

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 Thursday, the 9th April 1953.

P R E S E N T

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, the ten Ministers, the two Deputy Ministers, two Parliamentary Secretaries and eighty Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Dwelling houses and the Basti lands of the people of villages Gar Pandu-Kumarpara and Sadilapur

Shri RADHIKA RAM DAS asked :

*198. (a) Are Government aware that the dwelling houses and the Basti lands of the people of villages Gar Pandu-Kumarpara and Sadilapur have been taken possession of and requisitioned by the Military and then by the Assam Railway ?

(b) Have Government received representations from the local people for moving the Railway authorities for de-requisitioning these lands ?

(c) Do Government propose to move the Railway Authorities for de-requisitioning these lands so as to enable the people to construct their dwelling houses ?

Shri HARESWAR DAS (Deputy Minister) replied :

198. (a)—Yes, those lands were requisitioned under the Defence of India Rules during the last war for urgent Military purpose. Before the lands were derequisitioned the Military gave possession to the Railway along with the Military buildings thereon without the knowledge or permission of the State Authorities.

(b) & (c)—Yes, representations were received from the villagers to this effect and the Railway Authorities have been moved to vacate the lands and the matter is under correspondence with them.

Shri HARESWAR GOSWAMI: When were these lands taken up by the Railway ?

Shri HARESWAR DAS (Deputy Minister): After the war was over the Military handed over these lands to the Railway authorities.

Shri HARESWAR GOSWAMI: Is it not a fact that the Railway has relinquished these lands ?

Shri HARESWAR DAS (Deputy Minister): Possibly not. We have requested the Railway authorities to release these lands.

Shri HARESWAR GOSWAMI: Is it not a fact that the headquarters of the Railway have been removed from that place ?

Shri HARESWAR DAS (Deputy Minister): I am not concerned with that, Sir.

Shri HARESWAR GOSWAMI: Is it not a fact that those lands are now lying vacant ?

Shri HARESWAR DAS (Deputy Minister): I do not know, Sir, I require notice of that question.

Area of land acquired for the Gauhati University

Shri RADHIKA RAM DAS asked :

*199. (a) Will Government be pleased to state what is the total area of the land acquired for the Gauhati University at Jhalukbari up till now ?

(b) Will Government be pleased to state the number of families who will have to shift their dwelling houses from these acquired lands ?

(c) Have Government made alternative arrangements for providing these persons with Basti lands to enable them to shift their houses ?

(d) Do Government propose to leave out a portion of the acquired lands to enable the persons to shift their dwelling houses ?

(e) Do Government propose also to give cultivable lands to the people who have lost their lands by this acquisition and rendered landless ?

Shri HARESWAR DAS (Deputy Minister) replied :

199. (a)—An area of about 295 acres has been acquired up till now.

(b)—92 families.

(c) & (d)—Yes, Deputy Commissioner is taking action to open a village grazing reserve at Maj-Jhalukbari for settlement with these people.

(e)—The people are being given monetary compensation for their lands acquired. The question of allotment of cultivable lands will be considered by Deputy Commissioner on individual application.

Shri RADHIKA RAM DAS: What is the amount of land going to be dereserved at Maj-Jhalukbari ?

Shri HARESWAR DAS (Deputy Minister): I refer the hon. Questioner to Starred Question No.144, there details are given dealing with the same matter.

Shri RADHIKA RAM DAS: There the area of land was not given.

Shri HARESWAR DAS (Deputy Minister): It is a vast area and this was dealt with in that Question.

Mr. SPEAKER: What is the Question called by Mr. Radhika Ram Das ?

Shri HARESWAR DAS (Deputy Minister): No, it was put by Mr. Hareswar Goswami.

As it will not be possible to reply to the Question now, I will supply the hon. Member with the information later.

Shri RADHIKA RAM DAS: Is it a fact that Maj-Jhalukbari Reserve is a low-lying area and unfit for habitation ?

Shri HARESWAR DAS (Deputy Minister): It is fit for residential purpose.

Shri HARESWAR GOSWAMI: Is it the contention of the Deputy Minister that the grazing reserve is no longer required as such ?

Shri HARESWAR DAS (Deputy Minister): No, Sir, that is not my contention.

Shri HARESWAR GOSWAMI: Whether this grazing reserve will not be required for grazing purpose by other people ?

Shri HARESWAR DAS (Deputy Minister): It is a Village Grazing Reserve. There is no such representation.

Shri RADHIKA RAM DAS: Is it a fact that some people have opposed the dereservation of this grazing reserve ?

Shri HARESWAR DAS (Deputy Minister): No, we have not received any objection.

Shri HARESWAR GOSWAMI: Will these 92 families be given equivalent land in that Reserve ?

Shri HARESWAR DAS (Deputy Minister): They will be given compensation for the lands taken from them. In this Reserve sufficient land for residential purpose only will be given.

Supply of Paddy on credit to certain Mills by Government during the years 1948-49, 1949-50 and 1950-51.

Shri HARESWAR GOSWAMI asked :

- *200. Will the Minister of Supply be pleased to state—
- Whether it is a fact that the Government of Assam supplied on credit paddy to certain mills in the years 1948-49, 1949-50 and 1950-51 ?
 - If so, what was the total amount of paddy supplied and what will be its valuation ?
 - What are the names of the mills concerned and their proprietors ?
 - How much of the paddy or its equivalent value have since been repaid ?
 - What actions Government have taken to realise the unpaid money ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

200. (a)—Yes.
- (b)—A quantity of 1,96,954 maunds paddy involving Rs.17,72,653-7-0.
- (c)—A list showing the names of the mills and their proprietors has been laid down on the Library Table.
- (d)—So far an amount of Rs.16,59,262-5-0 has been realised. There was however no realisation in the shape of paddy.
- (e)—Primarily by persuasion and by adjustment in the pending bills for payments. Government are also contemplating to take legal action against the defaulters and in this connection notices have been served on them demanding clearance of their liabilities.

Shri HARESWAR GOSWAMI : It appears that out of the money about 2 lakhs of rupees have not been realised.

Shri BAIDYANATH MOOKERJEE (Minister) : No, Sir, the balance was Rs.1,13,391-2-0 and not about 2 lakhs. But for the information of the House, I can give the latest figure which I received after sending the replies of this Question to the Assembly Department. The present position is this, that Rs.89,561-9-6 is still outstanding and not two lakhs.

Maulavi MUHAMMAD UMARUDDIN : Was any security taken ?

Shri BAIDYANATH MOOKERJEE (Minister) : The mills and their owners and partners are there. It is quite clear that the money is being gradually realised and Government is taking steps necessary for the purpose.

It is quite clear from the replies given that the amount has practically been realised. Now it is a question of only four or five parties and from them also money is being realised every month.

Shri RANENDRA MOHAN DAS: We do not want any explanation. We want to know whether any security was taken?

Mr. SPEAKER: No explanation is necessary.

Shri BAIDYANATH MOOKERJEE (Minister): This is why the other day I passed some remark, Sir.

Shri BIMALA KANTA BORA: May I know to which districts the mills belong ?

Shri BAIDYANATH MOOKERJEE (Minister): So far as I remember, they belong to Kamrup and Darrang districts. A list of the mills has been placed on the library table.

Shri HARESWAR GOSWAMI: We find that about 1,96,000 maunds of paddy were given to these mills. What will be the money equivalent of this amount of paddy ?

Shri BAIDYANATH MOOKERJEE (Minister): I have already given that figure in the reply.

Shri BIMALA KANTA BORA: Is it a fact that some of these mill-owners have left this Province ?

Shri BAIDYANATH MOOKERJEE (Minister): Government have no such information. Sir, but there is some difficulty about one mill.

Shri HARESWAR DAS (Diputy Minister): Sir, I have got the area of the Maj-Jhalukbari Reserve (referring to in Starred Question 199). The area is 1529 bighas, 4 kathas and 4 lechas.

Mr. SPEAKER: Thank you.

Resolution from the All-Assam Refugee Association with regard to some episode relating to the refugees of Kurua Chapari.

Shri HARESWAR GOSWAMI asked :

*201. (a) Will Government be pleased to state whether they have lately received any copy of resolution from the All-Assam

Refugee Association with regard to some episode relating to the refugees of Kurua Chapari regarding Shri Girin Choudhury ?

(b) Have Government enquired into the alleged mis-expenditure of money by Shri Girin Choudhury ?

(c) Is it a fact that Rs.13,000 was given to Shri Girin Choudhury for the aid of refugees in Kurua Chapari ?

Shri MOTIRAM BORA (Minister) replied :

201. (a)—Some letters from the All-Assam Refugee Association regarding rehabilitation of some refugees on the land of Shri Girin Choudhury at Kurua Chapari were received.

(b)—Yes, an enquiry has been made but it is not completed as yet as the enquiry on some points is still pending.

(c)—On the strength of a registered power of attorney executed by some refugees in favour of Shri Girin Choudhury an amount of Rs.22,500 was paid to him, the same being sanctioned as loan to those refugees who were settled in his farm. Shri Choudhury had paid Rs.18,500 to the refugees and refunded Rs.4,000 to the Additional Deputy Commissioner, Kamrup as the refugees for whom the amount was meant had left his farm subsequently.

Maulavi MUHAMMAD UMARUDDIN: Is there any other instance in which a person who is not a refugee has been given money on the strength of the power of attorney given in his favour by some refugees ?

Shri MOTIRAM BORA (Minister): No, Sir, not to my knowledge.

Maulavi MUHAMMAD UMARUDDIN: Is this then the only case ?

Shri MOTIRAM BORA (Minister): Yes, Sir, this is probably the only case.

Shri JADAB CHANDRA KHAKLARI: কিছুমান মানুহে ভগনীয়া আখ্যা লৈ মিছাকৈ কিছুমান টকা ভগনীয়াখণ লৈ এই ৰাজ্যৰ পৰা পলাই পাকিস্থান-লৈ যোৱা সচানে ?

Shri MOTIRAM BORA (Minister): সদ্যহতে সেইটো প্ৰশ্নৰ উত্তৰ দিয়া টান। কাৰণ উল্লিখিত প্ৰশ্নৰ সৈতে এই প্ৰশ্ন অপ্ৰাসঙ্গিক।

UNSTARRED QUESTIONS

(To which Answers were laid on the table)

Present Commissioner of Excise

Shri MAL CHANDRA PEGU asked :

167. Will Government be pleased to state—

(a) For how many years the present Excise Commissioner is holding that post ?

(b) The reason why he has been kept in that post for so many years ?

Shri SIDDHINATH SARMA (Minister) replied :

167. (a)—For about 2½ years with effect from 7th October 1950 and held this post for about 2 years during 1946-48. During the period intervening he was on leave and held other posts.

(b)—Does not arise.

Shri MAL CHANDRA PEGU: What is the name of the officer who served as Excise Commissioner during the period while the present Excise Commissioner was on leave.**Shri SIDDHINATH SARMA (Minister)**: Mr. Chakravarty and Mr. Aghore Bhattacharya officiated during that period, as far as I know.**Shri MAL CHANDRA PEGU**: What was the reason for re-posting the present Excise Commissioner in that post ?**Mr. SPEAKER**: Why ? After expiry of the leave the officer will naturally rejoin his substantive post.**Shri MAL CHANDRA PEGU**: Will Government be pleased to transfer the present Excise Commissioner to some other Department.**Mr. SPEAKER**: Why ?**Shri MAL CHANDRA PEGU**: Because this post is a lucrative post (*laughter*).**Mr. SPEAKER**: I disallow this question.**Shri JADAB CHANDRA KHAKLARI**: এনেকুৱা এটা post ত এজন মানুহক এনেকৈ বহুদিন বখাত বহুতো মানুহৰ আপত্তি হৈছে। গতগৈয়ে এই বিষয়ে কি কৰিছে ?**Mr. SPEAKER**: মাজতে বহুদিন ছুটিত আৰু আনকামত আছিল বুলি কৈছে।**Shri SIDDHINATH SARMA (Minister)**: ইতিপূৰ্বে এবাৰ আট্ট বছৰ কাৰণে আছিল তাৰ পিচত তেওঁ ছুটিত আৰু আন কামত আছিল তাৰ পিচত ১৯৫০ চনৰ ৭ অক্টোবৰৰ পৰা মাত্ৰ দুবছৰহে আছে। মই উল্লিখিত প্ৰশ্নোত্তৰতেই কৈছো।

Number of Refugee Families in the district of Cachar

Shri HARESWAR GOSWAMI asked :

168. Will the Minister-in-charge of refugee rehabilitation be pleased to state—

- (a) The total number of refugee families in the Cachar district according to the last enumeration ?
- (b) How many of such refugees have been provided with—
 - (i) land,
 - (ii) with industrial occupation ; and
 - (iii) with other services ?
- (c) How much money has been given as loan and other relief to the refugees ?
- (d) Since when the State Government have taken over charge of refugee rehabilitation in Cachar and how much money they have spent up till now ?

Shri MOTIRAM BORA (Minister) replied :

168. (a)—93,349 persons (or 18,670 families approximately) according to the 1951 Census.

(b)—(i) 6,241 families (31,205 persons approximately).

(ii) Nil.

(iii) 340 persons.

(c)—As loans—Rs.1,08,25,202-8-0 (including I. T. A. loan Rs.17,50,000).

As relief—Rs.21,01,881.

(d)—Since 15th February, 1953. From 15th February, 1953 to 15th March, 1953 a sum of Rs.1,62,256 (*viz.*, Relief Rs.17,214, Rehabilitation Rs.20,042 and loan Rs.1,25,000) has been spent in Cachar.

Shri HARESWAR GOSWAMI: May I know whether there has been any new influx of refugees after 1951 ?

Shri MOTIRAM BORA (Minister): Yes, Sir, there was some influx when the passport system was introduced.

Shri HARESWAR GOSWAMI: Has the Minister got any information as regards their number ?

Shri MOTIRAM BORA (Minister): No, Sir, I cannot give a definite figure.

RAJA AJIT NARAYAN DEB of Sidli: Are they going to be recognised as refugees ?

Shri MOTIRAM BORA (Minister): To all intents and purposes they are recognised as refugees.

Shri HARESWAR GOSWAMI: With regards to (b) (ii), were there no refugees having some industrial bent of mind ?

Shri MOTIRAM BORA (Minister): Their cases are dealt with directly by the Rehabilitation Finance Corporation of the Government of India.

Settlement of Land in Gauhati Town two years ago

Shri RADHA CHARAN CHAUDHURY asked :

169. (a) Is it a fact that Government had realised premium and road construction money from the persons to whom settlement of lands was given in Gauhati town two years ago ?

