent. of the dwelling houses and about 200 public institutions and 5 Government buildings including the Circuit House have been badly damaged.

Loss of Crops.—Damage to the standing crop is not much, but it is reported from Barpeta that the subsequent hail storm of 20th and 21st March, caused a considerable damage to standing Boro cultivation. Reports from Dibrugarh shows that 500 maunds of paddy have been blown away and about 500 maunds have been damaged.

Government have taken relief measures, wherever necessary.

In Silchar, gratuitous relief has been timely issued to the deserving persons. In Hailakandi, where the refugees were most affected, the Relief and Rehabilitation Department has issued gratuitous relief to them. In Dibrugarh, some blankets and cloths have been issued and an amount of Rs.4,000 has been sanctioned for gratuitous relief. In Dhubri, the affected refugees have been helped with additional loans and other relief measures are under consideration. In Goalpara also the Relief and Rehabilitation Department has been issuing additional loans to the refugees and a sum of Rs.2,000 has been sanctioned for general gratuitous relief. So far as Barpeta is concerned, where the damage was considerably more, a sum of Rs.1,350 has been granted as gratuitous relief to the deserving scheduled caste people and a sum of Rs.5,000 has been issued for general gratuitous relief. In Rishu Belpara area of Goalpara District a sum of Rs.5,000 has been sanctioned for relief. The Local Officers of the P. W. D. have already taken steps to repair the damaged Government buildings. Further detailed reports are awaited. As soon as they are received Government will take necessary steps whenever needed as warranted by circumstances. Reports have also been called for by the Education Department as to the extent of damage caused to the educational institutions and necessary steps will be taken on receipt of these reports. This is the short report, Sir.

Maulana A. JALIL: শিলচৰ ঔৰ বদৰপুৰ কে বাবেইম সবকাৰ কো ক্যা
মানুষ হয় ?

Shri MOTIRAM BORA (Minister): Badarpur is included in the Cachar district. I have already said that five deaths took place in the Cachar district.

M. MOINUL HAQUECHOU DHURY: That was in Silchar subdivision. There were four deaths in Badarpur in addition to that.

Shri MOTIRAM BORA (Minister): I have not been able to ascertain that as yet and that is why I did not like to include it in my report. I may, however, state that reports have been called for from the local officers.

Shri HARESWAR GOSWAMI: What is the total amount of money sanctioned as gratuitous relief?

Shri MOTIRAM BORA (Minister): About Rs.15,000.

Shri HARESWAR GOSWAMI: Are these people supplied with C. I. Sheets and other building materials as many houses have been blown away?

Shri BAIDYANATH MOOKERJEE (Minister): Where will you get C. I. Sheets so early?

Shri MOTIRAM BORA (Minister): As my Hon'ble Colleague has said, it is very difficult to obtain C. I. Sheets.

Shri HARESWAR GOSWAMI: But then what steps have been taken to roof these people? I am told that in certain cases houses have been blown away and the people are without any shelter. If Government gives them tarpaulin and other things as temporary relief that would be of great help to them.

Shri MOTIRAM BORA (Minister): It is also difficult to get tarpaulin in those areas, Sir.

Shri MAHENDRA NATH HAZARIKA: নগৰৰ মিকিৰভেটা মৌজাৰ বৰদ্বাৰী গাঁৱৰ ৯০ ঘৰ মানুহৰ ঘৰ ভাঙি গল আৰু ট্ৰাইবেল সম্প্ৰদায়ৰ তৰাবাৰী লালু গাঁৱৰ ৫০ ঘৰ মানুহৰ ভাঙিছে তেওঁলোকৰ বাবে কিবা ব্যৱস্থা কৰা হৈছে নে?

Shri MOTIRAM BORA (Minister): হয়, D. C. ৰ আৰ্হি ইয়াৰ ব্যৱস্থা লবলৈ নিৰ্দেশ দিছে।

We have issued instructions to the Deputy Commissioners and Subdivisional Officers that wherever considered necessary they should rush relief.

The Assam Finance Bill, 1953

Shri MOTIRAM BORA (Minister)—Mr. Speaker, Sir, as there are no amendments to the Assam Finance Bill, 1953, I beg to move that the Assam Finance Bill, 1953, be passed.

Mr. SPEAKER Motion moved is that the Assam Finance Bill, 1953, be passed.

Shri HARESWAR GOSWAMI: On a point of information Sir. I find in item B of clause 2, that on the first Rs.1,500 of.

total income the tax is nil and on the next Rs.3,500 the tax is nine pies in the rupee. I could not find the former Act. I would, therefore, like to know whether in the former Act the taxable limit was put at Rs.1,500 or Rs.3,000.

Shri MOTIRAM BORA (Minister) : The taxable limit is Rs.3,000 here.

Shri HARESWAR GOSWAMI : Whether it was the same in the previous Act.

Shri MOTIRAM BORA (Minister) : Yes, Sir, it was the same. There is no alteration in the present Bill.

Mr. SPEAKER : The question is that the Assam Finance Bill, 1953, be passed.

(The Motion was adopted).

The Assam Local Board Elections (Emergency Provisions) Bill, 1953.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Mr. Speaker, Sir, the Assam Local Board Elections (Emergency Provisions) Bill, 1953, will now be taken into consideration clause by clause.

Mr. SPEAKER : There are two amendments tabled by Shri Ghana Kanta Gogoi. The first amendment does not seem to be in order.

Shri GHANA KANTA GOGOI : Sir, a mistake has crept in there. I do not therefore like to move it.

Mr. SPEAKER : It is also out of order.

Shri GHANA KANTA GOGOI : I am moving my second amendment, Sir.

Sir, I beg to move that in the proviso to clause 2 for the figure and word "31st March" the figure and word "15th January" shall be substituted.

The object of moving this amendment is this: generally people who are in politics take some interest in the elections to the Local Boards. Now, if elections are to be completed by the 31st March, it will be difficult for many of the hon. Members of this House to take interest and active part in the elections to the Local Boards. Government will have sufficient time, even if the elections are completed by 15th January, for that will be about the end of the cold weather. So in order to be fair to all

and to give facilities to every one, including the Members of this House, to take an interest and also an active part, if they so desire, in the elections, this provision should be made. That is the object of moving this amendment.

Mr. SPEAKER : But it will be a day after the Magh Bihu.

Shri GHANA KANTA GOGOI : It may be completed before that.

Mr. SPEAKER : Amendment moved is that in the proviso to clause 2, for the figure and word "31st March," the figure and word "15th January" shall be substituted.

Shri GAURISANKAR BHATTACHARYYA : Mr. Speaker Sir, in supporting the amendment of Mr. Gogoi, I beg to bring two more points before the House.

(1) That the Boards' election should be held as early as possible. So if it be 15th of January, it will be earlier than originally proposed in the Bill.

(2) Secondly, it will be better for the Boards to have themselves constituted before the financial year begins, and if it be 31st March, it will be rather late. So in order to enable the Boards to be constituted before the financial year begins, it will be more advisable to have their elections before the 15th of January. All these points may kindly be considered before accepting the amendment motion.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Mr. Speaker, Sir, I beg to oppose the amendment moved by my Friend, Mr. Gogoi. The reason is that there will be some anomalies as regards the selection of the term proposed.

Sir, our idea is to pass the Assam Local Board Elections (Emergency Provisions) Bill, 1953 in this Session and after that the framing of the necessary rules under the Act will be taken up. Those rules are very important for the purpose of administration of the Local Boards. I presume, they will take a good deal of time. Then, Sir, there are some other things connected with it. According to the new set up of the Local Boards, contemplated in the Bill, that is, before the House, the delimitation of constituencies will have to be taken into consideration. That will take a considerable time, and so it cannot be expected that these preliminaries will be finished by January next.

Another reason which has been mentioned by the hon. Member is that if the term is extended upto March 31st they will not be able to take part in the election. Sir, the hon. Members who are so

much interested in election, may have their option to go, and take part. They can do the election business before coming to Shillong for the purpose of the Assembly. But those who want to come to Shillong and they are desirous of taking part in the election activities from here, may also do so by staying at Shillong.

Mr. Bhattacharyya's ground is that the Local Boards' election should be held as early as possible. But considering the preliminaries which are before the House, after passing of the Bill, it would not be possible. So, Sir, instead of taking another time, it will be better that the Bill be passed and we should fix the election accordingly.

Mr. SPEAKER : What do you say, Mr. Gogoi ?

Shri GHANA KANTA GOGOI : Sir, I think, there is sufficient sense in my amendment.

Mr. SPEAKER : Question is that in the proviso to clause 2 for the figure and word "31st March" the figure and word "15th January" shall be substituted.

(The amendment was lost).

Mr. SPEAKER : The question is that clause 2 do form part of the Bill.

(The question was adopted).

Mr. SPEAKER : The question is that clause 1 do form part of the Bill.

(The question was adopted).

Mr. SPEAKER : The question is that the title and preamble of the Bill do form part of the Bill.

(The question was adopted).

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Mr. Speaker, Sir, I beg to move that the Assam Local Board Elections (Emergency Provisions) Bill, 1953 be passed.

Mr. SPEAKER : Motion moved is that the Assam Local Board Elections (Emergency Provisions) Bill, 1953, be passed.

(The Motion was put as a question and adopted).

The Assam Appropriation (No.II) Bill, 1953

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Appropriation (No.II) Bill, 1953.

The Statement of Objects and Reasons are stated therein, at the bottom.

Mr. SPEAKER : Mr. Bora, as regards Appropriation Bill, I think, all the Motions may be moved. After consideration stage they may be discussed.

Shri HARESWAR GOSWAMI : Sir, in the second stage, i.e., in the consideration stage, we can have discussions.

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, I beg to move that the Assam Appropriation (No.II) Bill, 1953 be taken into consideration.

Mr. SPEAKER : Motion moved is that the Assam Appropriation (No.II) Bill, 1953 be taken into consideration.

Shri GAURISANKAR BHATTACHARYYA : Mr. Speaker, Sir, I am aware of the limited scope within which I shall have to confine myself in the matter of discussing this Bill, because the different items and the different clauses have already been voted by this House. But at the very outset we want to place it, Sir, that time allotted for discussion of the Budget provisions was too small. We hope, in future Government will see that more time is allotted for discussion on the different Grants of the Budget, because it will be an injustice to the constituencies and to the voters at large if the Budget be hurriedly got through or rushed through in this House. We know that there has not been brought any basic change through this Budget and through this Appropriation Bill, and we know, Sir, that there was no scope for that as well, under the present circumstances : and, therefore, the criticisms and the suggestions of the Opposition were confined to the scope and limit of the Budget itself. Even then we are sorry to see that our considered suggestions are not being given due attention by the hon. Members on the other side. So far as the Nation Building Departments are concerned, they have not got the attention they deserve. For the betterment of our State, for an all round improvement of our society, it is the Nation Building Departments which ought to get priority.

Mr. SPEAKER : There is one thing, if any matter has been discussed during the Budget discussion, you cannot bring it over here again, only you can discuss new things. The matter you are speaking now had already been spoken by about 59 speakers during the Budget discussion. You can touch on new things, otherwise not.

Shri GAURISANKAR BHATTACHARYYA : I quite appreciate the difficulty because we have to confine ourselves within a very limited scope. Even then, when the different Grants have been voted, and when these Grants have come before us it is only a matter of formality. In this respect, Sir, we know our limitations ; but in the matter of disbursements of the Grants, I hope we can perhaps discuss.....

Mr. SPEAKER : What is the point you are driving at ? Please tell me whether it has been discussed in the Budget discussion, and if so, it will be inappropriate to speak the same thing over again.

Shri GAURISANKAR BHATTACHARYYA : I hope you will pull me up if I go astray. Now, with regard to a certain number of our suggestions from this side of the House, in order to

increase the revenue side of our Budget at least three steps ought to have been taken. Firstly, we should see that we get more money from the Central Government; we are getting less than our due share at present. Secondly, we suggested that though it might not be possible just now to stop complete exploitation of our country by foreigners, for example the Tea Estates owned by the Europeans, there should at least be a limit to it. We know that we have got a limited scope in which we can discuss petroleum of Digboi which comes under the Central Government. But of course we can touch the Inland Steam Navigation Company which falls under the State list. Our suggestion is that though we cannot stop this exploitation by foreigners completely, there should be no further extension of the exploitation. With the present general economic condition of our country and with the present standard of living of our common man, our Budget is not economically sound. It is only on the basis of the economic status of the people that we can have a sound Budget. At the time of preparing the Budget, it ought to be remembered that the economic condition of the common man has deteriorated. Sir, with regard to fiscal policy, there should be more taxation on the rich and less on the poor, but the Government have.....

Mr. SPEAKER : I am sorry I can't allow you to go on like this.

Shri GAURISANKAR BHATTACHARYYA : I want to say something also with regard to the formation of the School Board, because though this has not come specifically under any Grant.

Mr. SPEAKER : That has been discussed.