(b) If so, why Government has not constructed the roads so long ?

(c) Is it a fact that those persons had to pay the amount within three months from the date of notice and to fill up the land in two years according to the terms of the Government notice ?

Shri MOTIRAM BORA (Minister) replied :

169.(a)—Yes, from most of them.

(b)—Out of the 11 planned-settled areas road construction has a practically been completed in 5, it is nearing completion in two ; in four areas alone road construction has not yet been started. This is because of the fact that these areas comprise of deep *beels* where roads can be constructed only after proper planning after making suitable provisions for drainage and culverts with a view that the hygienic and sanitary conditions of the localities are improved thereby and not impaired, for which purposes expert advice is considered necessary. Public Works Department was approached but they were so busy that they could not take up the work up till now. The matter is engaging serious attention of the Government.

(c)—Yes.

Shri RADHA CHARAN CHAUDHURY: With regard to (c), how will the allottees fulfil the condition of filling up the lands in two years when Government have not been able to construct the roads ?

Shri MOTIRAM BORA (Minister): This is why Government have not been stringent on those people. No allotment has been cancelled on that account.

Shri RADHA CHARAN CHAUDHURY: Under the circumstances will Government extend the time if necessary ?

Shri MOTIRAM BORA (Minister): This will automatically be done. Since Government have not been able to construct the

roads how can we expect them to develop the areas allotted to them ?

Shri HARESWAR GOSWAMI: Is it not a fact that in many cases actual possession has not been given to the allottees ?

Shri MOTIRAM BORA (Minister): Possession was given but it is difficult to give actual possession over water (*laughter*).

Protection of Mahur Bazar against erosion by the Diyung

Shri JAYBHADRA HAGJER asked :

170. Will Government be pleased to state—

(a) if Government have lately received a representation for protecting Mahur Bazar against erosion by the Diyung ;

(b) if so, what action has been taken thereon ;

(c) if any estimate has since been made ; and

(d) whether Government intends taking up the work ?

Shri SIDDHINATH SARMA (Minister) replied :

170. (a)—No.

(b) & (c)—Does not arise.

(d)—No. The present policy of the Government generally is not to incur expenditure in protecting town (or village) areas from erosion of rivers unless Government property is involved.

Mahur-Kalachand Project

Shri JAYBHADRA HAGJER asked :

171. Will Government be pleased to state—

(a) if it is a fact that of the two items of the *Mahur-Kalachand Project* only one is being taken up ;

(b) if so, the reasons therefor ; and

(c) whether Government propose to take up a similar project elsewhere with the resultant savings ?

Shri SIDDHINATH SARMA (Minister) replied :

171. (a) & (b)—Yes. Work of irrigating Kalachand area has been taken up at a cost of Rs. 72,000 as Phase I. There are certain technical difficulties in irrigating the area on the left bank of the River, in Salikantipur area, particularly before completing the works on the right bank in Kalachand area. Hence the second part of the scheme will be taken up, if found feasible, after the 1st part is completed.

(c)—Savings from one project is not available for another. But other projects elsewhere may be taken up independently if funds permit and the scheme a productive one.

Land in the Deroi Forest Reserve

Shri SARJU PRASAD SINGH asked :

172. (a) Is it a fact that the remaining portion of 1,500 bighas of Rupit land in the Deroi Forest Reserve are still remaining fallow ?

(b) Is it a fact that out of 3,000 bighas of Rupit and 1,100 bighas of Basti land only 1,500 bighas are under actual cultivation ?

(c) If so, to how many families this area of 1,500 bighas was given ?

(d) Is it a fact that most of the allottees of land in this Forest reserve have not turned up and brought the remaining 2,600 bighas of land under cultivation ?

(e) What step Government is taking for the remaining 2,600 bighas of uncultivated land of this reserve being cultivated ?

Shri RAMNATH DAS (Minister) replied :

172. (a), (b), (c), (d), & (e)—The position stated by the hon. Member is not correct. The actual position is as follows:— Out of 3,000 bighas of Rupit and 1,100 bighas of Basti land, 2,300 bighas Rupit land are under actual cultivation and 765 bighas Basti land have already been occupied. The remaining total area of 1035 bighas allotted to 50 (fifty) flood affected families of Panidehing and 17 (seventeen) landless families have not yet been occupied. Time has been given upto 31st March to flood affected people only and the allotment to original 17 landless families has been cancelled and this land re-allotted to new local landless allottees.

Amounts sanctioned by Central Government for help of the displaced Muslims of Assam.

Jonab SHAHADAT ALI MONDAL asked :

173. (a) Is it a fact that the Central Government have sanctioned a sum of Rs. 27 lakhs for the help of the displaced Muslims of Assam ?

(b) If so, has the sum been distributed to them ?

(c) If not, why ?

(d) Do Government propose to keep the undisbursed sum or distribution next year ?

Shri MOTIRAM BORA (Minister) replied :

173. (a) & (b)—No specific amount was sanctioned by the Government of India for the help of the displaced Muslims. What was sanctioned by them was that a sum upto Rs. 200 might be given per family to those displaced Muslims who had migrated from Assam to Pakistan and had returned to Assam by 31st December 1950. Actual expenditure on such loans totalled to a sum of Rs. 26,85,380. This loan was given in 1950-51 in addition to gratuitous relief at the rate of Rs. 3 per adult and Rs. 2 per child per week totalling to a sum of Rs. 30,000.

(c)—Does not arise.

(d)—There is obviously no undisbursed sum in the amount mentioned in reply to (a) & (b) above. Government of India however sanctioned a sum of Rs.11,437 under 'Relief' and Rs.22,600 under 'Loans' towards the end of the financial year 1952-53 for both the Muslims and non-Muslims who had suffered from the communal disturbances. The amounts could not be spent within the financial year as they were received too late. The actual amounts required for the purpose will however be reported to the Government of India for renewal of sanction in 1953-54.

Total amount of investment in Rangapahar Saw Mill

Shri HARIHAR CHOUDHURY asked :

174. Will Government be pleased to state—

(a) The total amount of investment in Rangapahar Saw Mill ?

(b) What has been the amount of profit or loss during past five years stating the figures year by year ?

Shri RAMNATH DAS (Minister) replied :

174. (a)—Rangapahar Saw Mill was running as a private concern. It was used by the Forest Department for conversion of logs supplied by the Department and the sawn timber used to be marketed departmentally. As such there was no Government investment in the Saw Mill.

(b)—Does not arise.

Stolen rice recovered from the store room of Croziers' Agency

Maulvi MOINUL HAQUE CHOUDHURY asked :

175. (a) Is it a fact that stolen rice of the Government godown was lately recovered from the store room of the Croziers' Agency belonging to the present Chairman of the Silchar Municipal Board

by the Police, the key of which was found with the Chairman himself and a police case was started in that connection.

(b) Will Government be pleased to state why the said Chairman was not prosecuted by the Police in the aforesaid case?

(c) Is it a fact that the Deputy Commissioner, Cachar subsequently directed the Deputy Director of Procurement, Cachar to start a separate prosecution case against the Chairman of the Silchar Municipal Board under the Assam Foodgrains Control Order for illegally acquiring and possessing Government rice?

(d) If so, why no such prosecution was launched till now?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

175. (a)—Yes, Government's rice was recovered from the store room of the Croziers' Agency. This is a limited concern and does not belong to the Chairman, Silchar Municipality who is, however, one of its Directors at present. As regards the key Government have no information from whom it was recovered. However, a report has been called for.

(b)—According to Police report the present Chairman of the Silchar Municipal Board was not found involved in the theft and as such he could not be prosecuted.

(c) & (d)—Yes, the Deputy Commissioner so directed, but when legal opinion was taken it was advised that as the matter was already in the seisin of the Court no separate charge on the same facts could be brought under the Assam Foodgrains (Foodstuff) Control Order. The Deputy Commissioner concurred with this view and the matter was therefore dropped.

Shri NANDA KISHORE SINGHA: Will Government please state whether the theft of Government rice and the possession of it are not separate offences?

Mr. SPEAKER: That is for the lawyers to reply.

Shri BAIDYANATH MOOKERJEE (Minister): But the reply is already there, Sir, it is this "Yes, the Deputy Commissioner so directed, but when legal opinion was taken it was advised that as the matter was already in the seisin of the Court, no separate charge on the same facts could be brought under the Assam Food-grains (Foodstuff) Control Order. The Deputy Commissioner concurred with this view and the matter was therefore dropped".

Adjournment Motion *re*: action of the Embankment and Drainage Department in diverting the current of the Namdang River in Sibsagar Subdivision

Mr. SPEAKER : I have got notice of Adjournment Motion*. I would like to hear the Leader of the House about the admissibility of the Motion.

Shri BISHNURAM MEDHI (Chief Minister) : Mr. Speaker Sir, the subject matter of this Motion was raised by Shri Gauri Sankar Bhattacharya on the 26th March, 1953 in connection with a Cut Motion on the Embankment and Drainage Grant, and as such the Adjournment Motion cannot revive discussion on the same matter in the same session. As a matter of fact, we have instructed the Executive Engineer to submit his report and also the Chief Engineer, who is on that side now, has been telegraphically directed to enquire and look into the matter and take necessary action.

Sir, all possible action has been taken by Government in this matter. Government issued instructions to the senior Officers of the Public Works Department to look into the matter and do the needful at once. So all possible action has been taken by the Government and there is no latches on the part of the Government in this matter.

Shri HARESWAR GOSWAMI : Sir, the flood occurred on the 2nd April and the news has been published in the Natun Assamiya, a local daily newspaper. I verified the news from the Members of Sibsagar and they have stated that the news is true. It has rendered quite a lot of people homeless. This is a matter of public importance, and if the matter is discussed outside the House, then we shall be doing injustice to the public. Therefore the matter needs to be discussed here.

Mr. SPEAKER : I find the matter is in order.

The Adjournment Motion is, "That the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, viz., ill advised action of the Embankment and Drainage Department in diverting the main current of the Namdang river without foreseeing its probable consequence and causing thereby unprecedented flood to thousands of bighas of land in Gerengapathar and Rupahipathar of Sibsagar Subdivision since 2nd April last resulting in extensive damage to crop, communications and property in

*Shri HARESWAR GOSWAMI to move—

"I beg to move that the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, viz., ill advised action of the Embankment and Drainage Department in diverting the main current of the Namdang river without foreseeing its probable consequence and causing thereby unprecedented flood to thousands of bighas of land in Gerengapathar and Rupahipathar of Sibsagar Subdivision since 2nd April last resulting in extensive damage to crop, communications and property in this driest part of the year and endangering thereby widespread resentment of the affected people."

this driest part of the year and endangering thereby widespread resentment of the affected people."

The statement in this connection will be read by the Secretary.

THE SECRETARY TO THE ASSEMBLY (Shri R. N. BARUA): I read out the statement, which is as follows:

"Since 2nd April last about 12 thousand bighas of land in Gerengapathar and Rupahipathar of the Sibsagar Subdivision are under deep water. This flood is unusual in this driest part of the year. The immediate cause of the flood appears to be the diversion of the main current of the Namdang river through Mitong. In consequence, the Ahu crop has been extensively damaged and the Daman road near Jaysagar has remained closed for the last six days. Moreover for the last few days due to the sudden rise of water, grazing of cattle in this area has been prevented leading to hardship to the people concerned. This is the second instance of the irresponsible and careless work done by the Embankment and Drainage Department in Sibsagar. Consequently there is a great uproar and resentment of the people against such work of the Government."

Maulavi FAIZNUR ALI: How could the Secretary read the Statement, Sir? It should have been read by the Speaker.

Mr. SPEAKER: I have delegated it to the Secretary to read it out.

Shri BISHNURAM MEDHI (Chief Minister): As there is no latches on the part of the Government, and since prompt action has been taken in the matter, I do not find any necessity of the Adjournment Motion.

Mr. SPEAKER: Has he got the leave of the House?

(At this stage, all the Members in the Opposition, numbering 11 rose in their seats in support of the Motion but as the required number did not stand up, the Speaker declared that the hon. Member had not the leave of the House to move the Adjournment Motion).

Maulavi FAIZNUR ALI: Before you had read the statement, there was some discussions by the Chief Minister and the Mover of the Motion, but I am afraid the House could not follow them. Every Member in the House has a right to take part in such discussion.

Mr. SPEAKER:: The Leader of the House objected to the Motion, and therefore the leave of the House had to be taken. Probably you have not heard properly my speech and the statement of the Leader of the House. It might be due to the defect in the mikes that our voices could not be heard properly. I am sorry for this that our voices were not loud.

The Assam (Temporary-Settled Districts) Tenancy (Amendment) Bill, 1952

Mr. SPEAKER: We shall now take up item No.12, *i.e.*, consideration of the Assam (Temporary-Settled Districts) Tenancy (Amendment) Bill, 1952.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, as there was no further amendment, I beg to move that the Assam (Temporary-Settled Districts) Tenancy (Amendment) Bill, 1952, be passed.

Mr. SPEAKER: Motion moved is that the Assam (Temporary-Settled Districts) Tenancy (Amendment) Bill, 1952, be passed.

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

The Assam Maintenance of public Order (Extension to Autonomous Districts) Bill, 1953

Mr. SPEAKER: Now we shall take up the consideration of the Assam Maintenance of Public Order (Extension to Autonomous Districts) Bill, 1953, clause by clause.

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I beg to move that for sub-clause (2) of clause 1, the following shall be substituted:—

“(2) It shall extend to those of the Autonomous Districts specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution the District Councils of which move the State Government for its extension”.

Sir, the purpose of this amendment is very clear. I want to say that the question as to whether this Bill should be in operation in the Autonomous Districts or not should be decided primarily by the District Councils themselves. Because, as we know this Bill is an extraordinary measure and it is only in extraordinary circumstances that such an Act should be there in the Statute Book. So far as our knowledge and information goes, there are no such extraordinary circumstances in the Autonomous Districts, but if there be any, it should be for the District Councils themselves to say so. The District Councils themselves should appreciate and move the Provincial Government that such a measure has been necessary in the

areas. Our Constitution seeks apparently to provide the maximum possible amount of autonomy to these districts. Also our Constitution apparently seeks to honour and preserve the local initiative and genius of the Autonomous Districts. As we know, they have got certain institutions of their own which have evolved through ages and which are much more democratic than many other institutions of the plains districts. Therefore, we can very reasonably expect that if the matter be left in the hands of the District Councils themselves, their liberty will be best served, Sir. Moreover, there has already been created some amount of suspicion in the minds of most of the sections of these Autonomous Districts as to the intention of the Provincial Government as well as to the intention of the Plains people towards their institutions and towards their way of life. If such extraordinary piece of legislation be imposed on them without their prior consent or without having had their consultations, this suspicion is likely to be still deepened. That will be a bad thing to the harmonious development of our State and to the development of co-operation between the Plains and Hills people. Therefore, with a view to remove all causes of suspicion and with a view to develop autonomous feeling and experience in these District Councils, which are quite new organisations, it is only meet and proper that the initiative should be left in their own hands.

Mr. SPEAKER: Mr. Bhattacharyya, will you kindly read the amendment?

Shri GAURISANKAR BHATTACHARYYA: Yes, Sir.

That for sub-clause (2) of clause 1, the following shall be substituted:—

(2) "It shall extend to those of the Autonomous Districts specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution of the District Councils of which move the State Government for its extension".

So, Sir, in order to remove any cause of doubt or suspicion or resistance it is necessary that the initiative should be left in the hands of the District Councils themselves. Because, just at the moment there are no such urgent and extraordinary circumstance which warrant that the Government should take immediate steps to do something here and now. The position of law and order and existence and development of society as a whole and particularly in the Autonomous Districts will thereby be endangered. Therefore, the Government should not be in hurry. They should leave the matter primarily to the initiative of the District Councils. In that case the District Councils will get encouragement and they will feel, "We are not merely some magnified Local Boards, but we are somebodies which have got some initiative and which really have

some support of the people". They will really get an opportunity to bring certain measures which are to the interest of their people.

As these institutions have only recently been started, this sort of encouragement to them is absolutely necessary. Moreover, in order to strengthen and develop a spirit of confidence, a spirit of reliance on these institutions from the side of our Tribal people, such initiative is all the more necessary.

We know that many of us are very keen about a closer link between the Plains and Hills people. But that closer co-operation, harmony and solidarity can be had and preserved only by a real understanding and feelings and aspirations of the Tribal people. These feelings, aspirations and urges of the Tribal people are sought to be developed through these District Councils. If that be so, then there is no reason why these District Councils should not be taken into confidence, and why their own initiative for the operation of such a measure should not be taken. If on the contrary, this is overlooked, if we go to take a measure without prior consent with these District Councils, this will lead to every cause of suspicion. They are therefore naturally led to think their *bona fide* intention. These District Councils, and as a matter of fact the entire Tribal people will then begin to feel that their so-called autonomy is a misnomer.

Because I belong to the Plains people, who constitute the majority in the State Legislature and who, as a matter of fact do the State legislation, I think, it is our responsibility to see to the interest of the Tribal people. Ours is not a question to take the white man's burden. It is a question of dealing with the backward Tribal people. It is a question of dealing with them as our own brothers. It is a bounden duty on our part to respect and honour their own institutions.

Because I come from the Plains, and yet having some knowledge, some study about the Hills institutions, I am proud to say of our Hills brothers and sisters that they have got democratic feelings, they have got a democratic way of living, they have got their democratic sentiment and institutions, they have got democratic ideals and they have been living such a democratic life for ages together. So, Sir, if we go to impose these things on them and impose our line of thinking on them without prior consultation with them, there will crop up such cause of suspicion, that the Hills people will begin to think that we are going to pull them down, we are going to impose repressive measures on them. Sir, the Hills people will then not respect us, they will not respect our feeling and solicitudes for them. Rather a feeling of hatred is bound to come from our Hills people, they will begin to think that those who

constitute the majority of the population in the Plains have come to impose things which the people of the Hills have not heard before and so, Sir, the feeling of brotherliness may also disappear. As a matter of fact, Sir, the community feeling among the Hills people is much better developed than among ourselves. Sir, though I do not come from the Autonomous Districts, yet it is my bounden duty to place it before this House that it is not yet a proper time to impose these things on the Autonomous Districts; we can leave these things primarily in their own hands, in their own initiative. As at this moment there is no such extraordinary circumstances, there is no such emergency to impose all these things on the Hills people just at this moment. We may wait, if necessary, for a few months. Within this short span of time there will not surely be such great difficulty that the Hills people will not be able to tackle with the existing laws like the Indian Penal Code, the Criminal Procedure Code, etc., which are at present applicable to the Autonomous Districts. As the present situation is normal, we should not think that these existing laws will not be sufficient for the Autonomous Districts to tackle the present situation. - Therefore, Sir, I think it will be meet and proper if the extension of this Act be left to the initiative of the respective District Councils. I think, Sir, such a step is absolutely necessary. If that be done, there will be no cause of misapprehension and misunderstanding between the Hills and the Plains people and thereby will grow a better understanding, better feeling and the spirit of fraternity between the Plains and Hills people and our State will be built up as a consolidated, united and progressive State.

With these few words Sir, I move my motion for the acceptance of this House.

Mr. SPEAKER: Amendment is that for sub-clause (2) of clause 1, the following shall be substituted:—

“(2) It shall extend to those of the Autonomous Districts specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution, the District Council of which move the State Government for its extension.”

Shri RANENDRA MOHAN DAS: Mr. Speaker, Sir, I rise to support the amendment moved by my Friend, Mr. Bhattacharyya. Sir, in the earlier stages of this Bill, it was thoroughly discussed and also I had taken part in the discussion that it is not at all necessary

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fort he extension of this repressive measure to the Autonomous Districts. Sir, I won't take much time of the House, simply I want to know from you what is the meaning of 'autonomy'. If autonomy is independence or something like that as it is found in the dictionary, then I would like to say one word. Sir, our Constitution which is a democratic one has given autonomy to the Tribal people, and there is provision in the Constitution that there should be formation of the Autonomous District Councils for the administration of those areas. I think by the passing of this Bill our Government here want to take away the rights and privileges given by the Constitution to these Hills people by back door. This, Sir, reminds me of the independence which the British Government wanted to give to India 20 years back, by giving the power in the one hand and taking back the same by another hand. Sir, the same feeling is now being felt here in this House so far the Autonomous Districts are concerned. Sir, my Friend, Mr. Bhattacharyya, has discussed thoroughly that instead of creating some misapprehension and suspicion in their minds, why should we not try to give the power to District Councils, so that they may consider themselves whether it is necessary for them to have these repressive measures among themselves? Thereby it will be without creating any suspicion in the minds of the people of the Tribal areas, particularly I mean the Autonomous Districts. Government should see how these people fare and face the situation. It is not necessary that such a repressive measure should be passed at once. Let us see what our brothers in the District Councils be given powers so far as the imposition of this Act is concerned. If there is trouble, if there is difficulty among themselves, and only if they consider such an Act necessary and if they give their views and recommend for the passing of such an Act, Government can take step at that moment. Sir, we know that it has been provided in the Constitution and our Prime Minister has said many times that the administration of the Hills peoples should not be disturbed, and no power should be forced upon them. They are a simple people, they have their democratic way of living, they have more democratic institutions in their areas. We, the people of the Plains, Sir, should extend our helping hand for the administration of those areas. So if this Bill is passed, I am forced to say that the instructions given by the Prime Minister would be ignored. So, Sir, I feel that instead of forcing this repressive measure on the Hills people, let us see, let us give them power to consider and run their own administration themselves, and if they fail to run the administration properly, there is every power in the hands of Government to pass this legislation. With these few words, Sir, I support the amendment moved by my Friend, Mr. Bhattacharyya.

Mr. HARRISON MOMIN: Mr. Speaker, Sir, I rise to speak just a few words in support of the Motion regarding extension of this Bill to the Autonomous Districts. It is not known why this proposed Act has not been extended to these areas up to this day. It may be that in the old days, in the hills, our people were more simple, more Godfearing, honest and upright than we the people of the present age. Sir, it was in the old days, our people hated much more the evil things such as stealing, cheating and such other evil things than the people do in the present age. Those were the days when basketful of paddy, millets, maize and such other field produce could be kept by the road-side in the jungles for nights together without fear of the articles being stolen away. But to-day a piece of cloth, a cake of soap or a dao if left behind, will disappear within an hour or two. Sir, in the old days our people have very little opportunity to mix with other people from the outside. But to-day we freely mix with people of different races and tribes, and by coming in contact with them many good things as well as most evil things have been learnt by our people. In the old days our people could easily be cheated and exploited, but to-day our people can cheat the outsiders as much as they were cheated. For the people of those old days no hard and fast rules to guide them to lead their simple lives were necessary, but to-day for the preservation of peace and of law and order, something is to be done and in order to achieve that purpose it is necessary that this Act should be extended to our District. On that ground I support the original Motion for the extension of this measure to the Autonomous Districts and oppose the amendment.

Secondly, while this Act was to be enforced in all other parts of the State, there is no reason why our place should be excluded. There should be uniformity throughout the State. Our place should not serve as a place of refuge for the miscreants... (*Applause from the Treasury Benches*)--On this ground also, Sir, I support this Bill and oppose the amendment. Thirdly, Sir, when the proposal for introduction of this Bill for extension of the Act to our place was sounded to our people, there had been some few and hesitation as to the acceptance of this Bill by our people, because of the fact that the extension of this Act to our place may mean an additional power to the police to harass the people. But no matter whether the Act is extended or not, the way is open wide even now for them if they want to harass our people. But we have full confidence on this House and the Government, the leaders and the authorities concerned that they will see that this additional power given to the police under this proposed Act will not be misused.

With these few words Sir, I support the Bill and oppose the amendment moved by my Friend in the Opposition.

Mr. EMONSING SANGMA: Mr. Speaker, Sir, my Friend, Mr. Harrison Momin has spoken something about the past and about the life and circumstances under which our people in the past lived ; so I do not mean to repeat that story and shall not dwell with the past. Therefore, Sir, I want to speak something about the amendment moved by my Friend, Mr. Bhattacharyya. He said that this Bill should be left for consideration in the District Councils of the State and the reason he has given I think, so far I know, is baseless, Sir, Mr. Momin himself is one of the Executive Members of the Garo Hills District Council and he has opposed the amendment. Here I take my stand to say that these District Councils have no suspicion or no objection for the extension of this Act to our Districts. Sir, my Friends Mr. Bhattacharyya, and Mr. Das from the Opposition Benches had said that there will be suspicion amongst the people in the hills if this Act is extended. Is that true ? On the contrary we find that with the extension of this Bill, our people in the hills will be more secured and more protected, and they will be in constant touch and will have more confidence and reliance with their brethren in the Plains.

With these words Sir, I oppose the amendment moved by Mr. Bhattacharyya from the Opposition.

Mr. A. ALLEY: Mr. Speaker, Sir, I thought that I would not have to speak on this amendment. But I feel that I should also speak something on it. Sir, in consultation with my Friends I rather fancy an idea to call this Act as Assam Maintenance Public Order Act (Extension to Autonomous District) which is the short term of this Assam Maintenance of Public Order Act—I think it will be better to call all repressive Act by some such names. Sir, in any society we cannot have all good men. In a society there are bad men and therefore some repressive laws are necessary in order to get security in the country.

Sir, I do not suggest for a moment, that all the people in the hill areas are good people. They are not. There are bad people also in the Plains and similarly there are bad people in the hill areas as well. But that does not mean that those hill people are *anti-Government* or *anti-State*. Sir, it is my experience that some other people from the Plains are trying to use their influence in the backward hill areas. I do not know whether those people from outside belong to the Communist Party. I am not afraid of the Communist

ideas and I like it in the sense that I support the Community Project. I believe we can not progress unless the land belong to the community. Dr. Kumarappa, a Christian economist of Gandhian School while criticising the Five-Year Plan said that until the land belongs to community, the Five-Year plan may fail. This Act is not intended to punish legitimate political Propaganda by other Parties. It seeks to punish *anti-State* activities only. The Act may not come be used in the Autonomous Districts. My friend Mr. Bhattacharyya expressed some of the feelings which we also feel. But I do honestly believe that the Government has come forward with a right approach to protect and not interfere with tribal interest who are encouraged to develop themselves according to their genius and ability. For example, if there is any movement by which some people want to capture power illegally, that kind of movement should not be tolerate. I think this Act is not meant to oppress or repress any national or political feeling of the hill people or any movement in any quarter. But it is a measure to put a stop to such movement which is *anti-State*, which is prejudicial to the interest of the people as a whole. The Act does not say anything about matters prejudicial to the Government. It speaks on things only which go against the State, and which it is necessary to stop. Therefore, in my opinion, Mr. Bhattacharyya's contention is not relevant for this purpose of the Act. This is more a question of policy than amendment. I suppose Government knows its duty and will shape its policy accordingly. We all should appreciate it. Therefore, I think whatever Mr. Bhattacharyya said on this subject he said on the policy of the Government. I believe Government would certainly consult the District Council where consultation is necessary—on any matter arising now or in future. In some matters Government do consult us. For this purpose I say, therefore, that there is nothing in this Act which is bad for the tribal people. Supposing this Bill is not passed, what would be the result? The main Act then would remain applicable automatically in all places. This Bill is intended to apply absolutely in the autonomous districts so that law and order can be maintained there also properly. When the main Act is there already, I do believe that this measure is not opposed to the tribal people. For the purpose of the present amendment I do not want to speak anything more. But I think I shall have to speak something more when the subsequent clauses will come up for discussion.

I think the amendment of Mr. Bhattacharyya is not relevant and therefore I oppose the amendment.

Shri NARNA AYAN GOSWAMI Mr. Speaker, Sir, I do not think that the first part of the speech of Mr. Bhattacharyya is at all relevant when the subject was to discuss the Bill clause by clause. However, when he has put forward some argument, it is proper on our part to give a reply to some extent.

My Friend spoke something about the Partially Excluded and other Excluded Areas. But if he goes through the Statement of Object and Reasons of the Bill he will find that it is not a new policy. In the Statement of Objects and Reasons it is written: "The Assam Maintenance of Public Order Act, 1947 was extended to Tribal 'A' Areas which were formerly known as Partially Excluded Areas and Excluded Areas under the Government of India Act, 1935 by the notification under Section 92 of the said Act. All subsequent amendments to the Act were not so extended in all those areas nor the amendments made after the commencement of the Constitution were applied to the Autonomous Districts under Paragraph 19 of the Sixth Schedule. The Act therefore is in force in different forms in different areas. It is necessary to make amendments which were made to the Act as in force in the rest of Assam to make this law complete and comprehensive in Tribal 'A' Areas also. Instead of bringing in amending measures for this purpose which will obviously be different for the different areas, it is desirable to consolidate the law and incorporate the amendments in it as are considered necessary. It is therefore proposed to repeal the Assam Maintenance of Public Order Act, 1947 as in force in the Part 'A' Tribal Areas and make a self-contained law on the above subject."