Shri GAURISANKAR BHATTACHARYYA : Everything on earth also has been discussed. The point is that though we cannot go to the merit and demerit of certain Grants, and for this grant that has been passed whether we can place our suggestions before the Government, as to how best that grant should be disbursed.....

Mr. SPEAKER : Will you take your seat please ?

[Mr. Speaker then read from the Parliamentary Debates (House of the People)].

- “(1) Grants allocated last year for specific purposes (*e. g.*, Malamphuzza Project) which were unutilised, suspended and abandoned.
- (2) The appropriation of Rs.30 lakhs for the National Income Committee, which has so far not reported, leading to serious interference with announced plans for reconstruction and development.

- (3) The reported failure of our foreign loans programme, and the consequent effect of the economy of the country, in regard to the ways and means and the planning budgets.
- (4) The recent steps taken to identify the Administration with the Congress Party, *e.g.*, the Planning Commission being present at Congress Party meetings, and the constitution of special group committees of the Congress Parliamentary Party, at which officials are present to take advice.
- (5) Proposed abolition of Standing Committees of the House.
- (6) The Bharat Sevak Sang, with possible expenditure of public money, as an adjunct of the Party in power.
- (7) The appointment of afforestation officers by the Government, in the light of the progressive denudation of forests, with its effects on crop acreage and soil erosion.

Now as regards these seven points, points Nos.(4) and (6) seem to be allied and I have treated them for all practical purposes as one point. And there is a further point—No.5—proposed abolition of Standing Committees of the House. These points were not touched, so far as I remember, in the discussion during the last 18 days.....”

Then there were many other points which were disallowed and those points also were not touched. The hon. Member gave new points to the Speaker. Therefore, unless you also can give me new points, I don't think I can allow you to make a general discussion on the Budget speech delivered before on the floor of this House.

Shri GAURISANKAR BHATTACHARYYA: Our difficulty, Sir, is that we have not been asked to give new points to you. If we had been asked to do so, we would certainly have supplied you with our new points. What we can do now is only to state verbally what points we want to cover, we cannot give anything in writing. As you know, Sir, I was not present in the House during the general discussion on the Budget and also I could not get the proceedings of the discussions but I only read some of them in newspapers which may be right or may be wrong. So far my knowledge and information goes, there are certain points which have not been discussed. For example, one relating to the grant of Rs.75,000 to the Hind Mazdur Sevak Sangh. I don't think this point was discussed before. Then, the question of formation of Advisory Boards—as to what might be our suggestions with regard to the members of the different Advisory Boards formed at the initiative of the Government was not discussed. And again, with regard to certain members of the different School Boards, and

Mr. SPEAKER: School Boards have been discussed before.

Shri GAURISANKAR BHATTACHARYYA : Then with regard to the price of rice, *i. e.*, the controlled rate of price of rice in the rationed areas.....

Mr. SPEAKER : That point also has been discussed before.

Shri GAURISANKAR BHATTACHARYYA : Then with regard to food subsidy towards the working class, particularly those engaged in hard manual labour.

Mr. SPEAKER : That too has been touched in the previous discussions.

Shri GAURISANKAR BHATTACHARYYA : All right, Sir, then what about retrenchment and unemployment ? I don't think that has been discussed.

Mr. SPEAKER : That point has been covered, *i. e.*, to absorb the retrenched personnel as far as practicable. Any way, you can speak about this Hind Mazdur Sevak Sangh, which, I think, is the only point left out—though I am subject to correction. You can speak about this.

Shri GAURISANKAR BHATTACHARYYA : Sir, we have seen that for opening certain welfare centres in the tea gardens, a sum of Rs.75,000

Mr. SPEAKER : The question of welfare centres has already been discussed. I am sorry, Mr. Bhattacharyya, I cannot allow you to raise a general discussion on those points which have already been discussed before, but you can only speak on new points, if any.

Shri GAURISANKAR BHATTACHARYYA : I don't think Sir, this question of a grant of Rs.75,000 to the Hind Mazdur Sevak Sangh has been discussed before.

Shri MOHI KANTA DAS (Parliamentary Secretary) : On a point of information, Sir, it seems Mr. Bhattacharyya was under the impression that in his absence all these points were not touched during the general discussion of the Budget. But most of these points have already been discussed. Will you allow him to raise a general discussion on the Budget again ?

Mr. SPEAKER : No, but only those points which have not been discussed during the general budget discussion, can be discussed now.

Shri GAURISANKAR BHATTACHARYYA : But, Sir, as I said, I don't think this point about the grant to the Hind Mazdur Sevak Sangh, has been discussed so far as my information goes.

Now Sir, a sum of Rs.75,000 has been allotted from our public exchequer to this Hind Mazdur Sevak Sangh and the purpose for such allotment is said to be that this organisation will be doing some welfare work among the tea garden and *ex* tea garden labourers. Why of all organisations, this particular one—the Hind Mazdur Sevak Sangh—was picked up? Whether it is really in the spirit of giving some relief and some welfare measures to the tea garden and *ex*-tea garden labourers or whether this sum has been earmarked for the purpose of building up a strike-breaking and disruptive machinery? Sir, we have got great apprehension about that because in answer to our charges of top-heaviness in the administration it was said that even if the small sum taken as pay and allowances by the Ministers and their appendages was distributed among the lowly paid personnel, the per capita increase would not be much, it would be only.....

Mr. SPEAKER: The hon. Member will see that this should not be taken as an opportunity to meet any arguments that were advanced by some hon. Members before. I am sorry Mr. Bhattacharyya is trying to speak on some thing which is not pertinent nor is according to the point raised by him.

Shri GAURISANKAR BHATTACHARYYA: I think it is quite pertinent Sir; because as I said, this sum of Rs.75,000, though not a very big amount, is meant for the purpose of building up a strike-breaking and disruptive machinery specially in the working class sphere. I am trying to meet that argument.

Mr. SPEAKER: I must repeat that the hon Member should not take this as an opportunity to meet arguments advanced by some hon. Members before, but he can speak only on new points.

Shri GAURISANKAR BHATTACHARYYA: But these things have not been discussed before, Sir. So far as my knowledge and information goes, not to speak of meeting previously advanced arguments, this question of the Hind Mazdur Sevak Sangh was not at all discussed in the present session because we were allowed only 10 minutes' time to discuss Labour. So this point was left out and I want to discuss as to what might be the purpose for allotment of this sum of Rs.75,000 to this organisation. Whether actually to help the tea garden labourers and *ex*-tea garden labourers or whether to disrupt their unity at the face of the rising unemployment and retrenchment and also ration cut.....

Mr. SPEAKER: I am sorry, you are repeating. You are in a difficult position of course to confine your remarks to the main point.

Shri GAURISANKAR BHATTACHARYYA : I do not understand, Sir, how I am repeating.

Mr. SPEAKER : Those who hear you now will say also that you are repeating over again.

Shri GAURISANKAR BHATTACHARYYA : We know that this Appropriation Bill itself is a repetition. It is only a formal side of the Budget. There is nothing new here that can touch other than Budget items. If we are to keep ourselves in a very watertight compartment, there is no good to consider at all this Bill. When we are told that the Government is spending money in the name of labour welfare or labour unity we are to see whether in reality it is done with a view to curb of their fighting spirit, with a view to help their exploiters to make further wage cut, ration cut, or not. When I go to speak all this, if it is said that it is only a repetition of the budget discussion, then I am helpless. My point is what is the meaning of giving this sum of Rs.75,000 to a particular labour organisation.

Mr. SPEAKER : You are repeating the budget discussion.

Shri GAURISANKAR BHATTACHARYYA : My second point is : Why the different mass organisations like Kishan Sabhas or the Trade Union organisations are not taken into consideration in the matter of forming Land and Food Advisory Committees.....

Mr. SPEAKER : I am sorry I cannot allow to have this discussion.

Shri GAURISANKAR BHATTACHARYYA : Was it discussed, Sir ?

Mr. SPEAKER : Yes.

Shri GAURISANKAR BHATTACHARYYA : In the matter of Land Distribution committees or Food Advisory committees not only the Kishan Sabhas and Trade Unions were vitally interested...

Mr. SPEAKER : Mr. Bhattacharyya, you are in a difficult position, I know. The scope is very limited. You are trying to stray away from the main point and bringing in subjects which were discussed already in this House. Anything that has not been touched upon or discussed already in the House you cannot speak. This Grant has not been discussed, so far as I remember, and so I allow it to be discussed and no further than that.

Shri HARESWAR GOSWAMI : Mr. Speaker, Sir, the purpose, in my view, regarding discussion on the Appropriation Bill, is to express certain impression after the general discussion of the Budget and discussion on Grants are over. What impression are we left with after the budget has been completely discussed and the Grants have been completely passed ? Otherwise there is no meaning in having a provision for discussion of the Appropriation Bill. If after listening to the discussion of the budget in general and the discussion on Voting on Demands and inspite of the concrete

proposals offered by the Members of this House, the Finance Minister does not see his way to accept them, we apprehend the country will not feel enthused by the budget and we cannot go ahead with our programme. Sir, the Assam Appropriation Bill gives a right to the Government to make various payments by appropriation of certain sums from the consolidated fund. Sir, we know also that our State has been facing deficit from certain years past. Although it will give the right to the Government to make certain payments and appropriate some money for the purpose, even then it is necessary on the part of the Finance Minister to see whether we can reduce this deficit or not. I believe that if certain checks are placed on the expenditure side and if we can stop certain leakage it will be possible to reduce this vast gap of deficit. Our sad experience is that even after passing a budget in this House in this session we are to sanction supplementary budgets in the next session in autumn, and again in the March session we are to give sanction to another supplementary budget. If we follow that procedure then we will be enlarging our deficit and that will be ominous to the financial stability of our State.....

Mr. SPEAKER : You are committing the same mistake.

Shri HARESWAR GOSWAMI : Sir, my point is that the Finance Minister is to see that whatever sums we have sanctioned for expenditure should not be considered as the sums that we must spend, rather he should see.....

Mr. SPEAKER : That is a general advice given before and therefore you need not repeat it here.

Shri HARESWAR GOSWAMI : My request is that foreseen expenditure should not be brought forward in supplementary budget, and we should see that we do not have another supplementary budget for that purpose. Our experience is that most of our expenditure is not for increasing the dividend of the country, may be for giving.....

Mr. SPEAKER : You are not relevant.

Shri HARESWAR GOSWAMI : Another point we missed during the general discussion of the budget is about supply position of rice. The point is even today when the rice position is better the full quota of rice ration is not supplied.....

Mr. SPEAKER : I am sorry I cannot allow that.

Shri HARESWAR GOSWAMI : It was not taken up.....

Mr. SPEAKER : I think it was touched.

Shri HARESWAR GOSWAMI : My request is that when the rice position is better to-day there should not be 75 per cent. supply of rice and 25 per cent. supply of other things in place of full rice quota. It should be looked into by the Supply Minister. I also request him to reduce the price of rice when the supply position is better.

Lastly, Sir, I request the Finance Minister and the Government that, although our scope is limited to this budget, we should see that we can bring about a healthy administration in the State by enlisting the co-operation of all and that is possible only.....

Mr. SPEAKER : Even that was also said.

Shri HARESWAR GOSWAMI : If certain minimum basic principles are accepted, then we can have the much needed co-operation to enthuse the people of our country.

Shri OMEO KUMAR DAS (Minister) : Sir, I want to explain on the point raised by Shri Gaurisankar Bhattacharyya. He questioned why the case of Hindusthan Mazdoor Savak Sangha has been picked up for welfare activities. In reply I may say that there are three organisations working in the field of welfare activities and they are Assam Seva Samity the Kasturba Gandhi Trust and Hindusthan Mazdoor Sevak Sangha. I may bring to the notice of the House that these organisations are specialised in the work of welfare. The Hindusthan Mazdoor Sevak Sangha is an organisation which has no relation with Trade Union activities. We are very careful in selecting all these organisations because these organisations do not take part in any Trade Union activity. It is regrettable that he mentioned that these agencies are employed as strike-breaker. They are neither strike-breaker nor strike organiser. They work only in the field of social welfare activities. These organisations are working in these lines and have been selected only for social welfare service. Their activities are confined to Social education and craft teaching.

Shri JOGAKANTA BARUA : Mr. Speaker, Sir, I want to suggest some remedies for the inefficient work of our administration.

Mr. SPEAKER : I am sorry, I cannot allow it.

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, my Friend, Mr. Bhattacharyya, has made a grievance against the Government that the time allotted for general discussion of the budget and for voting on demands was not sufficient and therefore this House could not do justice to them. I should like to state to the Members of this House that this Government is very scrupulous in the matter of accommodating the hon. Members of this House. It is for this reason, Sir, you have yourself taken initiative in this matter. It is at your instance and with consent of Government that the time usually devoted to the Budget Session has been considerably extended this time and the Budget Session has commenced from 5th of March and it is proposed to be continued upto 11th April. There is no precedent of such long Budget Session in the history of Assam Legislature. Therefore, it is apparent how scrupulous we are, regarding allotment of time for the general discussion of the budget and for voting on demands. Not only that the session of this House has been extended, but you have extended the time that is generally

reserved for these two items. In the last Budget Session, for the general discussion of the budget only 2 days were allotted, whereas this time it was extended to 4 days, and for voting on demands it was extended to 6 days from usual 4 days. Besides, we had to sit overtime just to allow the Members of this House to express their feelings. Not only that, Sir, not a single Member of the Opposition was this time prevented for want of time to speak on the general discussion of the budget and as many as 60 members of the House took part besides 3 Ministers, in this budget discussion. Enough of latitude and enough of opportunities have been given to the Members of this House so far as these two items are concerned. When all the Opposition Members got opportunity to discuss about different departments of the Government and to put forward their grievances, I cannot understand, how Mr. Bhattacharyya can say that the House had not enough of opportunity to discuss these two items. I am sorry that Mr. Bhattacharyya could not take part in the general discussion of the budget because till then he was not elected as a member of this House.

Another thing to which Mr. Bhattacharyya has referred, is about Rs.75,000 which is given to some labour welfare organisations. About the necessity of this grant, my Friend, the Minister-in-charge of Labour, has clearly explained. But I should like to give one information about it. That it is not the intention of the Government to exploit that organisation as a strike breaking organisation by giving a grant of Rs.75,000. That this money is given to an organisation in order to exploit it and to make it work for the Government, is an unmerited and uncharitable remark. I cannot think that this powerful and patriotic labour organisation can go down to act as strike-breaking or strike organising organisation for the sake of a few coins for Government. I do not think also that there is any labour organisation in India which will go to that extent that it will allow itself to be exploited by a Government by means of some grant to it. Now let us see wherefrom this money which is given as grant comes? It comes from the Central Tea Chess Board. They allotted us an amount of two lakhs out of which Rs.75,000 was given to the Hind Mazdoor Sangh for labour welfare works. But, as a matter of fact, they did not utilise that amount also and did not draw the money. That shows that this organisation is not very much in need of money. That shows that it is not working for the sake of money only. It is actually a welfare organisation. The Minister-in-charge of Labour has stated that Government is satisfied that this organisation is working for labour welfare and it is purely a non-political organisation which is devoted to labour welfare works only.

Now, Sir, Mr. Goswami, the Leader of the Opposition, has made a suggestion that as this Government is confronted with a heavy deficit, it is likely that the financial stability of this State may

be affected and he has therefore, asked me and the Government to be very cautious at the time of disbursement so that we might bring down the expenditure and reduce the deficit to some extent. I welcome the suggestion of the Leader of the Opposition, Sir. I only request my Friends to give us all reasonable suggestions whenever it may occur in their minds as to how we may be able to bring down the expenditure without impairing the efficiency of the administration. We shall also gladly welcome their suggestions as to how we can increase our resources. Nobody in this country far less a Finance Minister can be happy with a deficit budget. Sir, specially in a poor State like ours, a heavy deficit of about two crores of rupees is really a very unhappy thing, Sir. I can safely assure my hon. Friend, the Leader of Opposition, that the Finance Minister will be very particular to see that the expenditure is brought down, as far as possible.

My Friend has further said that the deficit is likely to extend as it is the habit of the Government to bring forward supplementary demands and he anticipates that Government will come forward with similar supplementary demands in future also. Sir, this Statement of my Friend is not befitting his exalted position. There is nothing objectionable in coming forward for supplementary grants. There is nothing new in it. It is being done in all States and in the Centre as well. Sir, there are some unforeseen expenditures which cannot be foreseen at the time of framing the budget and Government cannot but come to the House for grants for such things. Sir, all supplementary demands are placed before the House to give an opportunity to the Members to discuss about it. If they do not like to pass it, it may be thrown out. It is the Legislature which empowers us to incur the expenditure. We do not do anything without the approval of the Legislature. The House scrutinises and discusses about the necessity of these supplementary demands and when the House considers it necessary and thinks that they cannot be avoided, gives its consent for the passage of the grant. As a matter of fact, no Government can make a comprehensive budget wherein provision for all unforeseen expenditure could be made.

With these observations, I again assure this House as well as the public outside that Government will welcome all kinds of concrete suggestions to increase the resources of the State and also for bringing down the expenditure and with these observations, I now move that the Assam Appropriation (No.II) Bill, 1953 as placed before the Legislature, be taken into consideration and be passed.

Mr. SPEAKER: The question is that the Assam Appropriation (No.II) Bill, 1953 be taken into consideration.
(The motion was adopted).

I find that there is no amendment. The question is that clauses 1 to 3 do form part of the Bill.

(The question was adopted).

The question is that the Schedule do form part of the Bill.

(The question was adopted).

The question is that the long title and preamble do form part of the Bill.

(The question was adopted).

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that the Assam Appropriation (No.II) Bill 1953, be passed.

Mr. SPEAKER: Motion moved is that the Assam Appropriation (No.II) Bill, 1953, be passed.

(The motion was put as a question and adopted).

The Assam Contingency Fund (Augmentation of Corpus) Bill, 1953.

Mr. SPEAKER: Now we may take up the Assam Contingency Fund (Augmentation of Corpus) Bill, 1953.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, as there is no amendment, I beg to move that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1953 be passed.

Mr. SPEAKER: Motion moved is that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1953 be passed.

(After a pause)

Mr. SPEAKER: The question is that the Assam Contingency Fund (Augmentation of Corpus) Bill, 1953 be passed.

(The Motion was adopted.)

The Assam Maintenance of Public Order (Amendment) Bill, 1953.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that in new sub-section (8) going to be inserted by clause 2 of the Bill, for the words "one year" in the fourth line, the words "one month" shall be substituted.

Sir, I oppose the whole Bill as it is against the public interest to have this Bill. This Bill will not maintain public order, but this Bill will create public disorder. Sir, the Preventive Detention Act is a temporary statute, but the Assam Maintenance of Public Order Act is a permanent statute, and therefore it was not necessary to have this provision at all. Sir, I am opposed to the principle of making refusal to sign a bond an offence. Even in the Criminal Procedure Code under section 107, the refusal to sign a bond to maintain public order is not an offence. When it is considered an offence, the man is tried on the substantive offence and is kept in detention only so long

he does not sign a bond. As soon as he signs, he is let off or if he does not sign a bond, he is tried for the substantive offence. Here this Bill seeks to make refusal to sign a bond or failure to sign the bond itself an offence. It will be a new criminal offence according to the Government of Assam.

In no other State there is any such provision, which provides that a person on refusal to sign a bond or failure to make a bond is liable to be convicted. This is a pernicious thing. The wordings of the clause is very unhappy, because nowhere it is stated that whether the bond is to be given with security or without security. What will happen if a poor man is to give security of Rs.10,000 and what happens if he cannot furnish the security? Naturally, he cannot furnish such a security. There is a distinction between the rich and the poor. So, it is seen that the Government is siding with the rich and they do not want to take into consideration the difficulties of poor people.

Shri MOHI KANTA DAS (Parliamentary Secretary): Sir, he is dilating upon the main Act, about legality or illegality of the bond.

Shri HARESWAR GOSWAMI: Here in this Bill, the refusal to sign a bond is an offence. That is not only an offence, it may be punishable with a term of imprisonment which may extend upto one year. If a man is considered fit to remain outside the State by signing a bond, we have enough police force in the State to keep a vigilance upon him, he should be able to remain out without it too. Sir, the Assam Maintenance of Public Order Act is a permanent statute.

Mr. SPEAKER: Mr. Goswami, what is the term of imprisonment?

Shri HARESWAR GOSWAMI: Sir, it is unlike the Preventive Detention Act. It is a permanent statute. If it is apprehended that a man is doing something which is against the maintenance of public safety and security, he can be detained for any period.

Mr. SPEAKER: But where have you got it?

Shri RAM NATH DAS (Minister): Under what section a man can be detained.

Shri HARESWAR GOSWAMI: It is stated there, Sir. I can not show it just now. So far as I remember, it is there.

Shri BAIDYANATH MOOKERJEE (Minister): It cannot be any length of time.

Shri HARESWAR GOSWAMI: Sir, my whole object is, that leaving aside this, a new offence is being created which has not been done not only in this country but also in other civilised countries—where failure to sign or refusal to sign a bond, can be punishable by conviction. Sir in this connection, I want to cite an instance

of Bombay High Court. In Bombay, a man refused to sign a bond under the Public Security Measures Act, therefore the District Magistrate imprisoned and convicted him, and the District Judge set aside the conviction. It states, "It appears from the evidence that the opponent did not give any bond, whereupon he was prosecuted under the provisions of Section 2(6), Bombay Public Security Measures Act. The opponent was convicted by the District Magistrate and the learned Sessions Judge, Ahmednagar, set aside the conviction. The only point which has been made before is that, in as much as the opponent failed to give a bond, there was a contravention of the order within the meaning of those words as used in Section 2(6), Bombay Public Security Measures Act. Now this is rather a startling proposition. Security is taken from a person, in order that he should observe the restrictions which are placed upon him. If there is a failure to give security, then there is ample remedy with the executive authorities, whether they are the Provincial Government, or the District Magistrate, because an order could be passed directing under the provisions of Section 2(1)(a) that the person concerned be detained."

Again, Sir, under the Maintenance of Public Order (Amendment) Bill, 1953, a man can be detained if he does not furnish a security. Then what is the use in making this provision ?

Then again, "Ordinarily speaking, therefore, there is no reason whatever why a provision should be punished for his failure to give security. As the learned Session Judge points out, sometimes it may be impossible for an accused person, whose activities are being restricted, to give security. The result of that may be that he may be detained under the Public Security Measures Act, but that is a different matter from saying that he should be visited with a conviction for failure to do what may not be in his power".

Sir, this is a very clear point. Why should a man be asked to do a thing, which may not be within his power to do. He may not be able to furnish, say a security of Rs.10,000. Should he therefore be convicted ?

Sir, on this ground, I oppose that this clause should not be there. The whole Bill is not sound. Not only that, there is another point. I have my doubt that whether this Act will not be declared "*Ultra Vires*". It is quite possible because it restricts the liberty of the persons which is very unreasonable. Therefore, Sir, I beg to submit that this should not have been brought before this House. Even if the Government insists that they must go through it, otherwise the whole State of Assam will collapse, we have to make our conscience clear whether for failure to execute a bond we should provide a punishment.

Mr SPEAKER: Mr. Goswami, have you got a copy of Assam Maintenance of Public Order Act, 1946 ?

The period mentioned is only for 6 months.

Shri HARESWAR GOSWAMI: Thereafter it was increased to one year, and the period of punishment has also been increased. Because after a man is being detained, if he fails to furnish security, he is imprisoned for a term of one year. If that be the case, I wonder why the Government is so anxious to curtail the liberty of the people unnecessarily.

Therefore, Sir, if Government is so adamant as not to accept my suggestion of withdrawing the Bill and if they feel that the Bill be passed as detailed, I should like to say that let the period of imprisonment be reduced to one month though it may be *ultra vires* and not one year. Secondly, Sir, I would sound a note of warning that Government cannot maintain public order by this Bill.

The public order can be maintained through the behaviour of the Government, how they behave with the people and how they preserve their liberty. The Government should be wise enough to see that law and order can be peacefully maintained in the State without this measure, and if Government cannot prevent and overcome any break-down of law and order in the State without this measure, then I should say that this Government is not based on the will of the people. There is a smouldering volcano in the country to-day. It may erupt any moment and these measures will fail to stop its eruption. Therefore, I beg to submit that these things should be taken out of the statute book. Sooner they get rid of these things better it will be. The Assam Maintenance of Public Order Act unnecessarily put on the people new shackles. Sooner they go, more the people will begin to understand their responsibilities and behave freely as free citizen in the State. With these few words, Sir, I move my amendment for the acceptance of the House.

Mr. SPEAKER : Amendment moved is that in new sub-section (8) going to be inserted by clause 2 of the Bill, for the words "one year" in the fourth line, the words "one month" shall be substituted.

Shri MOHI KANTA DAS (Parliamentary Secretary) : Mr. Speaker, Sir, my Friend, Mr. Goswami, in his speech has utilised most of his time in dilating on the principle of the Assam Maintenance of Public Order Act, but he has not touched about the utility of the provision made under clause 2 of the Bill and towards the concluding portion of his speech, he warns the Government to withdraw the Assam Maintenance of Public Order Bill.

Mr. SPEAKER : Mr. Das have you got a copy of the Assam Maintenance of Public Order Act? If a person is fined

Rs.400 or Rs.500 for criminal trespass and if he fails or refuses to pay the fine or execute a bond what is the consequence ? How long will you detain him ? What is your conception of the law ?

Shri MOHI KANTA DAS: (Parliamentary Secretary) :
It may be ten or fifteen days.

(Voices—one-fourth of the substantive punishment.)

It depends on the facts and circumstances of each case, Sir.