While moving the amendment he has practically admitted that he is not totally opposed to it and he has accepted the principle of the Bill. In the Statement of Objects and Reasons it has been proved that to make this Act applicable in the Autonomous Districts this Bill has been brought to amend and consolidate the law relating to the maintenance of public order (in the Autonomous Districts).

Now, my submission is that the arguments that this Bill should not be brought into operation without the consent of the District Councils in the Excluded Areas do not hold good if one goes through the Statement of Objects and Reasons for this Bill.

My learned Friend said that we are going to touch the institutions of these areas, but he has forgotten that there is the Government of India and Central Legislature State Government, the State Legislature, and the District Councils, but does he not know that

there is limited functions of the Central Government, limited functions of the State Government and limited functions of the District Councils too. All the different Legislatures have different functions. Before bringing in an amendment of this kind, my submission is that he should have gone through the Constitution and amended the Constitution under Article 368. Unless he could amend the Constitution, what we are doing or what the Government is doing to co in this respect is logical and reasonable. That it is logical and reasonable to bring this Bill will be clear if my learned Friend goes through paragraph 3 of the Sixth Schedule, which says, "Powers of the District Councils and Regional Councils to make laws—(I) The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

(a) the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest, for the purpose of agriculture or grazing or for residential or other non-agricultural purpose or for any other purpose likely to promote the interests of the inhabitants of any village or town."

Maulavi MUHAMMAD UMARUDDIN: Is this relevant, Sir ?

Mr. SPEAKER: Yes, he is reading from the constitution.

Shri NARNARAYAN GOSWAMI: I want to show that the arguments put forward by my learned Friend that the operation of this Bill in those areas would spoil the institutions of District Councils, is not correct. If my Friend reads the relevant portions of the Constitution he will find that the extension of this Bill in those areas is in the interest of the people there. If my Friends instead of wearing red caps wear white caps, they will appreciate what benefit this Bill is going to render to the people of those areas.

Then paragraph (1) (b) says: "the management of any forest not being a reserved forest ;

(c) the use of any canal or water-course for the purpose of agriculture ;

(d) the regulation of the practice of jhum or other forms of shifting cultivation ;

(e) the establishment of village or town committees or councils and their powers ;

(f) any other matters relating to village or town administration, including village or town police and public health and sanitation ;

(g) the appointment or succession of Chiefs or Headmen ;

(h) the inheritance of property ;

- (i) marriage ;
- (j) social customs."

So, I submit, Sir, institutions mentioned by my Friend are not going to be touched by the operation of this Bill.

Then I am referring to paragraph 12 (b). It reads as:—"the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State to which the provisions of clause (a) of this sub-paragraph do not apply shall not apply to an autonomous district or an autonomous region, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification."

Operation of the Bill has been based on these lines.

Now my Friend, Mr. Bhattacharyya' said that by operation of this Bill institutions of those areas are going to be spoilt. I say by the operation of this Bill the institutions will not be touched, but they will remain in tact. The Bill is going to serve the same purpose as it has done in the other areas of the State where the Bill is already in operation. The Tribal people are simple people, they are simple in habit and nature and it is the duty of the Government to see so that the Tribal people are not misguided or misled, so that they are not threatened with gun or revolver. It is the main duty of Government to see so that they are not be misled by parties who use guns and revolvers. We must see that such parties should be nipped at the bud. It is the duty of the Government and the House to do everything for the protection of these hills people. Let us hope that by operation of this Bill the people will leave peacefully there and in this may God will help us.

Now, I hope that my Friend will kindly withdraw the amendment after hearing all these things !

Pu. R. DENGTHUAMA: Mr. Speaker, Sir, I have met the Leader of the House in this connection and told him that it was necessary to be very careful in this regard because this Bill would be of no use among our people who have no knowledge of such activities for which the Bill would be operated. I think, this introduction of law in the autonomous areas was unnecessary at this stage, but today I have heard some sort of acceptance of the Bill by my Friends from other Hill areas of Assam ; therefore I have nothing to say about other areas, but as regards my area, the Lushai Hills, I pointed out to the Chief Minister that it would be better to take the opinion of the Lushai District Council in this regard so that there will be better understanding between the Government of Assam and the District Council. In spite of that we have been asked, and has been advised by the Legal Remembrancer to have

this amendment in our area. Today my mind is not changed because we have to look into the future (*Hear, hear from the Opposition Bench*). My Friends have said that "we should love the hill people". It is good. There is no doubt about it. It is natural that the plain people should love the hill people and the hill people should love the plain people. If we do not believe the plain people, then we might take our stand like Nagas. We have faith in the plains people and plains people should have faith in the Hills people. The hills people might not be very large in number, their political knowledge may not be at present great, but we have as much talent and spirit of service as other people have. I quite agree with Mr. Bhattacharyya who said that in order to have better understanding between the hills people and the Government and others, we must respect the idea of the District Councils. Why some of my Friends said that it is not necessary to take the opinion of the District Council Sir, the District Council is the real representative of the hills people. Particularly, inspite of the general advancement of the people, there are some people whose political knowledge is of low standard. I may give you my experience of the law and order situation in my district. Of course at that time the Officer was an European who might have misused the powers. In July, 1948 due to the misuse of their power there was a tremendous force used on the people and there was a tremendous agitation among the people. I believe, the Leader of the House will not be there to use the powers sought to be vested by this Bill. There will be some petty officers who will use these powers and provisions and as such they may misuse them. When you have the Indian Penal Code and Criminal Procedure Code, is it necessary to have this extra powers for which this Bill is introduced? If this is necessary, we should have been anxious to have it. In this connection, I would like to warn the other Members of the Hills Districts and ask them to honour the District Councils. They will make a mistake if they think that they can neglect the District Councils. We should take pains to take the idea of our District Councils, because according to the Indian Constitution, these District Councils would be the real representatives of the Hill people.

Sir, I do not know whether my Friend, Mr. Bhattacharyya, is sincere in his speech, but I take his speech to be sincere. He has stated very clearly all these things. It seems there is no wrong in it. It is wise to take the consent of the people of the hills districts of every nook and corner in such matters and in this respect the opinion of the District Councils should have been taken. The existing part of maintenance of laws should have been withdrawn instead of introducing this Bill. It is the duty of the Government

to examine all these things. I am in the Party and so I cannot go against the Party and say more. Whatever that might be, I want to speak out as we have the freedom of speech. In any case, it will be wise to be more careful, otherwise if misunderstandings go on in this way, something worse may happen.

Maulavi Md. UMARUDDIN: Mr. Speaker, Sir, my Friend, Mr. Bhattacharayya has rightly said that Government should have taken the District Councils in to confidence in the application of the law which the State Legislature is going to pass. Sir, the judicial autonomy of the District Council has been conferred by the Constitution of India. In this connection, I refer to paragraph 5 of the provisions of Sixth Schedule where it has been clearly stated that the District Councils are empowered to exercise certain judicial functions. It runs as follows.

“(1) The Governor may, for the trial of suits or cases arising out of any law in force in any autonomous district or region being a law specified in that behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Penal Code or under any other law for the time being applicable to such district or region, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in that behalf by the Governor, such powers under the Code of Civil Procedure, 1908, or, as the case may be, the Code of Criminal Procedure, 1898, as he deems appropriate, and thereupon the said Council, court or officer shall try the suits, cases or offences in exercise the powers so conferred.” So, there are definite provisions under which the power—the judicial power and the authority to exercise the power can be vested in the District Councils. Sir, certainly it implies that before the Governor exercises the powers, it is in consonance with the spirit of the relevant provisions of the Constitution of India to take the consent of the District Councils whether they (District Councils) should exercise such powers. Of course the State Government have the overall responsibility for maintaining the peace of the State and to promote the general well-being of the State, but at the same time it does not follow that the State Government should make any and every law especially which concerns the Hills people, without taking the consent of the District Councils which have been conferred autonomy in judicial matters.

Sir, we find under the scheme of the Act itself—“The State Government, if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the public safety and the maintenance of public order it i

necessary so to do, may make an order—etc”. The law provides how the persons should be dealt with. There is no provision for an Advisory Council—as to how to deal with the whole case, etc. So, Sir, we find from the very scheme of the Bill itself, the District Council will have actually no say in the matter. Many of my Friends from the Autonomous Districts may not have realised the full implications of this Bill.

It provides for some special laws to drastically curtail the liberty of certain persons. Therefore, we have got to think very carefully about the implication of this extraordinary power. In my opinion this particular law seeks to give enough of powers to the State Government. It does not necessarily follow that the law will be used against outsiders only. It may be applied against *bona fide* inhabitants of the Autonomous Districts and since the power to impose restrictions vests in the State Government, the District Councils may not be able to protect such persons. Thus there may be an encroachment on the judicial autonomy of the Autonomous Districts.

My Friend, Mr. Goswami, on the other side of the House, says that the Bill wants to ignore the Autonomous Districts and enable State Government to assume sole and absolute power. In fact the sole and absolute authority will rest with the party in power. It does not want that the other people from different political parties should go there and mix with the people of the Autonomous Districts. There is every chance that this law may hinder other political parties who may want to work in close collaboration with the people of the Autonomous Districts. There may be other people who may like to go to the Tribal Areas and work for the advancement of the Tribal people in the social, economic and intellectual spheres also. My Friend, Mr. Goswami, said that people should throw away red caps before going to the Tribal area. Does he mean to say that the Tribal people and Tribal areas, are the sole monopoly and preserve of the party in power?

Sir, people must enjoy liberty. The people in the Plains must have the right and opportunity to contact the Tribal people. Every man has got the right to educate them, and mix with them. Merely because that some people profess some other political ideologies, they should be looked upon with suspicion does not seem to be fair at all and it seems to be the real intention of Government to apply the law against them. From the observations made by Members from the other side of the House we have good reason for apprehension that this law will be improperly used.

Therefore, Sir, this is a very serious matter vitally linked up with the administration of the District Councils in the Judicial

sphere. There will be no harm if their consent is taken before applying this law in their respective jurisdictions. With these words, Sir, I support the amendment of Mr. Bhattacharjya.

Shri KHORSING TERANG : অধ্যক্ষ মহোদয়, আমাৰ সদস্য সকলে কৈছে যে Autonomous District ৰ এজন সদস্য হিচাবে এইবিধয়ে নয়ো কেই আঘাৰমান কৰ লাগে সেই কাৰণে মই দুবাৰ কবলৈ ঠিয় হৈছো।

বৰ্তমান আমাৰ যিবিলাক Autonomous District হৈছে, ইতিপূৰ্বেৰ ব্ৰিটিছ যুগত সেইবিলাক Excluded Area নাইবা Partially Excluded Area বুলি অভিহিত কৰিছিল; আৰু সেই পাৰ্বৰ্ণ্য জিলা সমূহ সময়ত Chin Hill Regulation ৰ ব্যৱহাৰ কৰিছিল।

স্বাধীনতা পোৱাৰ লগে লগে আমাৰ নতুন সংবিধান অনুসৰী সেই পাৰ্বৰ্ণ্য জিলা সমূহক Autonomous District বুলি অভিহিত কৰিছে। গতিকে সেইবিলাক Autonomous District হোৱাৰ লগে লগে তাৰ Law & Order ভৈয়ানৰ বাকী জিলা সমূহৰ সন্মুখ হোৱাটো নিতান্ত বাঞ্ছনীয়। নহলে, যদি তাৰ Law & Order আন জিলাতকৈ শিথিল হয় তেন্তে অন্যান্য ঠাইৰ চোৰ, ডকাইট, বদমাছ আৰু আইন বিৰোধী লোকসকল গৈ তাত আশ্ৰয় লৈ তাৰ শান্তি শৃংখলা নষ্ট কৰিব। এনে ক্ষেত্ৰত মই বাস্তৱিকতে বৰ আচৰিত হৈছো যে এনেকুৱা Bill এখনৰ তেখেত সকলে Amendment আনিছে। তেখেত সকলে বোধকৰো আমাৰ বৰ্তমান Administration ৰ এটা বিশৃংখলাৰ সৃষ্টি কৰিবলৈ ইচ্ছা কৰিছে। ইয়াৰ পৰা আইনৰ তাৰণাত দুইলোক সকল গৈ তাত সোমাই নিজেও বন্ধা পাব আৰু আমাৰ শান্তিও নষ্ট কৰিব। মই ইয়াকে লক্ষ কৰি বৰ দুখীত হৈছো।

এনেক্ষেত্ৰত মই এই সংশোধনী প্ৰস্তাৱৰ বিৰোধীতা কৰিছো আৰু মূল বিলখনক সমৰ্থন কৰিছো যাতে এই বিলখন Autonomous Districtতো Applicable হয়।

Shri BISHNURAM MEDHI : (Chief Minister) Mr. Speaker, Sir, I am really sorry to hear some of the views expressed by Mr. Bhattacharjya and others who have moved and support the Amendment. They want to say that by the introduction of this Bill, it will retard the development of the Autonomous Districts and also development of administrative power that has been given to the Autonomous Districts. To this I should like to say that this Bill seeks to preserve the peace, law and order in the Autonomous Districts where this simple and unsophisticated hills people reside so that they may carry on the development work, and administration as conferred under the Constitution unhampered.

The Assam Maintenance of Public Order (Autonomous Districts) Bill, 1953 seeks to provide certain essential powers for the maintenance of peace and law and order in the Autonomous Districts.

If the State Government finds that some particular persons are carrying anti-State activities or other such activities by which it may mislead the simple-minded tribal people, it may pass such orders restricting the movements of such people, so that the Tribal people may not be hampered in their developmental work. The purpose of the Bill is to restrict the movement of such undesirable elements penetrating into the Autonomous Districts. That is why this piece of legislation has been brought before the House.

As regards the question of obtaining the opinion of the District Council, I should like to say that the opinion of the people of the hills was already taken into consideration before this Bill has been brought before the House.

Even my Friend, Mr. Maham Singh, has complained about some undesirable elements. To prevent these people from carrying on anti-State activities and with a view to speed up the developmental work in the Autonomous Districts, this Bill has been brought before the House. This is not a new measure. It will appear that almost all the provisions of this Bill are in force and extended to different Autonomous Districts at different times. In order to bring about an all round uniform legislation in force in all districts, this Bill has been introduced in this session of the Assembly. That is why the Assam Maintenance of Public Order Act, 1947 in force has now been repealed of this Bill. Clause 18 of the Bill says, "The Assam Maintenance of Public Order Act, 1947, as applicable in the Autonomous Districts specified in Part 'A' of the table appended to paragraph 20 of the Sixth Schedule is hereby repealed."