Apart from that, Sir, he has tried to show that the whole clause is absolutely unnecessary, even if a man fails or refuses to execute a bond. Sir, my Friend has not brought any amendment to the main Act, and so he cannot question the validity of the Act. That is my contention. Sir, the necessity or otherwise of requiring a man to execute a bond either moral or immoral, legal or illegal is not the point before the House. It is an established fact. Sir, the amending Bill which has been introduced before the House is only consequential measure because a doubt has been raised as to whether such failure or refusal to execute a bond is punishable or not under Section 2 (7) of the Act. To remove this doubt it is proposed to make a clear provision for the punishment of such failure or refusal to execute a bond by amending the Act. Sir, a lacuna has only to be filled up. Sir, my Friend has cited a case of the Bombay High Court on which a judgement was passed. Sir, we are not aware of the provisions of that Act as also of the merit, the facts and the circumstances of the case. Sir, many things have to be ascertained before application of certain Act or certain cases of Honourable High Courts. Therefore, mere reading out extracts of the High Court orders, will not serve the purpose. Sir, that case might have been quite a different one and the provision in that Act also may not be the same with the provision of the Assam Maintenance of Public Order Act that has been in force in Assam. Sir, all these facts should have been placed before this august House for consideration. My Friend's illustration, therefore, is not relevant, not tenable and does not hold water.

With these few words, Sir, I oppose the amendment of my Friend, and support the motion for consideration of this Bill and I request the hon. Members of the House to accept the motion.

Shri GAURISANKAR BHATTACHARYYA : Mr. Speaker, Sir, I thought I would not say anything about this because on principle I am opposed to the Act itself lock, stock and barrel.

Mr. SPEAKER : Please confine yourself to the amendment.

Shri GAURISANKAR BHATTACHARYYA : Sir, I would not have spoken, but as the legal question has come up, purely from legal side, I think it is our duty to give our opinion, because it is said in an Assamese proverb —

“সভাত খাফি নকয় উচিত, দোমে পাই কিফিঃ কিফিঃ।”

This particular clause is *ultra vires* of the Constitution of India because this brings unreasonable restriction on the fundamental liberty of a citizen. That is one point from a legalistic point of view. The second point is that, this is not in keeping with equity, because whereas the punishment for the substantive offence under the Maintenance of Public Order Act was for six months, here in this Amending Bill not only for refusal but even for a failure to furnish a bond, the punishment has been provided for one year. So I say it is inequitable. We must also remember that it is not good jurisprudence to ignore the circumstances under which a man refuses or fails to furnish a bond. Those circumstances should always be taken into consideration and in the matter of fixing a sentence those possible circumstances should always be kept in mind. So, Sir, taking the matter purely from a legalistic point of view, I think Government should, even at this late stage, at least agree to the amendment of Mr. Goswami, if not altogether withdraw it. I doubt very much as to whether even the amendment of Mr. Goswami is *intra vires*. So the best thing from the legalistic point of view is to withdraw this clause altogether. I am not going into the political side of the question because, as I have already stated, I am opposed to this Bill and the parent Act itself lock, stock and barrel.

Shri RAMNATH DAS (Minister) : Mr. Speaker, Sir, I have heard Mr. Goswami who has brought in this amendment to a provision provided in the Bill. Sir, as far as I know he is labouring under a wrong impression. He thought that in the main Act the period of punishment is provided only for six months and therefore he says that when for substantive offence the punishment provided in the main Act is for six months only, the provision under the new Bill for one year is wrong. Sir, that is not a fact. In the main Act it is provided that if any person contravenes any order made under this section, *i.e.*, sub-section (7) of section 2, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. Therefore, Sir, my

Friend is not right in saying that the period of punishment is only for six months in the Act.

Shri HARESWAR GOSWAMI: My proposition is that if an offence is created for not obeying certain order, then the penalty suggested is one year, while under the Act the period of detention is only for six months.

Shri RAMNATH DAS (Minister): Where is that provision, Sir ?

Mr. SPEAKER : Under clause 3, duration of the order made under section 2.

Shri RAMNATH DAS (Minister): That section says, that an order made under sub-section (1) of section 2 shall be in force for a period as may be specified but not exceeding one year unless earlier revoked, etc., but where is the provision that detention period is only for six months ?

Mr. SPEAKER : That is in Mr. Goswami's amendment.

Shri HARESWAR GOSWAMI: Our difficulties is that we are not provided with the principal Act, Sir.

Shri RAMNATH DAS (Minister): Sir, the objection raised by my Friend is for giving a period of punishment with imprisonment for a term not exceeding one year. Sir, this provision has to be made in order to remove a confusion whether for refusal or failure to execute a bond a person can be penalised or not. Why a bond has to be executed, Sir ? Under this Act an order is passed either requiring a person to do certain duties or restricting him from performing certain acts, and in order to get compliance of that order from the person concerned, a bond is sometime asked to be executed by him. Generally, Sir, the period of an order that can be given under this Act is only for one year. But if the period either for execution of certain acts or restraining a person from doing certain acts can be for one year, then, the bond if it is to be executed to get compliance of the said order, the period of the bond must be co-extensive with the order passed. Sir, for the non-execution of that bond it is necessary to detain that person for the period for which the orders is passed.

Shri HARESWAR GOSWAMI: Is it not in violation of the basic principles of the Criminal Law that lays down that auxiliary punishment must not equal to the substantive punishment ?

Shri MOTIRAM BORA (Minister): That is subject to the provision of the Criminal Procedure Code.

Shri HARESWAR GOSWAMI: That is *ultra vires*.

Shri RAMNATH DAS (Minister) : Sir, this provision has been made following the principle of Section 123 of the Criminal Procedure Code. Therefore, Sir, the objection raised by my Friend cannot stand.

I, therefore, request my Friend to withdraw his amendment.

Shri HARESWAR GOSWAMI : I am not convinced by the argument advanced by the Minister. Therefore, I am not inclined to withdraw my amendment.

Mr. SPEAKER : The question is that in new sub-section (8) going to be inserted by clause 2 of the Bill, for the words "one year" in the fourth line, the words "one month" shall be substituted.

Shri HARESWAR GOSWAMI : Sir, votes may be taken in this case.

Mr. SPEAKER : All right. Those who are in favour and against the Motion may rise in their seats.

Nose—49.

Ayes— 7.

(The Motion was lost.)

Shri HARESWAR GOSWAMI : Sir, to save the time of the House it becomes sometimes necessary that we stand up in our seats and only in case of constant divisions this may be relied upon. To make the point clear I think it should be in record as to which legislators took our side in this matter. The public should know and they have got right to know the names of the legislators who are in favour of this matter and who are not. We from this side therefore press for a division in the lobbies.

Mr. SPEAKER : Just to save the time of the House I may quote the relevant rule. Rule 12 of Appendix D of the Regulations made by the Hon'ble Speaker under the Assam Legislative Assembly Rules runs as :

"Just to save the time of the House, the Speaker may, at his discretion direct that the Division be taken summarily in the Chamber". So, in order to save time of the House I have already taken the division in the Chamber and it is a clear division, the result of which is 7 : 49.

Shri HARESWAR GOSWAMI : Sir, if division is called in the lobbies and if that is allowed, some Members may remain neutral and some Members may come to our side (*laughter*). So, that should be allowed.

Mr. SPEAKER : I shall direct to take the names of the Members with their signatures as to who are against and who are in favour of the Motion.

(Signatures of different Members were then taken with the following result).

AYES—7

1. Shri Hareswar Goswami.
2. Shri Gaurisankar Bhattacharyya.
3. Shri Ghanakanta Gogoi.
4. Shri Radha Charan Choudhury.
5. Shri Dandiram Dutta.
6. Maulavi Md. Pahar Khan.
7. Shri Tamizuddin Pradhani.

NOES—48

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| 1. Shri Motiram Bora. | 22. Shri Hakim Chandra Rabha. |
| 2. Rev. J. J. M. Nichols-Roy. | 23. Shri Baikuntha Nath Das. |
| 3. Shri Rupnath Brahma. | 24. Shri Prabhat Chandra Goswami. |
| 4. Maulavi Abdul Matlib Mazumdar. | 25. Shri Dharanidhar Basumatari. |
| 5. Shri Ram Nath Das. | 26. Shri Mohendra Nath Deka. |
| 6. Shri Omeo Kumar Das. | 27. Shri Radhika Ram Das. |
| 7. Shri Mahendra Mohan Choudhury. | 28. Shri Mohi Kanta Das. |
| 8. Shri Baidyanath Mookerjee. | 29. Shri Gahan Chandra Goswami. |
| 9. Shri Siddhinath Sarma. | 30. Shri Baliram Das. |
| 10. Shri Ramesh Chandra Das Choudhury. | 31. Shri Pratap Chandra Sarma. |
| 11. Maulana Abdul Jalil. | 32. Shri Mahendra Hazarika. |
| 12. Shri Ram Prosad Chubey. | 33. Mrs. Usha Barthakur. |
| 13. Shri Raghunandan Dhubi. | 34. Shri Lila Kanta Bora. |
| 14. Shri Raichand Nath. | 35. Shri Chanoo Kheria. |
| 15. M. Moinul Haque Choudhury. | 36. Shri Mal Chandra Pegu. |
| 16. Shri Hem Chandra Chakravarty. | 37. Shri Rabin Kakoti. |
| 17. Shri Gauri Sankar Roy. | 38. Shri Ananda Chandra Bezbarua. |
| 18. Shri Khorsing Terang. | 39. Shri Purnananda Chetia. |
| 19. Mr. Emerson Momin. | 40. Shri Sarveswar Barua. |
| 20. Swami Krishnananda Brahmachari. | 41. Shri Hem Chandra Hazarika. |
| 21. Shri Hareswar Das. | 42. Shri Karka Chandra Doley. |
| | 43. Maulavi Faiznur Ali. |
| | 44. Shri Ramesh Chandra Barooah. |
| | 45. Shri Indreswar Khaund. |
| | 46. Shri Jadunath Bhuyan. |
| | 47. Shri Jogakanta Barua. |
| | 48. Shri Jadab Chandra Khakhlari. |

(The Motion was lost.)

Mr. SPEAKER : The question is that clause 2 do form part of the Bill.

(The question was adopted.)

The question is that clause 1 do form part of the Bill.

(The question was adopted.)

The question is that the title and preamble of the Bill do form part of the Bill.

(The question was adopted.)

Shri RAMNATH DAS (Minister): Sir, I beg to move that the Assam Maintenance of Public Order (Amendment) Bill, 1953, be passed.

Mr. SPEAKER: Motion moved is that the Assam Maintenance of Public Order (Amendment) Bill, 1953, be passed.

Shri GAURISANKAR BHATTACHARYYA: Sir, I have something to say in this regard. I oppose this at this late stage because I oppose the very principle of the Bill. I think the Government will do well even at this late stage to withdraw this measure because it is improper, illegal and *ultra vires* of the Constitution. It is improper in the sense that the present state of our country does not warrant such a punitive piece of Legislation. "Law and Order" in the country is much better now—from any point of view considered from any angle—than it was some years ago and the Government should take this into consideration and should appreciate the present position in the country. Further, the citizens should be given an opportunity to breathe freely. If there be such a punitive and preventive measure whereby people can be detained without trial, without going through the proper procedure in proper court, then we cannot say that the people are freely enjoying the fundamental rights and privileges in the country. Particularly under the present circumstances, when there is no extraordinary necessity for the Government to have such a punitive measure, Government should not pass such a piece of legislation at this stage. It would have been better if they had thought it proper to repeal the very Assam Maintenance of Public Order Act, because that Act at the present time is quite unwarranted. So, I oppose this Bill on the point of propriety also. With regard to the point of illegality, I have already said.

Mr. SPEAKER: The question is that the Assam Maintenance of Public Order (Amendment) Bill, 1953, be passed.

(The Motion was adopted.)

Adjournment

The Assembly was then adjourned for lunch till 1-35 P.M.

(After lunch)

The Assam Land Acquisition (Dibrugarh) Bill, 1953

Mr. SPEAKER: Mr. Das.

Shri HARESWAR DAS (Deputy Minister): There are two amendments, Sir.

Mr. SPEAKER: Mr. Gogoi.

Shri GHANA KANTA GOGOI: Mr. Speaker, Sir, I propose to move only one amendment—that is No. (ii): That in sub-clause (1) of clause 6, for the words “a sum not exceeding twenty times the annual land revenue” the words “the value of land obtaining at present” shall be substituted.

Shri HARESWAR DAS (Deputy Minister): Sir, it has been included in one amendment. He cannot divide it now, Sir.

Shri GHANA KANTA GOGOI: I am ommitting the first portion, Sir. Sir, the Dibrugarh people living near the river bank have been suffering too much, and that for a long time. Now it is proposed that the compensation that will be paid to the people for taking away their land in connection with the proposed revetment project will be equal to 20 times of the yearly land revenue. I want to propose that in place of that the Government should give the people the price obtaining at the present time. Thereby the people who have suffered so long due to erosion by the river Brahmaputra at Dibrugarh will get some relief. That is my idea. Sir...