Sir, the existing law is there, the different amendments were extended to the autonomous districts. The Act is already in force. Who can say that the District Councils members are opposed to it, on the other hand the members of the group desire that there should be unified law, uniform law extending to the autonomous districts. The Government always scrutinise the matter and have brought this uniform Bill for all Districts with a view to protect the interests of the Hills people, and for helping them in the development of the autonomous districts and also to help them in their administration of the autonomous districts under the Sixth Schedule.

Then, Sir, another point has been raised by Mr. Umaruddin about the conferring of the power to the District Councils.....

***Maulavi Md. UMARUDDIN:** I do not say that. What I said is that judicial powers to be exercised by the District Councils have been provided and they have got certain limited powers. They have got that power. But my point is whether or not this particular provision is meant for the District Councils. But whenever a law is to be made by the District Councils, it is presumed that they have got to consult the people.

Shri BISHNURAM MEDHI (Chief Minister): The whole idea is whether the offence is punishable under the Assam Maintenance of Public Order Act. Normally offences involving two years imprisonment are tried by the court constituted by the District Councils, and not by the court outside the District Councils.

***Maulavi Md. UMARUDDIN:** The first order will be passed by the State Government.

Shri BISHNURAM MEDHI (Chief Minister): Not necessarily. There is provision what offence can be tried under the District Council, not only offence involving two years imprisonment, but they can try much more serious cases also. Therefore, Sir, the presumption of Mr. Umaruddin is not correct.

Then, Sir, under the Constitution the powers are divided into three categories. Some legislative powers are to be exercised by Parliament, some powers are to be exercised by the State Government and some powers have been exclusively conferred on the District Councils themselves. These are, Sir, the three authorities to the matter of legislation.

Now, Sir, the District Councils have not been able to frame regulation and law with regard to matters which have been conferred on them; therefore, we are always helping them so that they can frame their regulations and laws for the proper functioning of the District Councils, we don't want to burden them with much more serious matters, or the question involving law and order so that they may carry on their legitimate duties unhampered. The views of the districts, as well as the district officers and other representatives are taken into consideration. The Autonomous Districts have their own representatives in the State Assembly and can voice the view of the respective districts on the floor of the House.

Sir, with regard to measure to be taken by the Legislature we have our representatives in Parliament, therefore, there cannot be any question of delegating of power to the State for legislative matters passed by Parliament. When the Indian Penal Code, the Criminal Procedure Code were passed, no such delegation of powers was given to the State because our representatives were in Parliament. Parliament exercises power of legislation in their own spheres and the State Legislature also exercises such powers in their respective spheres. The District Councils also have got their own sphere of power, but because of their difficulty we are helping them with the advice of our officers, such as, Legal Remembrancer, Advocate General and others, so that matters of legislation can be carried on in the District Councils. It is not, therefore, a question of interference, we are trying to help them from creating confusion in such matters of legislation. Under these circumstances, Sir, I oppose the amendment that has been moved by Mr. Bhattacharyya.

Mr. SPEAKER: The question is that for sub-clause (2) of clause 1, the following shall be substituted: "(2) It shall extend to those of the Autonomous Districts specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution the District Councils of which move the State Government for its extension."

The Assembly divided:—

AYES—12

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|------------------------------------|-------------------------------------|
| 1. Shri Ranendra Mohan Das. | 7. Maulavi Md. Umaruddin. |
| 2. Mr. A. S. Khonghpai. | 8. Shri Radha Charan Choudhury. |
| 3. Mr. Maham Singh. | 9. Shri Hareswar Goswami. |
| 4. Maulavi Md. Sahadatali Mondol. | 10. Shri Gaurisankar Bhattacharyya. |
| 5. Shri Tamizuddin Prodhan. | 11. Shri Dandiram Dutta. |
| 6. Raja Ajit Narayan Deb of Sidli. | 12. Shri Ghana Kanta Gogoi. |

NOES—67

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| 1. Shri Bishnuram Medhi. | 6. Shri Ram Nath Das. |
| 2. Shri Motiram Bora. | 7. Shri Omeo Kumar Das. |
| 3. Rev. J. J. M. Nichols-Roy. | 8. Shri Mahendra Mohan Choudhury. |
| 4. Shri Rupnath Brahma. | 9. Shri Baidyanath Mookerjee. |
| 5. Maulavi Abdul Matlib Mazumdar. | 10. Shri Siddinath Sarma. |

11. Maulavi Mahmud Ali.
12. Maulana Abdul Jalil.
13. Shri Ram Prosad Chubey.
14. Shri Raghunandan Dhubi.
15. Shri Raichand Nath.
16. Shri Nanda Kishore Sinha.
17. Shri Hem Chandra Chakravarty.
18. Shri Kistobin Rymbai.
19. Mr. A. Alley.
20. Mr. Joybhadra Hagjer.
21. Shri Nihang Rongpher.
22. Shri Khorsing Terang.
23. Mr. Harison Momin,
24. Mr. Emerson Momin,
25. Mr. Emonsing Sangma.
26. Maulavi Kobad Hussain Ahmed.
27. Shri Santosh Kumar Barua.
28. Swami Krishnananda Brahmachari.
29. Shri Hareswar Das.
30. Shri Khagendranath Nath.
31. Shri Hakim Chandra Ra-bha.
32. Shri Akshay Kumar Das.
33. Shri Mahadeb Das.
34. Shri Narnarayan Goswami.
35. Shri Dharanidhar Basumatari.
36. Shri Radhika Ram Das.
37. Shri Purandar Sarma.
38. Shri Sasadhar Ghose.
39. Shri Davidson Bhobora.
40. Shri Mohi Kanta Das.
41. Shri Kamala Prasad Agar-walla.
42. Shri Gohan Chandra Goswami.
43. Maulavi Narul Islam.
44. Shri Baliram Das.
45. Shri Mahendra Hazarika.
46. Shri Bimala Kanta Bora.
47. Mrs. Usha Barthakur.
48. Shri Lila Kanta Bora.
49. Mohammed Idris.
50. Shri Rajendranath Barua.
51. Shri Chanoo Kheria.
52. Shri Mal Chandra Pegu,
53. Shri Debeswar Rajkhowa.
54. Shri Harinarayan Baruah.
55. Shri Rabin Kakoti.
56. Shri Girindranath Gogoi.
57. Shri Ananda Chandra Bezbarua.
58. Shri Thanuram Gogoi.
59. Shri Purnananda Chetia.
60. Shri Sarveswar Barua.
61. Shri Hem Chandra Haza-rika.
62. Maulavi Faiznur Ali.
63. Shri Ramesh Chandra Barooah.
64. Shri Indreswar Khaund.
65. Shri Jogakanta Barua.
66. Shri Dalbir Singh Lohar.
67. Shri Jadab Chandra Khakhlari.

(The Amendment was negatived.)

(Adjournment)

The Assembly was then adjourned for lunch till 1-30 P. M.

After Lunch

Mr. A. S. KHONGPHAI: Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 1, for the "Semi-colon" at the end, *substitute* a "Comma" and the words "subject to the consent and to such exceptions or modifications by the District Council concerned" shall be added thereafter.

If my amendment is accepted it will read like this:—

"(2) It shall extend to all the Autonomous Districts specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution, subject to the consent and to such exceptions or modifications by the District Council concerned."

Sir, the maintenance of law and order in the areas of autonomous districts, rest with the people; you will find that every person is a rural police and that is recognised in the Rules for the Administration of Justice in autonomous districts. It is an age long, ancient and time honoured institution which we have to recognise, foster and maintain. In those areas in a village the authority of a headman or a chief and his decisions are very much respected and this healthy institution must be fostered and maintained.

The purpose of moving this amendment is to have the willing co-operation of the people and their opinion respected before this law is applied in those areas. I remember, the Chief Minister saying that no Armed Police Platoon are stationed in the Hills Districts as the responsibilities for the maintenance of law and order in those areas had hitherto devolved on the Assam Rifles. I wanted to point out paragraph 3 of the Sixth Schedule. In the Constitution we find under item (f), "any other matter relating to village or town administration, including village or town police and public health and sanitation". Then we find a mandatory provision in Article 244(2) of the Constitution, which states. "The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam". It is therefore doubtful, Sir, whether the District

Councils have not got power over the Police Administration in the autonomous districts. In order to remove that doubt and any difficulty, I have suggested a simple amendment that the extension of this proposed Act should be subject to the consent and to such exceptions or modifications by the District Council concerned. Let the District Councils also have their say in the matter and let them be given an opportunity to make modifications, if they consider them to be necessary. I hope the Hon'ble Minister-in-charge will see the necessity for such consultation. While I do not want to question the power of this House to legislate on this matter, I simply seek to add the proviso that such legislation should be subject the consent of the District Council.

Mr. SPEAKER: Amendment moved is that in sub-clause (2) of clause 1, for the "semi-colon", at the end, *substitute* a comma and the words "subject to the consent and to such exceptions or modifications by the District Council concerned" shall be added thereafter.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, the amendment just moved by my Friend, Mr. Khongphai, is similar to the amendment that was moved in the morning by my Friend, Mr. Bhattacharyya, and we know that that amendment was not accepted by the House. Yet Mr. Khongphai has moved this amendment because this is in a way slightly better than the former one because it does not question the power of this Assembly to extend the proposed Act to the autonomous districts. It only says that at the time of actual application of the Act the consent of the District Councils concerned should be obtained.

Sir, the arguments put forward for the last amendment hold good for this amendment also. During the reply to the last amendment the Chief Minister relied on certain points which we have carefully considered, but we are not in a position to accept them. The Chief Minister has spoken about maintaining peace and tranquility in the autonomous districts so that there may be a peaceful development of these people who are unsophisticated, innocent and simple. Nobody can question that contention, Sir, but if we simply maintain peace and do nothing else, they will not be able to prosper even in a peaceful atmosphere. The most important thing to do is to prevent the exploitation of these people by any other people and in the economic field if we can do that we will go a long way in removing the suspicion that lurks in their minds regarding the plains people. Sir, as a matter of fact during these few years I have not heard of any big dacoity or political incendiarism in

these districts. There might of course be some trouble in the Naga Hills, but even if we take it seriously, as we should, there is the ordinary law of the land and if we take recourse to the ordinary law of the land the situation can be met properly. This measure, however, is a special measure and when all other measures fail should we take recourse to this special measure. But in this case the ordinary criminal law of the land is sufficient to deal with any situation that may develop in the hill areas. It has also been argued by the Chief Minister that this Act was actually in operation in these districts and it is only to codify the various amendments and Acts that he has come forward with this Bill. Sir, when these District Councils were not formed, perhaps under paragraph 19, that was a logical proposition and we do not question the validity of that thing. But when the District Councils have been formed and they are in operation, it is necessary to stop application of as many special laws as is possible. We should try to give to the District Councils the ordinary laws of the land so that through them they can deal with any situation that may threaten their peace or tranquility and because of that I do not think this Bill is necessary.

Secondly, Sir, if we go to the history of this measure, we find that this Bill was first brought before the House in 1948 for a definitely different purpose altogether. It was to deal with the communal situation prevailing then, but it has been our sad experience that although the communal situation has become better and although the law and order position has improved, yet the Government want to continue these special measures. This is not the way a Democratic Government should behave and the sooner we can get rid of all these things, the better it would be for the development of the people. I agree that uniform legislation is no doubt necessary, but in view of the peculiar situation in the Hills and in view of the.....

Mr. SPEAKER: Mr. Goswami, there is one thing. There is County Council in England. Is there any such laws there?

Shri HARESWAR GOSWAMI: They are not analogous to the County Councils. If we go to the Parliamentary debate regarding the District Councils when the Constitution was framed in this regard, we find the intention was to create some form of federal form of Government, so that they could enjoy the spirit of Self-Government. One point was argued in this connection *viz.*, about the procedure laid down for punishment. Here we find under the District Council, according to the procedure under them if a man be detained for a period of one year, that order will be under

the State Government and again the courts under them can punish any offender who violates any of the sections of the Act for a period of two years. The anomaly is there. It means two different systems for carrying on judicial work. We find the State Government can detain a man for a period of one year and also the District Council can, if any person violates any of the sections, punish that person. Both these things should not be there. I want that the District Council should be entrusted with the application of whole Act. The State Government should not come in the picture, or the District Council should not be given any power in this regard. When the purpose of the Constitution is to vest some powers with the District Council, it is unbecoming of the State Government to keep certain powers regarding detention of any persons, in their hand. Sir, in this connection, the analogy of the Penal Code has been cited. In drafting of the Penal Code and Criminal Procedure Code this Government's views were not taken into consideration. It is true, so far as it goes. In this particular case this analogy cannot be drawn. When we are anxious for the well-being of the Hill Districts, if we want them really to prosper, we should leave some power with them. They know better who is bad and who is good to them. Instead of any Officer of the State Government, being empowered by this Act if we leave it with the District Council, they will be in a better position to judge all these things. They will also feel encouraged for the facts that they are also associated with the formulation of the enactment and this will help us to remove the suspicion from their minds. In view of the Penal Code and other ordinary laws with which we can deal with the situation, I feel this enactment is not necessary. Sir, we are not opposing this, we are not saying that it is not necessary. All that we say is that since we have delegated so much power to the District Councils, let us also give them this concession. I have no doubt that if any situation arises they will not lag behind us. They will support the measures that the State Government may adopt for the general good of the country as a whole. When we have got that much of faith, then there need not be that suspicion. Sir, we have been supported by Mr. Dengthuama and Mr. Khongphai. They and some other Members have expressed the same sentiment and added that if we could take the District Councils in confidence in such matters, it will go a long way in removing the suspicion from the minds of our hill people and the whole State will be in a better position.