Mr. SPEAKER: Well, how do you fit in this? It does not carry any meaning. You should have said “equal to the value”. I cannot remedy this now. I am sorry, I cannot allow this? It goes. Second one; it also suffers from the same defects.

Shri GHANA KANTA GOGOI: I am not moving that one, Sir.

Mr. SPEAKER: The question is that clauses 1—14 do form part of the Bill.

The question was adopted.

The question is that the Title and the Preamble do form part of the Bill.

The question was adopted.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to move that the Assam Land Acquisition (Dibrugarh) Bill, 1953 be passed.

Mr. SPEAKER: Motion moved is that the Assam Land Acquisition (Dibrugarh) Bill, 1953 be passed.

(The Motion was put and adopted.)

The Code of Civil Procedure (Assam Amendment) Bill, 1953

Shri RUPNATH BRAHMA (Minister): There is no amendment, Sir.

Mr. SPEAKER: Then I put the question.

The question is that clauses 1-2 do form part of the Bill.

The question was adopted.

Mr. SPEAKER: The question is that the Title and the Preamble of the Bill do form part of the Bill.

The question was adopted.

Shri RUPNATH BRAHMA (Minister): Mr. Speaker, Sir, I beg to move that the Code of Civil Procedure (Assam Amendment) Bill, 1953 be passed.

Mr. SPEAKER: Motion moved is that the Code of Civil Procedure (Assam Amendment) Bill, 1953 be passed.

(The Motion was put as a question and adopted).

The Assam Cement Control Bill, 1953

Shri HARESWAR GOSWAMI: I want to oppose clause 13, Sir.

Mr. SPEAKER: No, you cannot do now. As there is no amendment, I put the question.

The question is that clauses 1 - 17 do form part of the Bill.

The question was adopted.

Mr. SPEAKER: The question is that the Title and the Preamble do form part of the Bill.

The question was adopted.

Shri BAIDYANATH MOOKERJEE (Minister): Mr. Speaker, Sir, I beg to move that the Assam Cement Control Bill, 1953, be passed.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, so far as this Bill is concerned, we have little to say. But the other day when we attacked the principles of control, the Minister-in-charge said that that was a matter for the Central Government. It was for the Central Government either to impose or lift control. We, therefore, did not pursue the matter further. Sir, this Bill appears to me to be a very fool-proof Bill, there is no scope for anybody to escape from the claws of this Bill. But it is our sad experience that even if we get very nice Bills certain lapses occur in the implementation of the Act, by which the very purpose of the Bill is defeated. Now, Sir,

this Bill seeks to control cement. But it is common knowledge that although there is control over cement some people are getting cement without any restriction or difficulty. Cinema houses have been built, big buildings have been built and hundreds of bags of cement have been obtained. But when the actually needy people go to the controlling authority they are always told that cement is not available. So, if cement is not available through the controlling authority the purpose of the Bill is defeated. Therefore, although we may pass this Bill, unless we are very meticulous and very particular in giving effect to the Bill we shall not be able to achieve the purpose for which this Bill has been enacted.

Then, Sir, there are two clauses in this Bill which should receive the attention of the Government. One is clause 10, where it is stated "No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offences made by a person who is a public servant as defined in section 21 of the Indian Penal Code". Sir, this clause is not happily worded in the sense that a Court can take cognizance of an offence under this Act only if a complaint is lodged by a public servant. The provision should have been that even if a private individual makes that complaint the Court should take cognizance of it. It may be argued that this will multiply cases and there may be malicious prosecutions. But, Sir, there is provision in the law to proceed against persons who indulge in malicious prosecutions. So, if we had made it possible for any private individual to move the Court then only it would have been possible to obtain remedy because it is our common experience that when a thing is sent to an officer it gets lost in files. Then, some fishy deals also take place which make it impossible to trace the culprit. Had it been left to the private individual to detect such offences then the purpose of the Bill would have been better respected. So, Sir, this is one defect which, I hope, the Minister-in-charge will look into and see how this can be removed.

Then, Sir, I come to clause 13, which states "No order made in exercise of any power conferred by or under this Act shall be called in question in any Court". This is again giving too much power to the executive authority. At least there should have been some scope for the highest Court of the land to interfere. To-day, we find a tendency to vest judicial powers in the Executive. This tendency is dangerous to the growth of democracy and to the enjoyment of democratic freedom by the people.

Mr. SPEAKER : Mr. Goswami, do you mean to say that this clause has debarred the High Court from exercising jurisdiction ?

Shri HARESWAR GOSWAMI: That will be on a different count altogether, Sir, viz., the question of validity of the Act itself, and not on any order made in exercise of any power conferred by or under this Act. Sir, this is giving too much power to the executive authority. At least a scope should have been given to the highest Court of the land to interfere in this matter, if necessary. Then, Sir, it is not also always possible to go to the highest Court. Only when there is a very strong case that the highest Court is approached. So, Sir, I submit, that some scope for obtaining redress from the judicial authority should have been given in the Bill.

With these observations, I repeat that mere passing of an Act, cannot prevent shady deals in essential articles. It is only by proper implementation that the purpose of a Bill can be fulfilled. We had a Cement Control Act before but yet we have seen that it is not available to the people who go through proper channel. It is only the black-marketers and profiteers who can get any quantity of cement. But people with a poor purse, people with honest means and people who believe in integrity cannot get controlled commodities. Therefore, Sir, I submit that the purpose of this Act will be fulfilled only if we are very careful in implementing it and see that the evil-doers and the anti-social elements are strictly pursued and given the right punishment.

Shri BAIDYANATH MOOKERJEE (Minister): Mr. Speaker, Sir, I am sorry for my friend the Leader of the Opposition because I cannot accommodate him. Sir, my friend is always very vocal to find faults with everything.....

Mr. SPEAKER: No, don't be harsh.

Shri BAIDYANATH MOOKERJEE (Minister): I have not said anything as yet, Sir.

Mr. SPEAKER: Only meet his points.

Shri BAIDYANATH MOOKERJEE (Minister): Sir, the objection raised by him regarding clauses 10 and 13 of the Bill is out of place. - My friend got enough opportunity for tabling amendments to these clauses, but he did not care to do so. He must admit that he neglected his duty for which he has come here. These things should have come to his notice earlier. So, he has failed in his duty.

Sir, so far as these two clauses are concerned, they have not been incorporated in this Bill anew. They are there since 1949. My friend has lost sight of all these facts which I placed before the House, when I introduced this Bill and moved that the Bill be taken into consideration, by this august House. Sir, I am glad to

note one thing that except the wordings of clause 10 which according to my friend's opinion is not very happily worded other clauses are satisfactory and as such I take it that so far as other clauses are concerned, he is quite satisfied with them.

Sir, why it is not happily worded, I cannot exactly follow his points. I tried to hear him with rapt attention and to understand what my friend was driving at but in vain. So far as the other clause I mean clause 13 is concerned, I would request my hon. friend to look into the Act of 1949 which I have already mentioned.

Not only that Sir, he got copy of the Ordinance containing the provisions of this Bill as far back as in December last. An Ordinance was promulgated because the Assembly was not in session at that time and the time limit of the 1949 Act expired; perhaps he did not care to look into it. Still, I can assure him that nothing will be done which will cause unnecessary trouble to the people.

My friend says that cement is available only for the cinema houses and the like. I would request my friend to name some of the cinema houses which have been built during the last 12 or 13 months. I pause for a reply.

Shri HARESWAR GOSWAMI: Arati Cinema at Jorhat.

Shri BAIDYANATH MOOKERJEE (Minister): Sir, after roaming throughout the State of Assam by imagination my friend informs us that one cinema house has been built at Jorhat, in this case also I have my grave doubts. Any way, my friends from Jorhat will be able to say when the construction of the cinema house building started and when it was completed or whether it has been completed at all or not.

Shri NILMONI PHOOKAN: Unfortunately, I am not a cinema-goer at all.

Shri RAMNATH DAS (Minister): The Arati Cinema Building has been completed long ago.

Shri BAIDYANATH MOOKERJEE (Minister): My friend and colleague who comes from Jorhat, says that the cinema House has been completed long ago. Now Sir, you judge how reckless is my friend in accusing me. Sir, if I am to be blamed in season and out of season, for what had happened several years back, I am really sorry for my friend, the imagination leader.

The other day, we heard a remark that there was bankruptcy of thought on this side. I shall request my friends just to ponder and to think very seriously by straining all their nerves whether the bankruptcy lies on this side or on that side. They are repeating

the same imaginary things over and over again. This proves Sir, where the word bankruptcy is really applicable. Of course when imagination also runs amuck it is sure to happen like this. So, Sir, I would ask my friends to come with constructive suggestions. All constructive suggestions will surely be considered by us. The House is tired of hearing the repetition of the same nauseating arguments and accusations.

Shri GAURISANKAR BHATTACHARYA: The same policy is being pursued everywhere.....

Shri BAIDYANATH MOOKERJEE (Minister):

একাধারে তুমি বন্ধু গোঁরী ও শকর ।

অৰ্দ্ধখানি নারী রূপী অৰ্দ্ধখানি নর ॥

রূপ তব চেনা বন্ধু অতীব দুকর ।

ছল ছাড়ি স্বরূপেতে হওহে ভাস্বর ॥

একপাশে বিরাজিছে হরের দৈশ্বর ।

আনপাশে গোভপায় রণের দোষর ॥

ছলি আনি অজিতে বসায়ৈছ পাশে ।

সমন্বয় দেখি আজি বৈদ্যনাথে হাঁসে ॥

Now to go back to the point Sir, I did not expect such deliberate and planned opposition from them. Once again I request them through you, because that will carry a little more weight to be sober. So far as the Leader of the Opposition is concerned, he must be very very careful in his utterances. Sir, he said that he did not mind the passing of this Bill, but he had objections in one or two points. If he had some objections, he should have come in time to point them out and should have taken legitimate formal steps to remove the defects. Instead of doing that, he wants to oppose the Bill at the last stage. This is nothing but opposition for opposition's sake. Sir, I hope in future, the Leader of the Opposition will not take recourse to such objectionable and hackneyed tactics. As regards other Members, it will be too much for me to expect this yet I request them also. But so far as the Leader is concerned, in future, I hope he will remember my request which I am giving him as a friend and behave in a manner befitting the tradition of his position. We expect constructive suggestions and not destructive opposition.

Sir, with these words, I commend my motion for the acceptance of the House.

Mr. SPEAKER: The question is that the Assam Cement Control Bill, 1953, be passed.

The question was adopted.

The Assam Local Self-Government Bill, 1952

Shri RADHA CHARAN CHOUDHURY: Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 5, after the word "elected" in the fifth line a "full stop" shall be inserted and the subsequent words of that sub-clause shall be deleted.

Sir, there is a provision in respect of which I want to object. When there is a provision of representation of scheduled castes and scheduled tribes there is no need of such reservation of seats. Sir, in the House of People and in the State Assemblies there is no provision of nomination. And as Local Board is also an elected body there should not be any provision of nomination in it. Sir, the very principle of nomination is against the democratic principle and experience shows that the persons nominated to the local boards are unsocial and undemocratic. They cannot say anything firmly for the people. Their duty is to side with the Government and support the Government whether Government will do good or not. So, Sir in the local boards, where the people have the right for administration, some people should not be thrust upon by the Government to take side with the Government. With these words, Sir I move my amendment for the acceptance of the House.

Mr. SPEAKER: The Motion moved is that in sub-clause (1) of clause 5, after the word "elected" in the fifth line a "full stop" shall be inserted and the subsequent words of that sub-clause shall be deleted.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, although it is not customary for a member of a Select Committee to speak on a Bill coming through the Select Committee, at the very beginning when this Bill was referred to the Select Committee, I made it clear to this House that I would go to the Select Committee with this right.....

Mr. SPEAKER: What is your convention?

Shri HARESWAR GOSWAMI: The convention is that a member of the Select Committee does not take part in the discussion, but I went to the Select Committee with that right that if we did not find our aspiration.....

Shri MOTIRAM BORA (Minister): Has my Friend given any note of dissent on this point?

Shri HARESWAR GOSWAMI: Yes.

Mr. SPEAKER: On other points?

Shri HARESWAR GOSWAMI: On this point as well, Shall I continue, Sir?

Mr. SPEAKER : You know best whether it is fundamental or not.

Shri HARESWAR GOSWAMI : Sir, because this is a very important thing, therefore, I am to-day standing against this convention. Sir, the principle of nomination is going to be incorporated in this Local Self-Government Bill, and the Local Self-Government Bill which has come to us to-day appears to be a carbon copy of the old Bill. If it is a carbon copy of the old Bill, it was not necessary to go through this elaborate process. Because the Government and the Members of the Treasury Benches have come to the House with an overwhelming majority and they want to stand where they are and they insist on doing this because they have an overwhelming majority behind them in this House. Sir, the principle of nomination has been given a good-bye long ago in this Assembly. There are no nominated members even in the House of the People. There is only one nominated member, and that is kept there because at the time of framing the Constitution an assurance was given to the Christian community that they will have a representative in the House. But to-day no necessity or emergency has arisen to keep that clause in the Local Self-Government Bill.....

Shri MOTIRAM BORA (Minister): In West Bengal Assembly there is provision for nomination also.

Shri HARESWAR GOSWAMI : Not in the Assembly, it is in the Council. It is in the Upper House not in the Lower House. To give representation to certain people, I find there is an amendment by Shri M. K. Das, which I believe, will be moved, where he says "To give representation to unrepresented interests". But the Local Self-Government, we have seen, has given ample representation to the tribal people and ample scope has been given also to the Scheduled Caste people.....

Shri RAMNATH DAS (Minister): Interests are not communities.

Shri HARESWAR GOSWAMI : After all I do not know what is meant by this "Unrepresented interests".....

Mr. SPEAKER : Do you oppose the principles of the Bill ?

Shri HARESWAR GOSWAMI : Therefore, I support the amendment of my Friend Mr. Choudhury.

Mr. SPEAKER : I am not giving my opinion, but I shall point out the ruling (Decisions of the Chair—Para. 110 Bills, Select Committees). The President ruled: "The Chair cannot lay it down as an invariable rule that in no case can the Select Committee report that the House should not proceed with a Bill committed to it. Indeed, it is easy to conceive of circumstances in which it might be necessary for the Committee to make such a report."

But at the same time the Chair is quite clear that it is not open to the Select Committee to say that it does not agree with the principle of the Bill". The Chair further pointed out: "No one can take away the right of this House to revise its own decision, and this motion for recommitment affords an opportunity to the House to say whether it shall revise its decision or not".

Shri HARESWAR GOSWAMI: I am not opposing the main principle of the Bill, I am opposing certain other principle.....

Shri MOHI KANTA DAS (Parliamentary Secretary): Sir, he said that it is a carbon copy of the Bill.

Shri HARESWAR GOSWAMI: I am not objecting that there should be these Self-Governing bodies in the State which is the underlying principle of the Bill. I accept it. But I am opposing to the other principle of the Bill because that will give chance to the Party in power to practise undemocratic methods. When there is a balance, when there are 13 members on this side and 12 on the other side, the party in power can influence the whole thing by nominating its own nominees. This is done in almost all the Local Boards at the time of nomination. They do not give nomination to the unrepresented community, they will give nomination to the most represented interest, namely the Congress. They want to do this so that they can have majority in the Local Boards, to run the administration in the way they like. Therefore, I am opposing to the principle of nomination. We should get rid of the principle of nomination which has been decried by all the papers and the people outside, why should Government be so anxious to give representation by nomination. Moreover the problem of unrepresented class cannot be solved in this way. They will simply go on adding to the number of unrepresented people, and there will be no end to it.

To-day we may consider a particular section as unrepresented and tomorrow another section will come up and say—"we are also unrepresented, let us have representation". In this way Sir, we will not be able to reflect the correct will of the people in the Local Boards but we will be reflecting the view of the Government or of the party in power today in the Local Boards. Therefore Sir, I have vehemently opposed this principle of nomination and therefore I support the amendment moved by my Friend Shri Radha Charan Choudhury.

Shri NARANARAYAN GOSWAMI: Mr. Speaker Sir, I rise to oppose the amendment of my hon. Friend in the Opposition. It is regrettable Sir, that our Friends in the Opposition always fail to recognise the good intention of the Government and they are always keen on criticising for nothing. Sir, they are looking to the world and to every action of this Government with their own spectacles. Now, with regard to this principle of nomination, I would like to

refer my Friends to what the Constitution itself says. Sir, in this connection I would refer to Article 80 of the Constitution wherein provision for nomination to the Council of States was provided for. It says, "The Council of States shall consist of—twelve members to be nominated by the President.....etc.", and the reason for this is given in sub-clause (3) of the said Article "The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art and social service".

Again Sir, I would like to refer to the amendment moved by my Friend Shri Mohi Kanta Das. If my Friends in the Opposition will look to this amendment they will find that this amendment seeks to insert in the last part of this sub-clause (1) of clause 5, a provision for giving representation to unrepresented interests. In view of this, why my Friends in the Opposition should doubt the motive of the Government in this principle of nomination.?

Sir, I have been watching my Friends in the Opposition during the deliberations in this House and I find they have a tendency to criticise every action of the Government, and when I have got this opportunity I beg to submit here that if they really care to put down their coloured spectacles and see with their eyes they will find that the intention of the Government is very good. It is good in the sense that this principle of nomination has been introduced in the Constitution of India also. If my Friends want to draw to themselves the attention of this House, or the attention of the whole State of Assam, they can bring out their programme before this House and this House will certainly accept their programme if it is good.

Mr. SPEAKER: You cannot raise a general discussion, but come to the point.

Shri NARANARAYAN GOSWAMI: Yes Sir, I am coming to my point. My point is that the intention of nomination here in this Bill is only to give representations in the Local Boards to those unrepresented interests so that our country can be properly developed, and so that the members to be nominated can give proper advice and proper guidance to our Local Boards. So Sir, if my Friends in the Opposition look from this angle, they will find that nomination is a necessity and they will also find from the amendment proposed by Shri Mohi Kanta Das that the intention of the Government is to give clear scope to those unrepresented interests to send their men of mettle and intelligence to the Local Boards so that the Local Boards can be run in a proper way and in proper light. It is not good for my Friends in the Opposition only to come up with criticisms for nothing. With these

words Sir, I request my Friend the Mover of this amendment to withdraw his Motion.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Sir, it is not for the first time that we are discussing this clause 5 now under discussion. Sir, it has been pointed out that there is provision for nomination in the Constitution itself under certain circumstances. But my Friends in the Opposition said that the Constitution has not made provision for nomination. Sir, my Friends in the Opposition have lost sight of the fact that after a hundred years of subjection to foreign rule we have attained independence and we are now on the way to build up our country. Sir, it will not do to think that simply because we are at present an independent country we should not take into consideration the peculiar circumstances that obtain in India as a whole and in Assam itself. It is in consideration of these circumstances that the Constitution itself has adopted the principle of nomination or kept reservation of seats for backward tribes and backward classes.

So Sir, from experience we have found that in the constitution of Local Boards there are many interests which remain unrepresented and the reason is obvious, because our State is a State composed of diverse races, castes and religions and our people are not as yet so developed as to consider themselves as one unit as the whole of India itself. We are on the way of developing our country to such a standard. Sir, it is to make provision for some of our people who are sparsely populated in areas which are within the jurisdiction of Local Boards and to find representation in the constitution of the Board. Sir, with an idea to make the Local Board a really representative body, we must not lose sight of the fact that, as things are at present in our State, there are many interests which have no representation in the constitution of the Local Board.

Sir, mention has been made—of course without real foundation—that our Government are nominating members to the Local Boards always by looking out only for men of their own Party or liking. Then my Friend has also mentioned that we are nominating from communities which had already been represented in the Local Boards. This is not true, Sir. From nominations we gave at the time of the last general election, it will be found that in all Local Boards, people nominated really represent some unrepresented interests. Also, Sir, in places where there were tea gardens within the jurisdiction of a Local Board, we nominated people from the tea gardens, except in Karimganj where tea garden members were elected. But in all other places I distinctly remember that nomination was given to the people or interests which were not represented in the election. So long as we have not been able to completely develop our country and so long as our people are not up to the standard of other civilised nations, this principle of nomination will

remain, and in order to make that side of our representation in the Board this provision for nomination has been retained. It may also be mentioned, Sir, that one or two Opposition Members think that the whole population is with them and they are voicing the sentiment of the whole population. They should think that on the other side many times more Members represent the people of the same State and they have the same responsibility, and in consideration of that responsibility they are in favour of this measure of nomination.

With these words, Sir, I request my Friend that, in consideration of the situation obtaining in the country as a whole the system of nomination should be retained for some time more at least should see his way to withdraw his Motion.

Mr. SPEAKER: Does the Mover of the Motion want to withdraw the Motion?

Shri RADHA CHARAN CHOUDHURY: No, Sir.

Mr. SPEAKER: The question is that in sub-clause (1) of clause 5, after the word "elected" in the fifth line a "full stop" shall be inserted and the subsequent words of that sub-clause shall be deleted.

The House divided.

Ayes—7

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| 1. Mr. A. S. Khongpai. | 5. Shri Gaurisankar Bhatta- |
| 2. Maulavi Md. Pahar Khan. | charyya. |
| 3. Shri Radha Charan Choudhury. | 6. Shri Dandiram Dutta. |
| 4. Shri Hareswar Goswami. | 7. Shri Ghana Kanta Gogoi. |

Noes—52

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| 1. Shri Motiram Bora. | 14. Maulana Abdul Jalil. |
| 2. Rev. J. J. M. Nichols-Roy. | 15. Maulavi Namwar Ali Bar- |
| 3. Shri Rupnath Brahma. | bhuiya. |
| 4. Maulavi Abdul Matlib Mazumdar. | 16. Shri Ram Prasad Chubey. |
| 5. Shri Ram Nath Das. | 17. Shri Raghunandan Dhubi. |
| 6. Shri Omeo Kumar Das. | 18. Shri Raichand Nath. |
| 7. Shri Mahendra Mohan Choudhury. | 19. Maulavi Moinul Haque Choudhury. |
| 8. Shri Baidyanath Mookerjee. | 20. Shri Hem Chandra Chakra- |
| 9. Shri Siddhinath Sarma. | varty. |
| 10. Pu R. Dengthuama. | 21. Shri Gauri Sankar Roy. |
| 11. Shri Hakim Chandra Rabha. | 22. Shri Kistobin Rymbai. |
| 12. Shri Ramesh Chandra Das Choudhury. | 23. Mr. A. Alley. |
| 13. Maulavi Mahmud Ali. | 24. Shri Khersing Terang. |
| | 25. Mr. Emerson Momin. |
| | 26. Mr. Emonsing Sangma. |

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| 27. Maulavi Kobad Hussain Ahmed. | 41. Shri Mal Chandra Pegu. |
| 28. Shri Jatindra Narayan Das. | 42. Shri Nilmani Phookan. |
| 29. Shri Hareswar Das. | 43. Shri Rabin Kakoti. |
| 30. Shri Mahadeb Das. | 44. Shri Purnananda Chetia. |
| 31. Shri Naranarayan Goswami. | 45. Shri Sarveswar Barua. |
| 32. Shri Baikuntha Nath Das. | 46. Shri Hem Chandra Hazarika. |
| 33. Shri Prabhat Chandra Goswami. | 47. Maulavi Faiznur Ali. |
| 34. Shri Mohendra Nath Deka. | 48. Shri Ramesh Chandra Barooah. |
| 35. Shri Davidson Bhobora. | 49. Shri Indreswar Khaund. |
| 36. Shri Mohi Kanta Das. | 50. Shri Manik Chandra Das. |
| 37. Shri Mahendra Hazarika. | 51. Shri Jogakanta Barua. |
| 38. Mrs. Usha Barthakur. | 52. Shri Jadab Chandra Khaklari. |
| 39. Shri Lila Kanta Bora. | |
| 40. Shri Chanoo Kheria. | |

The Motion was lost.

Shri MOHI KANTA DAS (Parliamentary Secretary):

Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 5—

(a) *delete* the words “and in consultation with the Board concerned” in the third line,

(b) *for* the word “to” in the last line *substitute* the word “may”,

(c) *delete* the “fullstop” after the word “Government” at the end and *add* the following, namely:—
“To give representation to unrepresented interests”.

Shri MOHI KANTA DAS (Parliamentary Secretary):

Mr. Speaker, Sir, regarding my amendment in sub-clause (1) of clause 5 deleting the words “and in consultation with the Board concerned”, my submission is that that the principle on which the number of seats will be allotted for each Board is to be determined by the Government and it should not be left with the Board for the purpose of ascertaining the number of seats for each Board and that has never been the principle before. Moreover there will be another difficulty in cases where the Board is superseded or suspended. In that case there will be no Board with whom Government may consult for the purpose of ascertaining the number. My next point is that if the word ‘to’ is deleted and we substitute it by the word ‘may’ then it will not be incumbent on the Government to make nomination. It

will simply be discretionary. Thirdly it is intended to give representation to the unrepresented interests. Now, Sir, in the old Act we find in section 4 that.....

Mr. SPEAKER : Then how does it read ?

Shri MOHI KANTA DAS (Parliamentary Secretary): It reads like this, Sir—"Every Local Board shall consist of such number of members as the State Government may, by notification, fix in this behalf for each individual board and all the members shall be elected except that not exceeding two members may be appointed by the Government to give representation to unrepresented interests".

Now, Sir the clause of the Bill makes nomination compulsory. It says "to be appointed" by the Government. In the old Act we find, under section 4 that the Board shall be partly elected and in part appointed.