With these words, Sir, I support the amendment moved by my Friend, Mr. Khongphai and I request the House to accept it.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, this amendment is almost of the same type as that has been moved in the forenoon sitting of this House. I am glad that the Leader of the Opposition admits that there is necessity of a legislation of this type, and as such it is already in force in the plain areas of the State. He also admits that the provisions of this Act applied in the Autonomous Districts in different times and different dates. At the time this legislation was proposed to be extended, the Government considered the views and public opinion of the representatives of the autonomous districts. As I know, coming in close contact with the people of the autonomous districts, that they want some sort of legislation of this kind, because there are some mischief mongers who might like to create disorder in these regions. Suppose, there are some plots of land in a hill district which are fit for wet cultivation and some people from plains, in a body go there to cultivate and possess such lands by force, where is the power to prevent them from doing so? Where is the provision to enable the authorities concerned to remove such illegal trespassers? Although these people will be acting against the tribal people, there is no measure by which these people could be prevented from doing so. I can assure the Hon. Members of this House as well as the public outside that these measures are intended only to protect the interest of our tribal people against exploitation by outsiders. These are intended to enable them to develop them in their own way.

Now, Sir, the orders of the Preventive Detention Act was passed by Parliament. Is it then conceivable that there should be a clause in the Preventive Detention Act by which the applicability of the Act may be kept in abeyance by a particular State? It is the function of Parliament to legislate on certain matters which are within the powers of Parliament where all the States have their representatives, including those for the autonomous districts and extend its function to all States. With regard to the District Council, specific powers of legislation have been given to them and we are more anxious that they should develop, they should exercise all these powers of legislation given to them under the Sixth Schedule. Now, even after a year, it appears, that their lands are full and the District Councils which have started functioning very recently have not been able to frame laws and Regulations on the various subjects earmarked in this Constitution or set up the administrative machinery. They have not yet been able to constitute the courts which are within their jurisdiction. We do not want to burden them with more legislative measure while they have not been able to frame laws and regulations necessary for setting up courts and completing administrative machinery.

for running as a District Council. It is better to leave them free to complete the legislation on the subjects allotted to them under the Constitution. The question of conferring more powers is a different matter. The intention of the Government is to help them (the District Councils) so that they can carry on with their work smoothly and efficiently.

My Friend Mr. Khongphai has said that why police forces are not posted there and also complained that there are lots of trouble in the District. But these powers cannot be entrusted to them. A certain amount of revenue has been allotted to the State by which the State Government have been maintaining the law and order. The State Government is also taking up the responsibility of revision of necessary measures that is to be taken up by the State Legislature. This is not interference. On the other hand there is a division of labour. The State Legislature has certain powers. The District Councils are allowed to develop in their own spheres. With this object in view this legislation has been brought in the State Legislature.

Under the circumstances, I hope, Mr. Khongphai will withdraw his amendment.

Mr. SPEAKER: Mr. Khongphai, are you withdrawing your amendment?

Shri A. S. KHONGPHAI: It is very difficult, Sir.

Mr. SPEAKER: Then you want to put it.

Shri A. S. KHONGPHAI: Yes, Sir.

Mr. SPEAKER: The question is that in Sub-clause (2) of clause I, for the "Semi colon" at the end substitute a "Comma" and the words "subject to the consent and to such exceptions or modifications by the District Council concerned" shall be added thereafter.

(The Motion was negatived).

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that in sub-clause (1) (c) of clause 2, the words "or to report himself or both to notify his movement and report himself" occurring in lines one to three shall be deleted.

Sir, in sub-clause (1) of clause 2, it is stated like this, "The State Government, if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the public safety and maintenance of public order it is necessary so to do, may make an order.

* * * * *

(c) requiring him to notify his movement or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or persons as may be specified in the order"

Sir, my amendment is to delete "to report himself or both to notify his movements and report himself"

Sir, this I do because, firstly, it is really very derogatory to a person to go to a Police Station and to sit there for hours together to report. This humiliates the person concerned.

Secondly, in the Hills, the police stations are very few and far between, and it is not possible for a man to come from one hillock to another place and report himself. It will mean extreme difficulty for these people to come and report themselves. The purpose of the proposed Act will be served if he is required to notify his movement. I think, that is sufficient. If it is done, he should not be asked to come to report and to notify his movement. Simply by notifying his movement, the police may be kept informed regarding the person and there will be no difficulty in tracing the person if that is required. We have seen people coming to the Police Stations for reporting themselves. It becomes very derogatory to certain persons to go to Police Stations and to sit there to catch the eyes of the Police Officers and have the requirements fulfilled. So, this should not be done so far as the reporting himself is concerned. With these words, I commend my Motion for the acceptance of the House.

Mr. SPEAKER: Amendment moved is that in sub-clause (1) (c) of clause 2, the words "or to report himself or both to notify his movement and report himself" occurring in lines one to three shall be deleted.

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, the power in sub-clause (1)(c) of clause 2 to which Mr. Goswami has moved an amendment has given wide scope. This shows that these powers are reducing the exercise of judicial powers to the minimum. These provisions give certain powers to the Executive in the matter of notifying a man's movement and of reporting to such authorities in time. Now, Sir, the word "movement", it is what kind of movement? Whether this "movement" is from house to house, village to village or one area to another. The word "movement" has been kept very vague, and this is not defined. It must be referred to certain areas, otherwise the whole life of a man will be spent.

Mr. SPEAKER: Your interpretation is not carrying conviction.

***Maulavi MUHAMMAD UMARUDDIN:** Sir, a man may belong to village "B", but why he is required to go to village "C"?

Mr. SPEAKER: I understand from your statement. You mean to say from one place to another.

***Maulavi MUHAMMAD UMARUDDIN :** My interpretation is that, here such a provision is made in the Bill that a man's liberty may—be reduced to the minimum—as if the whole power has been left to the Executive to make rules. Sir, this is a very serious provision. It gives enormous power to the executive. That is why, Sir, if this particular clause is not removed, it will not be possible for a man to move from one particular place to another place. Sir, at least the jurisdiction of the movement may be defined specifically in the Act. With these few words, Sir, I support the amendment moved by my Friend Mr. Goswami.

Shri BISHNURAM MEDHI (Chief Minister) : Sir, I am sorry I cannot accept this amendment. The whole purpose of the clause requires a person to notify his movements or report himself or both to notify his movements and report himself in such manner, at such times and to such authority or persons as may be specified in the order. Sir, the whole purpose of the clause is to prevent a person from going underground. Ordinarily in all such cases it is the look out of the officers concerned who impose that restriction. Whether the restriction that has been imposed in a particular case is justified or not will be scrutinised by a competent Advisory Council consisting of persons having qualifications to be appointed as High Court Judges. Further, Sir, the Advisory Council may call for the papers, that is why I say that this restriction is necessary, and that this power also is always exercised with due consideration in respect of a person who has to move a long distance to report to the officer concerned. This restriction of movement and also reporting to the authority concerned is necessary because the person concerned may not go underground. The whole purpose will be frustrated if the amendment of my Friend is accepted.

Mr. Umaruddin was telling that the persons are detained, that is not correct. A person is allowed to reside in a certain place or town if he only goes to the officer and inform of his intention to go outside the area, but if he goes without any information, it may not be possible to trace him and he might even go underground. So, Sir, under the circumstances, this clause is necessary, and the amendment cannot be accepted, and if accepted, it will frustrate the purpose of the Bill.

Mr. Speaker, Sir, this is an identical clause that is enforced in the Assam Maintenance of Public Order Act, it is enforced in the rest of Assam.

***Maulavi MUHAMMAD UMARUDDIN**: Is it open to the District Councils to modify this, Sir?

Shri BISHNURAM MEDHI (Chief Minister): They can do it.

Mr. SPEAKER: The question is that in sub-clause (1)(c) of clause 2, the words "or to report himself or both to notify his movement and report himself" occurring in lines one to three shall be deleted.

(The amendment was negatived.)

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that sub-clause (1)(f) of clause 2 shall be deleted.

Sir, this gives immense power to the authority and it may take away the liberty of the people. The marginal notes in sub-clause (1) reads—

".....Power to make orders restricting the movements or actions of certain persons....." and clause 2 (1) (a) reads—"directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or persons as may be specified therein, he shall not be in any such area or place in Assam as may be specified in the order," and clause 2 (1) (b)—reads "equiring him to reside or remain in such place or within such area in Assam as may be specified in the order, and if he is not already there to proceed to that place or area within such time as may be specified in the order".

Clause 2(1) (d)—"imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions."

Sir, the measure that is brought by the Chief Minister is just to specify the grounds for which a man may be restricted in his movements. So from itemes (a) to (e) everything has been covered, and if over and above these things something has not been provided, the authority should not be allowed to rely on grounds not specified in the Bill.

Mr. SPEAKER: You mean ingenuity of liberty?

Shri HARESWAR GOSWAMI: Sir, this clause takes away everything from a person. So, Sir, I request the mover of the Bill, to care for the liberty of the people. Moreover, if we

keep that clause it will amount to taking away all the rights that have been enumerated in our Constitution.

Sir, the Chief Minister has mentioned about the Advisory Council just now. He said that the papers may be called for, but if this clause is there and if papers are called for, even then the man may not get sufficient protection. In this connection, Sir, I shall read a portion of clause 4—".....after the order is made, the authority making the order shall communicate to the person affected thereby, so far as such communication can be made without disclosing facts which the said authority considers it would be against the public interest to disclose....."

And [clause 6 (2) reads, "The Advisory Council shall, after considering the material placed before it and if necessary, after calling for such further information from the State Government or from the person concerned, as it may deem necessary, submit its report to the State Government.

Sir, the Chief Minister has presumed that there is no difficulty in getting the papers, but, Sir, it may not be possible for the aggrieved person to search these papers, Government may not also like to disclose the facts, in that case it will not be possible for the aggrieved person to get the necessary papers. So, Sir, when we have already got so many provisions from (a) to (e) what is the use of keeping this provision of clause 2(f)? It will simply give to some unscrupulous officers, some unscrupulous people some more powers to take away the liberty of the people. With these words, Sir, I request the Mover of the Bill to delete this clause from the Bill, and I hope the House will accept my amendment.

Mr. SPEAKER: Amendment moved is that sub-clause (1) (f) of clause 2 shall be deleted.

Shri BISHNURAM MEDHI (Chief Minister). Sir, I am sorry I cannot accept this amendment of my Friend because there seems to be some misconception in the mind of my Friend, Mr. Goswami, that the Advisory Council cannot have the power to call for papers and that Government had the opportunity of withholding it. That is not correct, Sir, as will be seen from sub-clause (4) of clause 6, that the Chairman and the members of the Advisory Council shall for the purpose of this Act be deemed to be holding office within the meaning of sub-section (6) of section 2 of the Indian Official Secrets Act, 1923. This means that whatever information is in the possession of the Government which it is considered cannot be disclosed to the public, can be disclosed to this Advisory Council because they are bound to observe secrecy and the Government will be safe to place such matters before this body but which cannot be disclosed to the person affected because he is not bound to secrecy

and may disclose such information to the public and such disclosure may be against the interest of the State.

Besides, as I have already said this clause 2 is also in force in the Plains portion of the State and we want to have uniformity of legislation both in the Plains and in the Hills for preservation of law and order. That is why this clause is necessary. I hope my Friend will not press his amendment.

Mr. SPEAKER: I find now Mr. Goswami that your interpretation of this clause is not quite correct. Do you mean that the Advisory Council cannot call for papers? However, I will put the question.

The question is that sub-clause (1) (f) of clause 2 shall be deleted.

(The Amendment was negatived).

Shri HARESWAR GOSWAMI: Mr. Speaker Sir, I beg to move that in sub-clause (4) of clause 2, the words "with or" in the third line shall be deleted. In sub-clause (4) we find "An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order". Sir, my amendment wants to do away with the words "with or" because, Sir, the other day when we were discussing the Maintenance of Public Order (Amendment) Act there a new offence has been created: a man who refuses or fails to give a bond he may be visited with imprisonment for one year. Now, in the Bombay High Court decision which I placed before the House it is said that it may not be possible for a man to sign a bond. If a man is asked to sign a bond with surety of, say Rs.10,000, that man may not have that money and then it will be difficult for him to sign that bond. In that case he may be imprisoned under the new Act. So if we are to make a new amendment we must see that this question of surety does not remain there because, as I have said, in the Bombay High Court decision it is stated that a man may not be able to sign a bond because of circumstances beyond his control. That has not been provided for under this proposed Act. Now, supposing a man can sign a bond but he finds that he cannot get surety owing to circumstances beyond his control, then he will be visited with conviction. But if a man fails to give a bond where there is no question of surety, then that man should be punished, I have nothing to say. Sir, when we have passed this law let there be at least this much of

allowance that a man be asked to sign a bond without surety, because, Sir, we know that the people in the hills districts are very poor and they may find it very difficult to give a bond with surety. That is why, Sir, I want to do away with these words "with or" from sub-clause (4) of clause 2 of this Bill.

Mr. SPEAKER: In that case it will read differently.

Shri HARESWAR GOSWAMI. No Sir, it becomes categorical. It will read "... to enter into a bond without sureties". Anyway, Sir, if the spirit of my amendment is accepted, I will give the Chief Minister the liberty to frame the wordings in his own words and we shall have no objection to that.

With these words, Sir, I commended my amendment to the acceptance of the House.

Mr. SPEAKER: Amendment moved is that in sub-clause (4) of clause 2, the words "with or" in the third line shall be deleted.

Shri BISHNURAM MEDHI (Chief Minister): I am sorry, Sir, I cannot accept this amendment of my Friend, because as we know, Sir, there are instances where immediately after a bond was executed, the persons concerned went underground, and there was no way out of finding him; that is why this provision is necessary so that there will be another person who will be interested to see that the person does not go underground as the surety will stand a guarantee that the person does not go underground and does not act in any way prejudicial to the interest of the State. As regards my Friend's contention that the person concerned may find difficulty to provide surety, in that case it is left to the discretion of the authorities, who if they are satisfied that the difficulties are really beyond that person's control, they will not insist on that surety. As a matter of fact, this provision is there only as a safeguard against such cases where there is apprehension that the man after signing the bond will run away. And in that case a surety is certainly necessary. That is why, Sir, I cannot accept this amendment of my Friend and I hope he will not press it.

Mr. SPEAKER: The question is that in sub-clause (4) of clause 2, the words "with or" in the third line shall be deleted.

(The Amendment was negatived).

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move—

That in clause 3, after the words “revoked” in the fifth line for the “Colon” a “Full stop” shall be substituted and the proviso thereafter shall be deleted.

Sir, clause 3—“An order made under sub-section (1) of section 2 shall be in force for such period as may be specified, but not exceeding one year from the date in which it is confirmed or modified under sub-section (3) of section 6 unless earlier revoked:

Provided that the State Government may, if and so often it deems necessary or expedient, before the date on which under this section any such order would otherwise have ceased to be in force, and after giving an opportunity to the person concerned to make any representation in writing which he may desire to make and after referring the matter to the Advisory Council and considering its report direct that the order shall continue in force for a further period not exceeding one year at a time as may be specified in the order.”

Sir, it actually means that the Government can keep a man in detention for two years. That will be rather a too long a period. If a man is considered dangerous he is to be detained and I am not objecting to it just now. But within a period it is quite possible that if the person is given a chance the situation may improve. If we give another power to the Government to extend that period by another one year it will virtually mean that we keep the man in detention for a long period. So, that is not necessary. Under the Preventive Detention Act it is also stated that a man can be kept in detention for a year and after that period he is to be released, and if a new offence is committed then he can be detained. If this provision is retained, then this goes counter to the spirit of the Preventive Detention Act with which it has so many things in common. If we allow a man to be kept in detention for another period of a year after he has served one year in detention then the period will be too long. It is also not contemplated even by Parliament that such things should happen and that such a man should be kept in detention for such a long period.

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

Mr. SPEAKER: Amendment moved is:

“That in clause 3, after the word is ‘revoked’ in the fifth line for the ‘Colon’ a ‘full stop’ shall be substituted and the proviso thereafter shall be deleted”.

Maulavi MUHAMMAD UMARUDDIN : Mr. Speaker, Sir, the object of the Bill for the purpose of detaining a person or placing his movement under certain strigent restriction for doing anything prejudicial to the State or to the Act is that he may rectify himself while in detention. When a man is in detention in jail for a period of one year not only that man is prevented from committing a similar offence or any prejudicial act but he is given an opportunity to rectify himself. So, a man within one year may rectify himself while in detention and in view of that I do not understand how the State Government think it necessary to extend the period by another one year when that particular man will have no other normal activities outside. There may be some development of course, as I understand, for which the Government may think that if the man be set at liberty he might involve himself in this movement. But, Sir, such a presumption will be unjustifiable and it will go against the spirit of a democratic Government. After all, these laws are calculated to curtail liberty of the people and if they are not applied properly then justice may suffer and the process may culminate in the worst form of Facism. Therefore, Sir, however bad a man may be, after his detention, when he will be allowed to come out and live in the society it is expected that he may conduct himself in a manner so that he might become a good citizen. But unless and until that opportunity is given to him, it will be quite wrong to presume that if he is released after the period of one year he will repeat the same activities and he will indulge in such activities as may be of a prejudicial character. I therefore say, Sir, that the retention of this proviso is not necessary.

I therefore support the Amendment moved by Mr. Goswami.

Shri BISHNURAM MEDHI (Chief Minister) : Mr. Speaker, Sir, it appears that there has been a little bit of confusion with regard to the Assam Maintenance of Public Order Act under which a man cannot be detained. In fact he cannot be detained, but it provides for restriction of movement only. Power of preventive detention is governed by Article 22 of the Constitution whereas the provision of restriction of movement is governed by Article 19. In this case it is a restriction of movement and not detention. Government do not like to exercise this power indefinitely, but there may be some cases where during the troubles a particular person might show a tendency to get himself involved in it and unless his movement is restricted he cannot be prevented from doing so. After all, such orders restricting movements are placed before the Advisory Council and the Advisory Council, if after examination of the case, recommends that such step is needed and justified, then only the Government can take action and confirm the order in accordance

with the recommendation of the Advisory Council consisting of persons who are qualified to be Judges of the High Court. If the Advisory Council finds that there is justification in taking such an action then only that particular person will be kept under restraint as contemplated under the provision of the Bill. So, it all depends upon the recommendation of the Advisory Council consisting of three persons qualified to be Judges of High Court and the Government will confirm such order only on the recommendation of the Advisory Council.

In view of this, Sir, I think Mr. Goswami will not insist on his Amendment and will withdraw it.

Mr. SPEAKER: The question is that in clause 3, after the word "revoked" in the fifth line for the "Colon" a "full stop" shall be substituted and the proviso thereafter shall be deleted.

(The Amendment was negatived).

Shri A. S. KHONGPHAI: Mr. Speaker, Sir, I beg to move that in clause 4, before the words "the authority" in the third line the words "within a period of two days" shall be added.

Sir, if the Amendment is carried out, the whole clause will read as "Where an order is made in respect of any person under sub-section (1) of section 2, as soon as may be after the order is made within a period of two days the authority making the order shall communicate to the person affected thereby, so far as such communication can be made without disclosing facts which the said authority considers it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in the opinion of such authority sufficient to enable him to make if he wishes, a representation against the order; and such person may at any time thereafter make a representation in writing to such authority against the order and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest opportunity of doing so."

I know in the main Act there was no such provision. But considering the situation in which this Act may become applicable, this period of "two days" is necessary. I may refer to Article 22 of the Constitution where we find:

(1) "No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice."

"(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of

twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate”.

Now, Sir, my amendment is seeking to be within the scope of the Constitution. Instead of detaining a man for 3 or 4 months till he gets an opportunity to appeal, if the authority making the order of arrest shall communicate the person affected immediately that would mean avoiding unnecessary delay. I do not think that there will be any difficulty in communicating that order to the affected person within a period of two days, because there is a provision in clause 6 regarding the Advisory Council. If the person is informed within two days, then he will not have to wait 2 or 3 months for this order.

I hope, the Minister-in-charge will agree to accept my amendment as it will not materially affect clause 4.

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

Mr. SPEAKER: Amendment moved is that in clause 4, before the words “the authority” in the third line the words “within a period of two days” shall be added.

Shri BISHNURAM MEDHI (Chief Minister): Sir, I oppose the amendment as I cannot accept it because sometimes even under the Criminal Procedure Code a man can be arrested under suspicion and kept in Police custody for 24 hours before taking him to the magistrate. This Bill contemplates the cases only of restriction of movement and a person's liberty will not be curtailed as much as under arrest or detention and it may not be possible for referring the matter to the Advisory Council within two days. It is impossible to implement the amendment if accepted; therefore, I oppose this amendment.

Mr. SPEAKER: The question is that in clause 4, before the words “the authority” in the third line the words “within a period of two days” shall be added.

(The Amendment was negatived),

Shri HARESWAR GOSWAMI: I do not propose to move the next Amendment.*

* Shri Hareswar Goswami:

That in clause 4 [for the words “said authority” in the sixth line the words “Advisory Council” shall be substituted.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that in clause 5 for the words "as soon as may be" in the third line the words, "within a month" shall be substituted.

In clause 5 there is a reference to Advisory Council but no time limit has been fixed. It is stated thus, "On receipt of the representation referred to in section 4 or in case no representation is received, the State Government, as soon as may, be, shall place before the Advisory Council constituted under sub-section (1) of section 6 the grounds on which the order has been made and in case such order has been made by an authority or officer subordinate to it, the report made by him under sub-section (3) of section 2 and the representation, if any, made by the person concerned."

Sir, instead of the words "as soon as may be" I want to put the words "within a month" because in these cases our own experience is that the matter is left to the authority for a long time without any reason. We have the sad experience of the last few years, I can cite instances, where persons were kept under detention or restriction of movement for a long time and grounds were invented afterwards. If we allow a person to be detained indefinitely it means that justice delayed is justice denied. If the matter is placed immediately before the Advisory Council and it is possible to do so, then the person affected can move the higher courts, *e.g.*, High Court and Supreme Court and therefore it is necessary to fix a time limit and for this purpose I have moved this amendment.

Mr. SPEAKER: Amendment moved is that in clause 5 for the words "as soon as may be" in the third line, the words "within two months" shall be substituted.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, in practice there will be no difficulty in putting the report before the Advisory Council as early as possible that will give the administration time to submit but if a specific period, say a month, is given in that case, Government will have to wait for the period before submitting to the Advisory Council. If, however, reference to the Advisory Council is made hurriedly without waiting for the specified period, the High Court may set aside the order as has been done in the case of Maulavi Sahadat Ali Mondal. To prevent technical objection being raised, no specific period is mentioned for affording opportunity to show cause. But as it has been stated in the Bill—"as soon as possible" the man will be given an opportunity and that will safeguard everyone and Government will try their best to submit the report as early as possible which may mean sometimes that the period will be less than one month as he has been contemplated in the amendment.

Maulavi MUHAMMAD UMARUDDIN: on a point of information, Sir, is there any statutory prescribed period for the person to show cause under this Act?

Shri BISHNURAM MEDHI: (Chief Minister): There is no statutory prescribed period. Clause 2, sub-clause (2) says, "A District Magistrate may exercise the power conferred by sub-section (1) and an order so made by him shall be valid for a period not exceeding two months". It is clear from this that no specific period is required to be stated. So, I hope, the hon. Member will withdraw his amendment.

Mr. SPEAKER: The question is that in that in clause 5 for the words "as soon as may be" in third line the words "within a month" shall be substituted.

(The Amendment was negatived).

***Mr. A. S. KHONGPHAI:** Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 6 for the word "or" after the words "State Government" in the third line the word "and" shall be substituted.

Sir, my amendment is quite simple. It seeks to make a slight verbal alteration of the existing provision. What I want is that the Advisory Council should submit its report after collecting such information from the State Government and from the person concerned. I believe the person concerned is the essential man for whom the information should be available by the Advisory Council. If it is not allowed, it will affect the person concerned. Sir, this amendment is a simple one and I hope the Minister-in-charge will see his way to agree to it.

Mr. SPEAKER: How does it improve matter, Mr. Khongphai?

(After a pause).

Any way, it does not matter.

The question is that in sub-clause (2) of clause 6 for the word "or" after the words "State Government" in the third line the word "and" shall be substituted.

(The Amendment was negatived).

Shri A. S. KHONGPHAI: Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 6, for the words "four months" occurring in lines four and five the words "two months" shall be substituted.

Sir, clause 6(2) of the Bill says as follows—“The Advisory Council shall, after considering the material placed before it and if necessary, after calling for such further information from the State Government or from the person concerned, as it may deem necessary, submit its report to the State Government before the expiry of four months from the date of the order made under sub-section (1) of Section 2”.

Now, my purpose of moving this amendment is to reduce the period of detention of the person concerned. It is our duty to see that in such cases, the person concerned is not detained unnecessarily for a long time. It is a simple amendment, Sir. I want to reduce the period to two months in place of four months. I hope the Minister-in-charge will accept my amendment.

Mr. SPEAKER : Amendment moved is that in sub-clause (2) of clause 6, for the words “four months” occurring in lines four and five the words “two months” shall be substituted.

Shri BISHNURAM MEDHI (Chief Minister) : Mr. Speaker, Sir, I cannot accept the amendment of Mr. Khongphai, as it is laid down in the Bill that the Advisory Council shall, after considering the material placed before it and if necessary, after calling for such further information from the State Government or from the person concerned.....etc. Here the ‘person concerned’ may be residing in places which may not be easily accessible. It may take some time to contact him. So it is felt that there should be a provision of four months in view of the difficulties of communication particularly in the hills districts. For instance, Sir, if we want certain information from the Subdivisional Officer, Lungleh, it will take about one month to get such information. In view of the communication and other difficulties, I am quite sure this period should be more elastic so that the Advisory Council may be in a position to get all the necessary materials. In view of what I have stated, I hope, Mr. Khongphai will not press his amendment.

Mr. SPEAKER : Mr. Khongphai, do you want to press ?

Shri A. S. KHONGPHAI : No, Sir.
(The amendment was, by leave of the House withdrawn.)

Mr. SPEAKER : Clause 7. Mr. Bhattacharyya,

Shri GAURISANKAR BHATTACHARYYA : Mr. Speaker, Sir, I beg to move that clause 7 shall be deleted and the subsequent clauses be renumber accordingly.

Now, Sir, this clause seeks to impose collective fines on inhabitants of certain areas. My purpose in moving this amendment is to remove this punitive measure on certain sections of the people, because it is seen from the wording of the clause itself that this clause is a very dangerous clause. It has been stated, "If it appears to the State Government" and so on. It is not even said "If the State Government is satisfied". Simply, if it "appears" to the State Government that such and such things happened, then collective fines may be imposed. So the powers are too wide. What are the reasons stated or what are the factors for which the necessity of imposition of collective fines is necessary? They are too many not only positive, but also negative. If they abet or if they make any communication they are punished, if they fail to do certain things, they are punished. So, positive and negative aspects are there. As we know the composition of the tribal population, and as we know their character, they are a hospitable people. Whoever goes to them as their guest, they give him shelter and food. If these clauses be there, they will be at a dilemma. They will be in between the two horns of a dilemma. If they are to follow the age-old customs of offering hospitality to their guests, they will be punished by the State Government. If they are to drive away any person in order to carry out the order of the Government, this will militate against their age-old customs. For those people, whose tradition is respected so much, who follow their predecessors' habits so much, this clause will be too arduous.

Moreover, it abuses a very fundamental principle of jurisprudence. It is said, that it is better that 99 out of 100 guilty persons escape punishment rather than one innocent person should get a punishment. But then, by this clause, the contrary will be the result, and many an innocent person will be subjected to various sorts of punishments and persecutions. It has also been stated in the Statement of Statement of Objects and Reasons and has also been repeated by our Chief Minister that this Maintenance of Public Order Act, in some form or other, was in operation in some parts of the Autonomous Districts from 1948 onward. What is the experience of the operation up till now? As for example, in 1948 when such a repressive measure was in operation in the Lushai Hills, what had happened? Were only those men who were responsible for the breach of law and order punished? Village after village and area after area in the Lushai Hills, were ravaged and hundreds of innocent people were tortured and terrorised.

Shri BISHNUARAM MEDHI (Chief Minister): May I know in which year ?

Pu. R. DENGTHUAMA : 1948.

Shri BISHNURAM MEDHI (Chief Minister): Was it applicable in the areas before the Constitution came into force ?

Shri GAURISANKAR BHATTACHARYYA: I am afraid, the Leader of the House is not just appreciating my point. Whatever it is, when some culprits were sought to be found out or sought to be punished in actual operation, not only those culprits, but thousands of harmless villagers and scores of peaceful areas were subjected to punitive actions in search of those culprits. This happened not only before Independence, and not only in the Autonomous Districts, but also after Independence and also in the Plains Areas. But as this is not within the scope of this Bill, I am not going to cite instances thereof. I can cite many instances where such excesses took place.

Now, the point is that if this clause be there in the proposed Act, we should say how this clause will function under the present circumstances. We know that the Police generally depend, particularly in the Tribal Areas, on the advice and informations of the Chiefs. These Chiefs have mostly conflict in interest with the common men and there is every likelihood that in order to wreck vengeance on those common men, these Chiefs would be furnishing incorrect informations to the Police Officers concerned, and the Police Officers would be following the advice and informations of those Chiefs and thus bring harassment to those common men. If the clause be there, there will remain a long rope in the hands of the Chiefs to utilise this legislation for their own interests, as against the interest of the people.