Sir, my amendment is not a carbon copy. It is an improvement on the old Act and if it is accepted by the House then it will give limited scope to the Government to exercise the discretion of nomination only when any exigencies arise. There are unrepresented interests such as labour interest. I am not speaking of any community or caste as was the case in the old Act. In Rule 19(1) it is said that members shall be appointed by the Local Government after taking into consideration the claim of those castes, communities, localities and interests. Sir, I have eliminated three conditions for the purpose of meeting nominations. What is the meaning of unrepresented interests, Sir? Permit me to submit it my own way. I am not speaking of caste or creed. I am speaking of unrepresented interest such as labour interest, because in the teeth of election any of the labour candidates may not be in a position to return and in our local institutions the labour should be represented. Similar is the case in respect of females, Sir. In this House, several speakers, including our Mrs. Barthaur laid stress on the importance of giving scope and facilities for our women in the country in respect of education and also representation. As a matter of fact, what we find? We find that our poor.....(a voice—no, no they are not poorer section—laughter). Very well Sir, I find the word 'poor' has been resented by some members. I shall say the weaker section are not well represented in such institutions. My idea is that some provisions should be there to give representation to the labour interest or to the women and some sort of discretion should be given to the Government to nominate from these interest.

Now, Sir, our Boards also should have certain experts—experts in education, experts in social services, experts in arts, science etc. Only for these exigencies, Sir, I have moved this amendment. It

is an enabling provision and it is not compulsory. It is a mild provision and at the same time it makes provision for meeting future exigencies that may arise in our local institutions. Therefore, Sir, I hope the House will consider my amendment and accept it.

Mr. SPEAKER : The Motion moved is that in sub-clause (1) of clause 5—

- (a) *delete* the words “and in consultation with the Board concerned” in the third line,
- (b) *for* the word “to” in the last line *substitute* the word “may”,
- (c) *delete* the “fullstop” after the word “Government” at the end and *add* the following, namely:—

“to give representation to unrepresented interest”.

(The Motion was put from the Chair as a question and adopted.)

Shri MOHI KANTA DAS (Parliamentary Secretary) : Mr. Speaker Sir, I beg to move that in new sub-clause (2) (c) of clause 5—add the words “of India” after the word “Constitution” in the third line and for the word “or” in the fourth line substitute the word “and”.

Mr. SPEAKER : The Motion is that in new sub-clause (2) (c) of clause 5—add the words “of India” after the word “Constitution” in the third line and for the word “or” in the fourth line substitute the word “an”.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : I accept the amendment. It was something like omission.

Mr. SPEAKER : The question is that in new sub-clause (2) (c) of clause 5—add the words “of India” after the word “Constitution” in the third line and for the word “or” in the fourth line substitute the word “and”.

The Motion was adopted.

Shri RADHA CHARAN CHOUDHURY : Mr. Speaker, Sir, I beg to move that in the sub-clause (3) of clause 5—

(i) after the word “rule” in the third line the following shall be added:—

“Provided however the election shall be on the basis of adult franchise” and

(ii) in the existing proviso between the words “Provided” and “that” at the beginning of words “further” shall be inserted.

Sir, my intention in moving this amendment is that in Local Board elections the right of adult franchise has not been given. If that right has not been given, I think, Government is denying the very civic rights of the people given by the Constitution. Again Sir, in the elections, both in the House of People and the State

Assemblies, the right to exercise the vote on the basis of adult franchise is given. That is why, I do not understand why that right should not be given to the people in the matter of Local Boards' election. Again, if that right is not given, the entire women section will be deprived of exercising their votes. Because exercise of votes are based on payment of revenue. So we find that majority of women, say, 90 per cent. of the women, do not hold land and most of them are illiterate. So taking into consideration of these factors, the entire women section or about 90 per cent. of women class will be deprived of their civic rights if the election is not based on adult franchise. Again, Sir, the common people who have got no land, or who have got no holdings will not be able to exercise their rights.

Shri HARESWAR DAS (Deputy Minister) : Sir, this amendment seems to be out of order.

Shri RADHA CHARAN CHOUDHURY : I want to say that the Election should be on the basis of adult franchise.

Mr. SPEAKER : What are the qualifications of members ?

Shri MOHI KANTA DAS (Parliamentary Secretary) : Sir, when the rule is not there, this amendment is hypothetical. There is no provision.

Mr. SPEAKER : Yes, Mr. Das what is your opinion ?

Shri HARESWAR DAS (Deputy Minister) : My point is this. Sub-clause (3) of Clause 5 lays down the qualifications of Members. How qualifications of Members will be made is left to the rule making power of Government. The principle of election cannot come in here.

Mr. SPEAKER : Yes, "provided" it should have come after the provision.

Shri HARESWAR DAS (Deputy Minister) : That proviso cannot come under Clause 5, and the principle of election does not come under this clause.

Shri HARESWAR GOSWAMI : Sir, here clause 5 and proviso both stand for qualification. Our amendment seeks that on this basis, the election should be held on adult franchise.

Mr. SPEAKER : No, I rule it out.

Shri HARESWAR DAS (Deputy Minister) : Sir, if the first amendment is ruled out, I think the second amendment is absolutely meaningless.

Shri HARESWAR GOSWAMI : What is your view, Sir.

Mr. SPEAKER : This is being ruled out.

Shri HARESWAR GOSWAMI : Then Sir, it would be difficult on our part to take part in it.

(At this stage all the Opposition Members except Shri Ghana-kanta Gogoi and Mr. A. S. Khongphai walked out from the Chamber.)

Mr. SPEAKER : Mr. Gogoi will you move your amendment ?

Shri GHANA KANTA GOGOI : Mr. Speaker, Sir, I beg to move that in sub-clause (2) of Clause 14, for the words beginning with "the State Government" to "duly elected member" occurring in lines two to five, the words "the vacancy or vacancies should be filled by fresh election" shall be substituted.

Sir, my object in moving this amendment is that Government should give the people a chance to learn for themselves democratic administration and even if the people fail to elect a member, they should be given a chance to elect such a member again, just to eliminate the underlying principle of nomination. Sir, people may make mistakes, but by making mistakes they will learn things. They will practise democracy. So, Sir, the principle of nomination should be eliminated, this is my opinion.

Mr. SPEAKER : The Motion is that in sub-clause (2) of Clause 14, for the words beginning with "the State Government" to "duly elected member" occurring in lines two to five, the words "the vacancy or vacancies should be filled by fresh election" shall be substituted.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Sir, I beg to oppose the amendment. Sir, the reason is that if the vacancy remains unfilled, a particular area within the jurisdiction of the Local Board, will remain unrepresented, that is not our idea? We want that the whole area under the jurisdiction of the Local Board should be fully represented. For this reason Sir, I oppose the Motion and therefore, I cannot accept the amendment.

Mr. SPEAKER : The question is that in sub-clause (2) of Clause 14, for the words beginning with "the State Government" to "duly elected member" occurring in lines two to five, the words "the vacancy or vacancies should be filled by fresh election" shall be substituted.

The Motion was lost.

Shri MOHI KANTA DAS (Parliamentary Secretary) : Mr. Speaker, Sir, I beg to move that in clause 16-(i) in sub-clause (f) add the words "after considering the recommendation of the Board" after the word "if" in the first line and delete the words "on the recommendation of the Board" occurring at the end of the clause.

(ii) Substitute the second proviso by the following, namely:—
"Provided further that in the case of clause (f) the member shall not be removed before he is given an opportunity of showing cause against the proposed action".

Sir, the object is only to bring the last portion to the beginning of the sentence.

Mr. SPEAKER : The Motion is that in clause 16-(i), in sub-clause (f) add the words "after considering the recommendation of the Board" after the word "if" in the first line and delete the words "on the recommendation of the Board" occurring at the end of the clause.

(ii) Substitute the second proviso by the following, namely:—
"Provided further that in the case of clause (f) the member shall not be removed before he is given an opportunity of showing cause against the proposed action".

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Sir, I accept the amendment.

Mr. SPEAKER : The question is that in clause 16-(i), in sub-clause (f) add the words "after considering the recommendation of the Board" after the word "if" in the first line and delete the words "on the recommendation of the Board" occurring at the end of the clause.

(ii) Substitute the second proviso by the following, namely:—
"Provided further that in the case of clause (f) the member shall not be removed before he is given an opportunity of showing cause against the proposed action".

The amendment was accepted.

Shri MOHI KANTA DAS (Parliamentary Secretary): Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 17, for the words "shall be subject to the sub-section (2) below and section 14 elected" substitute the words "shall, subject to the provisions of section 14 and sub-section (2) below, be elected".

Sir, this is a very simple thing, there is no need to comment.

Mr. SPEAKER: The Motion is that in sub-clause (1) of clause 17, for the words "shall be subject to the sub-section (2) below and section 14 elected" substitute the words "shall, subject to the provisions of section 14 and sub-section (2) below, be elected".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): I accept the amendment, Sir.

Mr. SPEAKER: The question is that in sub-clause (1) of clause 17, for the words "shall be subject to the sub-section (2) below and section 14 elected" substitute the words "shall, subject to the provisions of section 14 and sub-section (2) below, be elected".

The amendment was accepted.

Shri MOHI KANTA DAS (Parliamentary Secretary): Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 18—

- (i) for the figure "3" in the second line substitute the figure "4",
- (ii) for the word "triennial" in the third line substitute the word "quadrennial",
- (iii) for the word "three" in the fifth line substitute the word "four".

Sir, the reason is that I want to make the life of Local Boards extended to four years.

Mr. SPEAKER: The Motion is that in sub-clause (1) of clause 18—

- (i) for the figure "3" in the second line substitute the figure "4",

- (ii) for the word "triennial" in the third line substitute the word "quadrennial".
- (iii) for the word "three" in the fifth line substitute the word "four".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Sir, I accept the amendment.

Mr. SPEAKER: The question is that in sub-clause (1) of clause 18—

- (i) for the figure "3" in the second line substitute the figure "4"
- (ii) for the word "triennial" in the third line substitute the word "quadrennial".
- (iii) for the word "three" in the fifth line substitute the word "four".

The amendment was accepted.

Shri MOHI KANTA DAS (Parliamentary Secretary): Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 20, for the word "three" in the second line substitute the word "four".

Sir, the reason is simple. It is only a consequential.

Mr. SPEAKER: The Motion is that in sub-clause (2) of clause 20, for the word "three" in the second line substitute the word "four".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Sir, I accept the amendment.

Mr. SPEAKER: The question is that in sub-clause (2) of clause 20, for the word "three" in the second line substitute the word "four".

The amendment was accepted.

Shri RADHA CHARAN CHOUDHURY: Mr. Speaker, Sir, I beg to move that in sub-clause (2) of Clause 21, for the words "the State Government may appoint a Vice-Chairman" the words "the Board shall be given another chance to elect the Vice-Chairman" shall be substituted.

Sir, my intention in moving this amendment is, that the Local Board is an elected body where the Vice-Chairman is the head of the Board and as such the Vice-Chairman shall not be appointed by the Government which is against the principle of election.

Sir, when there is provision for a Chairman and the electorate fails to elect a Vice-Chairman, even if the post of Vice-Chairman remains vacant, yet the working of the Local Board will not be affected because the Chairman will be able to carry on the affairs of the Local Board. But if everything is done by nominations and appointments, then the Local Board will be no where, it will be there just in name but in reality it will be a department of the Government. Sir, these two things—election and nomination or appointment cannot go together.

Mr. SPEAKER: Supposing you cannot elect a Vice-Chairman for 12 months, what will happen then?

Shri RADHA CHARAN CHOUDHURY: The Chairman will be able to conduct the business of the Board.

Mr. SPEAKER: But the Vice-Chairman has got some specific duties to perform, for example, collection of taxes, etc.

Shri SIDDHINATH SARMA (Minister): Sir, the wordings of the amendment are not clear. The amendment wants to "give the Board another chance to elect the Vice-Chairman", but the clause says if the Board fails within a time fixed by rule..... This amendment is not clear.

Shri RADHA CHARAN CHOUDHURY: Sir, my amendment seeks to give the Board another chance in case they fail at the first time.

With these words, Sir, I commend my Motion for the acceptance of the House.

Mr. SPEAKER: The Motion is that in sub-clause (2) of clause 21, for the words "the State Government may appoint a Vice-Chairman" the words "the Board shall be given another chance to elect the Vice-Chairman" be substituted.

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Speaker, Sir, I rise to oppose the amendment. Sir, the reasons advanced by my Friend the Mover are not at all convincing. It is known Sir, that in the management of a Local Board the Vice-Chairman has certain specific duties to perform which he alone can perform; unless there is a division of the duties by the Board itself and if the Vice-Chairman cannot perform the work entrusted to him, then the management of the affairs of the Board will suffer and will

not be conducive to efficiency. Government do not like to take the earliest opportunity to appoint a Vice-Chairman, but only when it is apparent that on account of certain reasons the Board fails to elect the Vice-Chairman within the specified time, then only the Government will appoint the Vice-Chairman. That Sir, is the function of Government. With these words, I would request my Friend to withdraw his Motion.

Mr. SPEAKER: The question is that is sub-clause (2) of clause 21, for the words "the State Government may appoint a Vice-Chairman" the words "the Board shall be given another chance to elect the Vice-Chairman" shall be substituted.

The Motion was lost

Shri MOHI KANTA DAS (Parliamentary Secretary): Sir, I beg to move that in sub-clause (3) of clause 21, for the word "three" in the 2nd line substitute the word "four". This is only consequential.

Mr. SPEAKER: The Motion is that in sub-clause (3) of clause 21, for the word "three" in the 2nd line substitute the word "four".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): I accept the amendment, Sir.

(The Motion was put from the Chair as a question and adopted)

Shri MOHI KANTA DAS (Parliamentary Secretary): Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 22, delete the "fullstop" at the end of the sub-clause and add the words "or is declared insolvent or is convicted by a Criminal Court for any offence involving moral turpitude".

Sir, this addition to the sub-clause under discussion is considered necessary to empower Government to remove the Chairman or Vice-Chairman from his office if he is declared insolvent or is convicted by a Criminal Court for any offence involving moral turpitude.

(At this stage the Speaker vacated the Chair and Shri Nilmanj Phookan, Chairman occupied it.)

Mr. CHAIRMAN: The Motion moved is that in sub-clause (1) of clause 22, delete the "fullstop" at the end of the sub-clause and add the words "or is declared insolvent or is convicted by a Criminal Court for any offence involving moral turpitude".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): I accept this amendment, Sir.

Mr. CHAIRMAN: The question is that in sub-clause (1) of clause 22, *delete* the "fullstop" at the end of the sub-clause and *add* the words "or is declared insolvent or is convicted by a Criminal Court for any offence involving moral turpitude".

The Motion was carried.

Shri RADHA CHARAN CHOUDHURY: Mr. Chairman, Sir, I beg to move that in clause 23, for the words "the State Government may appoint a Chairman" the words "the Board shall be given another chance to elect the Chairman, and if it fails again, the Board shall be dissolved" shall be substituted.

Sir, here also I can advance the same arguments, that when a Local Board is constituted by the representatives of the people, it is absurd that the head of that body should be appointed by the Government. Again Sir, by experience it is seen that everywhere where the Chairman is appointed and not elected, then naturally that Chairman always sides with the Government and does not look to the interest of the masses. So if such a Chairman is appointed, then there is every chance that he will be a tool in the hands of Government and he will not actually serve the interests of the masses. So Sir, my amendment seeks to provide for election of the Chairman and even if the Board fails to elect its Chairman at the beginning, it should be given another chance to do so, but even after the second chance, the Board still fails to elect the Chairman, that Board should be dissolved and order a fresh election.

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

Mr. CHAIRMAN: The Motion moved is that in clause 23, for the words "the State Government may appoint a Chairman" the words "the Board shall be given another chance to elect the Chairman, and if it fails again, the Board shall be dissolved" shall be substituted.

Shri GHANA KANTA GOGOI: Mr. Speaker, Sir, I rise to support the amendment moved by my Friend Mr. Choudhury. Sir, the responsibility for election of a Chairman of a certain Local Board rests with the elected members of the Board, but if they fail to elect their Chairman, it may be due to their inefficiency or their lack of a sense of duty. It is reasonable that the Government should make a provision to give that Board, a second chance to elect its Chairman, but if it fails again, that Board should be dissolved and order a fresh election. It is better to have a fresh election than to make the electorate to suffer for the failure of the elected members to elect their Chairman. The electorate have the right to elect their own members to run their local institutions democratically. So, it will rather affect the interest of the Board, if the Government is given power to appoint Chairman. I, therefore, support the Amendment moved by my Friend Mr. Choudhury. This I do in the name of democracy.

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Sir, I beg to oppose the Amendment. It is well known that Government only take the initiative when there is no chance of the members to elect their own Chairman. The election of Chairman does not lie with the Government. The elected members are given all the opportunity that they can avail to select a member from amongst themselves to carry on the business of the Board. It is only when Government find that for the sake of public interest some one to conduct the affairs of the Board must be selected, then and then only, under extraordinary circumstances, Government take the initiative. Otherwise power of selection is left to the Board. For this obvious reason I oppose the Amendment and I request Mr. Choudhury to withdraw his Motion.

Mr. CHAIRMAN: Does the Mover of the Motion want to withdraw his Amendment?

Shri RADHA CHARAN CHOUDHURY: No, Sir.

Mr. CHAIRMAN: The question is that in clause 23, for the words "the State Government may appoint a Chairman" the words "the Board shall be given another chance to elect the Chairman and if it fails again, the Board shall be dissolved" shall be substituted.

The Amendment was lost.

Shri GHANAKANTA GOGOI: Sir, I beg to move that clause 89 shall be deleted.

Our Deputy Commissioners have sufficient power and no further power should be vested in them. The State Government has general power to revise and supervise the actions of the Local Boards. Under the circumstances, if a Board make some mistakes, the State Government have the right to revise and supervise the actions taken. I therefore, oppose the additional power being given to the Deputy Commissioners. So, Sir, I move that this clause be deleted.

Mr. CHAIRMAN: The Amendment moved is that clause 89 shall be deleted.

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Chairman, Sir, I oppose this Amendment. Perhaps there is a misconception that in our self-governing bodies like the Local Board the Deputy Commissioner has been given all the powers or any power. It is not like that. When under extraordinary circumstances the Deputy Commissioner finds that the Board is at a stand still and is not working it is then only, for the sake of public interest, the Deputy Commissioner is allowed to interfere. There are circumstances where for various reasons the Board adopt resolutions which for the sake of public interest must be suspended or the action thereof must be checked, then only the Deputy Commissioner is allowed to take the initiative to report the matter to the Government. It is not that the Deputy Commissioner has been given full power to dispose of a matter once for all. The ultimate power lies with the Government. For that reason, Sir, I beg to oppose the Amendment.

Mr. CHAIRMAN: Does the mover of the Amendment want to withdraw the Motion?

Shri GHANA KANTA GOGOI: No, Sir.

Mr. CHAIRMAN: The question is that clause 89 shall be deleted.

The Motion was lost.

Shri RADHA CHARAN CHOUDHURY: I beg to move, Sir, that in clause 89, the words "or the Deputy Commissioner" in the first line shall be deleted.

Sir, when there is State Government to interfere with the mismanagement of the Local Board there is no necessity of the Deputy Commissioner to suspend the institution for that mismanagement of the Local Board. If that is done by the Deputy Commissioner it means that there is dual Government: one is the State Government and the other the Deputy Commissioner. So, Sir, I think when there is State Government the Deputy Commissioner should not interfere

with such affairs. Of course he may refer the matter to the Government, but he should not be given power to suspend the resolution passed by the Local Board. When a decision is taken by the Board it is surely taken by some responsible people. So, Sir, such a decision taken by some responsible people of the Board should not be interfered by the Deputy Commissioner when there is State Government to look into it.

Mr. CHAIRMAN: The Motion moved is that in clause 89, the words "or the Deputy Commissioner" in the first line shall be deleted.

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Sir, I beg to oppose this Amendment. The reason is this. It may be that for various reasons the members of the Board have come to a decision which is against public interest, it is then for the Deputy Commissioner who is the local authority, to see whether the action of the Board is against the interest of the public. If he finds that the affairs of the Board have come to such a stage that they affect the interest of the public he will move in the matter. He has not been given any power for final disposal of such affairs. He is only to report to the Government on the matter and Government will pass the final orders. For that reason I beg to oppose the Amendment.

Mr. CHAIRMAN: Does the Mover of the Motion want to withdraw his Amendment?

Shri RADHA CHARAN CHOUDHURY: No, Sir.

Mr. CHAIRMAN: The question is that in clause 89, the words "or the Deputy Commissioner" in the first line shall be deleted.

The Motion was lost.

Shri MOHI KANTA DAS (Parliamentary Secretary): Sir, I beg to move that in sub-clause (3) of clause 90, for the words "and fails to do without reasonable excuse" after the word "public" in the fifth line *substitute* the words "and the Board fails to execute or do it without any reasonable excuse".

This Amendment is meant to remove certain defect in construction in the section because there was no subject in the whole sentence to qualify the verb "fails". There is no material alternation. I hope the House will accept this Amendment.

Mr. CHAIRMAN: The Motion moved is that in sub-clause (3) of clause 90, for the words "and fails to do without reasonable excuse" after the word "public" in the fifth line *substitute* the words "and the Board fails to execute or do it without any reasonable excuse."

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Sir I have no objection to accept this Amendment.

Mr. CHAIRMAN: The question is that in sub-clause (3) of clause 90, for the words "and fails to do without reasonable excuse" after the word "public" in the fifth line *substitute* the words "and the Board fails to execute or do it without any reasonable excuse".

The question was adopted.

Shri RADHA CHARAN CHOUDHURY: Sir, I beg to move that for clause 92, the following shall be substituted:

"92. Where a Local Board—

- (a) is not competent to perform, or persistently makes default in performing, the duties assigned to it by Law, or
- (b) exceeds or abuses its power so assigned to it, the State Government shall, after giving the Local Board an opportunity for submitting an explanation in regard to the matter, by notification, stating the reasons for its order, dissolve the Board if the explanation so submitted is not satisfactory, or the explanation does not come forward within a prescribed period of time".

We have come to the question of supersession. The very idea of having Local Board is to teach our people the administration of local affairs, so, if the Local Board affairs are run by the Government by way of supersession the real idea of having a Local Board is done away with at the root.

Again for the fault of the Chairman or Vice-Chairman or any other member of the Board, the entire body is taken up by Government—it simply means condemning the whole electorate. So, Sir, instead of supersession by the Government, it is better that the Local Board is dissolved if a satisfactory explanation does not come in time or the explanation is not satisfactory.

On these grounds, I would urge the hon. Members of the House to accept this amendment.

The CHAIRMAN: The Motion moved is that for clause 92, the following shall be substituted:

"92. Where a Local Board—

- (a) is not competent to perform, or persistently makes default in performing, the duties assigned to it by Law, or
- (b) exceeds or abuses its power so assigned to it, the State Government shall, after giving the Local Board an opportunity for submitting an explanation in regard to the matter, by notification, stating the reasons for its order, dissolve the Board if the explanation so submitted is not satisfactory, or the explanation does not come forward within a prescribed period of time".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Chairman, Sir, I beg to oppose this amendment. The reason is that Government have already contemplated those exigencies as envisaged in the amendment. The words are rather important. "Where a Local Board is not competent to perform, or persistently makes default in performing, the duties assigned to it by law". It is not for one instance or two instances of perversion that the Government will take recourse to supersession for taking over a Board under its own control. When it is found that the Board is not in a position to carry on the duties assigned to it by the Act and when there is no possibility that the affairs of the Board could be run by its members, it is then and then only that Government will take recourse to supersession. There is an alternative power of dissolution. There is no bar if Government find that under the circumstances the dissolution of the Board will be better course. There is a provision by which dissolution can be affected. The amendment that has been moved by my Friend, Mr. Choudhury, is already there in the clause and therefore the amendment is something like redundant. Government have already provided all the alternatives. They have provided for supersession and in the alternative, to dissolve the Board and make fresh election. This provision is there already. Mr. Choudhury's amendment is already embodied in the clause.

With these words, I would request the Mover to withdraw his Motion.

Mr. CHAIRMAN: Will the hon. Member withdraw his Motion?

Shri RADHA CHARAN CHOUDHURY: Yes, Sir, if there is a provision for dissolution, I beg leave of the House to withdraw my Motion.

(The Motion stands withdrawn, with the leave of the House).

Shri MOHI KANTA DAS (Parliamentary Secretary): Mr. Chairman, Sir, I beg to move that in sub-clause (3) of clause 92, for the word "re-established" in the second line *substitute* the word "reconstituted".

There is no material alternation in my amendment. Only for better construction this new word is suggested. The sub-clause (3) reads, "On expiration of the period of supersession, the Board shall be re-established...". I want to make it, "on expiration of the period of supersession, the Board shall be reconstituted,...". It is for better construction only. I hope, the hon. Members will accept it.

Mr. CHAIRMAN: The Motion moved is that in sub-clause (3) of clause 92, for the word "re-established" in the second line *substitute* the word "reconstituted".

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Chairman, Sir, I have no objection to accept it as the word "reconstituted" appears to be a better word.

Mr. CHAIRMAN: The question is that in sub-clause (3) of clause 92, for the word "re-established" in the second line *substitute* the word "reconstituted".

The question was adopted.

I find that some of the Members are not agreed to continue the remaining business of the House today, so the remaining business of today will be taken up on the 30th and 31st March after disposal of business fixed for those days.

Adjournment

The Assembly was then adjourned till 10 A.M., on Monday, the 30th March, 1953.

SHILLONG :
The 16th September, 1953.

R. N. BARUA,
Secretary, Legislative Assembly, Assam.