The Chief Minister had said to-day that the main purpose, or rather the underlying purpose of this proposed Act is to save the simple Tribal people from the trickeries of outsiders. If that be so, it should be seen that even if these simple Tribal folk might be committing deviations, there should be no harsh measure for them ; but there can be no harsher measure, for these sections of the simple people than what is envisaged in this clause.

To clause 7 of this Bill, there we find in the present day world only one parallel. That parallel is found in Malaya, where the British Imperialists, under similar measure have been harassing village after village and ravaging area after area in the so-called search of the "terrorists" which is the nomenclature given to the "Patriots of Malaya" by the British imperialists.

Shri BISHNURAM MEDHI (Chief Minister): Sir, I think this is out of order as he is referring to the British Imperialism.

Shri GAURISANKAR BHATTACHARYYA: I am just referring to a parallel case, and I believe and I wish that our Government be not an Imperialist Government! But will our Government go in the same way as the British Imperialists have gone in Malaya? Let us not think that in carrying the "Whiteman's Burden" and in giving the unwanted help to our less developed Tribal brethren, we have got a natural right and claim to create numerous Malayas in the Hills of Assam. But if this clause be there, the effect will be more or less the same. So, I fervently hope, that this clause should not be there in the proposed Act and the Mover of this Bill should be good enough to see his way to remove this clause from the Bill. If that be not done, there will remain every chance that this particular Bill will be one which will be doing more harm than good to the common people of the Autonomous Districts. Particularly when this Bill is being considered in a consolidated form, there should be no hesitation to remove the most obnoxious and arduous clause from the body of the Statute Book. With these words, I most fervently appeal to the House to agree to remove this clause. With these words, Sir, I move the amendment.

Mr. SPEAKER: Amendment moved is: "That clause 7 shall be deleted and the subsequent clauses be renumbered accordingly"

Shri A. S. KHONGPHAI: Mr. Speaker, Sir, I want to say a few words on clause 7. We see some difficulty in bringing in this clause. Sir, it has been provided in clause 7(5)(a) which reads—"in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the District Magistrate acting as a Court".

Sir, I have gone through the Statement of Objects and Reasons which stated that the Act is in force in different forms in different areas and the main object of this Bill is to make a self-contained law on the subject.

Then another point, Sir, it has been stated in clause 7(5)(b)—"as arrear of land revenue". Sir, that portion of the land revenue is within the scope and powers of the autonomous districts; so by reading clause 7(1) we find somewhat difficulty. So Sir, I think the amendment of Mr. Bhattacharyya should be accepted.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, Mr. Bhattacharyya cited certain incidents, certain allegations which are quite vague. He cited certain allegations which was done by one Mr. Peter, when this Maintenance of Public Order was not in force, but that power is still there and can still be exercised by the District Magistrate himself. Sir, without any reference to the provision of the Bill, Mr. Bhattacharyya wanted to take away the power from the District Magistrate, but the Magistrate must have

facts and figures before any action is taken in case of a certain offence. Take for instance, suppose a gang of dacoits lay in ambush on a road, and if a large amount of salt, sugar and other commodities are carried by a few porters without military escort, those dacoits may take away all the commodities. It is known to the hon. Members of the House how many days it takes even to go from Aijal to Lungleh. So, Sir, if the salt and sugar are taken away by the dacoits with the help of the villagers, it is therefore, necessary for application of this Act to prevent persons interfering with movement of commodities as well as transport of Government commodities for supply of essential commodities in the country as well as for the safety of the people of the locality. It is Sir, only in very exceptional circumstances that this power will be exercised, as a matter of fact this power is already in force. Sir, this power will only be utilised in case of emergency and also when necessity arises to safeguard the interest of the people as a whole and to prevent any uprising in the country, so that the people may not be deprived of the essential commodities. I hope under the circumstances, my Friend will not insist on his amendment; and I shall see that this power will never be exercised unless it is absolutely necessary in connection with the supply of essential commodities and for preservation of the safety of the country and the people as a whole.

Mr. SPEAKER: The question is that clause 7 shall be deleted and the subsequent clauses be renumbered accordingly.
(The amendment was negatived).

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker Sir, I beg to move that in sub-clause (2) of clause 10 for the words "two years" in the third line the words "six months" shall be substituted.

Sir, I hope there is no necessity of explaining the point, I only seek to reduce the punishment, because I think the period of 2 years is rather too heavy a punishment. So, Sir, instead of two years it should be six months only.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, I cannot accept the amendment because it is not necessary that the Magistrate will exercise the power and inflict maximum punishment. Though we have provided for two years, but the entire discretion is left to the Magistrate. Even if the maximum punishment is laid down for three years, in case of theft the people are generally let off either with a warning or a short term imprisonment or some fine according to the nature and gravity of the offence. It is better to leave the matter to the discretion of the Magistrate as to what

punishment will be imposed by him. So, Sir, I request my learned Friend not to press for his amendment.

Mr. SPEAKER: The question is that in sub-clause (2) of clause 10 for the words "two years" in the third line the words "six months" shall be substituted.

(The amendment was lost.)

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 11 for the words "two years" in the third line the words "six months" shall be substituted.

Sir, the argument is the same, except that the Chief Minister was good enough to read that the person concerned may either be imprisoned or fined, but then I don't know why he omitted the words or "with both" Sir, we are not convinced by the arguments advanced by the Chief Minister that the entire discretion should be left to the District Magistrate because then there will be limitless power given to the Magistrate. So, I beg to move this amendment as well.

Mr. SPEAKER: Amendment moved is that in sub-clause (2) of clause 11 for the words "two years" in the third line the words "six months" shall be substituted.

(The Amendment was later put as a question and was negatived.)

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that in the explanation of clause 11 the words "including shouting slogans" shall be deleted.

In clause 11 in the Explanation it is stated. "For the purpose of this section 'prejudicial act' means, including shouting slogans which is intended or is likely to undermine the security of, or tends to overthrow the State."

Sir, I think we are going too far in the matter of preventing disturbance in the country. Even, Sir, if we consider shouting of slogans is something prejudicial to the interest of the country, then one day they may come forward and say that we must not breathe also, because if we breathe the whole air may get polluted. So, Sir, there should be a limit to these things and with that object in view I have moved my amendment. Sir, by mere shouting of slogan under ordinary law, unless there is an overt act, no offence is committed. If we make shouting of slogans an offence, we will be going against the principle of criminal jurisprudence, because there must be some overt act accompanying the slogan to make it an offence. Now, suppose a boy shouts a slogan 'down with the Government',

under this Act that boy will be arrested, Sir, I think this is going too far and I request Government to accept this amendment. Many things have been suggested from our side in a constructive manner and we naturally expect that certain of our amendments would be accepted. But, Sir, it appears the other side is determined not to accept anything that may come from this side. Yet I still hope—though it is hoping against hope—that this amendment of mine will be accepted by the House and shouting of slogans will not be made a criminal offence.

Mr. SPEAKER: Amendment moved is that in the explanation of clause 11 the words “including shouting slogans” shall be deleted.

Shri BISHNURAM MEDHI (Chief Minister): Sir, I am sorry I cannot accept this amendment also because these words are there for the purpose of preservation of law and order and to prevent breach of the peace likely to be provoked by slogans. For example, if a man goes with loud speakers from one corner of the town to the other and shouts ‘slaughter cows’—which slogan is likely to provoke antagonism between communities and communities and which may in turn result in communal disharmony and breach of the peace. I think there is no doubt that such mischief mongers shouting such objectionable slogans should be dealt with under this proposed Act. In such cases only where slogans are considered prejudicial to the interest of the State and to the preservation of Law and Order, the Bill provides that people responsible for it should be put down with a firm hand.

Maulavi MUHAMMD UMARÜDDIN: On a point of information Sir, whether the word “Prejudicial” has been defined in this Bill?

Mr. SPEAKER: You should have looked to it yourself.

Maulavi MUHAMMAD UMARUDDIN: Yes, sir, but there is no such definition. We feel that the word “prejudicial” should be defined.

Shri BISHNURAM MEDHI (Chief Minister): As regards that point, it is for the Court to decide, Sir, from the ordinary meaning of the word “prejudicial”.

Mr. SPEAKER: The question is that in the Explanation of clause 11 the words “including shouting slogans” shall be deleted.
(The amendment was negatived.)

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 12 for the words "two years" in the third line the words "six months" shall be substituted. I hope there is no need of any speech here.

Mr. SPEAKER: Amendment moved is that in sub-clause (2) of clause 12 for the words "two years" in the third line the words "six months" shall be substituted.

Shri BISHNURAM MEDHI (Chief Minister): Sir, as I have already said in dealing with such matters the discretion is left to the Magistrate to decide the period of punishment. We want such matters to be decided by the Magistrate according to the gravity of the offence whether he will let off the offender only with a fine, or with imprisonment or with both. That is why, Sir, I cannot accept this amendment and I hope my Friend will not press for it.

Mr. SPEAKER: The question is that in sub-clause (2) of clause 12 for the words "two years" in the third line the words "six months" shall be substituted.

(The amendment was negatived.)

Shri GAURISANKAR BHATTACHARYYA: Sir, I beg to move that in clause 13, for the words "two years in the ninth and tenth lines the words "six months" shall be substituted.

This is for the same reason as in my previous amendment.

Shri BISHNURAM MEDHI (Chief Minister): Sir, I oppose this amendment also.

Mr. SPEAKER: The question is that in clause 13, for the words "two years" in the ninth and tenth lines the words "six-months" shall be substituted.

(The amendment was negatived.)

Shri HARESWAR GOSWAMI: Mr. Speaker Sir, I beg to move that in clause 17 after the words "police officer" in the first line, the words "not below the rank of an Inspector" shall be added.

Sir, clause 17 states "Any police officer may arrest without warrant any person who is reasonably suspected of having committed or of being about to commit an offence punishable under this Act". I want to define that this police officer must be an officer not below the rank of an Inspector. I know there is another amendment

from the Congress side. That will no doubt be readily accepted and our amendment will not be accepted. But the reason for my bringing this amendment is that when this power is given to the police to arrest a person without warrant, that power should be vested only in a responsible officer who can judiciously exercise it and I want that such an officer should be not below the rank of an Inspector. With these words I commend my amendment to the acceptance of the House.

Mr. SPEAKER: Amendment moved in that in clause 17 after the words "Police Officer" in the first line, the words "not below the rank of an Inspector" shall be added.

Mr. Das you may also now move your amendment.

Shri MAHI KANTA DAS (Parliamentary Secretary): My Friend, Mr. Alley will move it Sir.

Mr. A. ALLEY: Mr. Speaker Sir, I beg to move "that in clause 17(i) between the words 'police officer' and 'may arrest' the words 'not below the rank of a Sub-Inspector of Police' shall be inserted, and

(ii) the following proviso shall be added 'Provided that nothing in this Act shall protect a Police Officer making a malicious arrest'."

Sir, in making this amendment I want to say that for a Bill containing not more than 7 pages we have spent practically the whole day and if we speak in terms of money, we have spent more than 2 thousand rupees. I hope we shall not be charged by the people outside that we are wasting public money for talking on a Bill which may not be used.

Shri GAURISANKAR BHATTACHARYYA: On a point of clarification, Sir. Is it not an insinuation to the House to say that the House is wasting public money?

Mr. SPEAKER: There may be another type of wasting public money.

Mr. A. ALLEY: Sir, if it is an insinuation, then it is an insinuation against myself and against every body in the House. Now, Sir, the word 'police' generally has a very unpleasant effect on the mind of the people. That is so because we do not take the police in our confidence. Sir, it is a great mistake that we do not accept the Police as ordinary citizens. We should not treat them as if they are not human being. Sir, even the law does not take or recognise any statement made by policemen. If we had taken the police into our confidence, I confidently hope they will be able

to do their job far better. But then, in some respects a police man is always accepted with some amount of respect. People in the villages are proud to say that their sons one day may become a Daroga. That shows that these people have some respects for our policemen. Now, to come to the point. There is always an apprehension that the police may misuse the power given to them under this proposed Act and therefore to remove that apprehension the words "Sub-Inspector of Police" are sought to be inserted here. But, Sir, I must also say that misuse of power may also be resorted to in the case of other Acts. I will tell of a case which happened in the constituency of my Friend, Mr. Khongphai, *i.e.*, in Maharam State. Some time in 1948 a certain officer went to conduct election and because some people there defied him and did not like to obey his order he used this very power in order to arrest them and kept them in detention. At that time we had no Advisory Committee and we had to write to the Government and subsequently we got them released. The action of those people was not prejudicial to the interest of the State, but it affected the dignity of that officer alone and so he misused his power. Another case happened in the Lushai Hills. Under the Drugs Control Act the Superintendent there caught a man for carrying 8 pounds of medicinal salt instead of 5 pounds which is allowed under that order. He convicted the man and sentenced him to one year's imprisonment and his wife was sentenced to a fine of rupees one thousand. I represented the case to the then Chief Minister, late Mr. Bardoloi and he very kindly remitted the sentence. If any officer wants to misuse his power he can do so under any Act. He could misuse his power under this proposed Act also. We have said before that this proposed Act is only to arm ourselves and to use it when it might be necessary. There is a backward area called, "Bhoi area" in our district of Khasi and Jaintia Hills and in 1948 or 1949 some people went there to teach those people something they did not know. So, it is necessary to exercise this power under this proposed Act to check such anti-State activities. Therefore, Sir, in order to prevent misuse of power by the police officer I am bringing this proviso which runs, "Provided that nothing in this Act shall protect a Police Officer making a malicious arrest." By this not only a police officer will preserve law and order properly, but the people shall also be able to take him into their confidence. We should cease condemning the police unnecessarily. Of course some of the police officers are bad. But because we are in a welfare State we should take them into our confidence and instil unto them the duties of a guardian of the law.

I, therefore, respectfully request that the House be pleased to accept my Amendment.

Mr. SPEAKER : Amendment moved is :

“That in clause 17—

(i) between the words ‘Police officer’ and ‘may arrest’ the words ‘not below the rank of a Sub-Inspector of Police’ shall be inserted,

(ii) the following proviso shall be added—

‘Provided that nothing in this Act shall protect a Police Officer making a malicious arrest’.”

Shri BISHNURAM MEDHI (Chief Minister) : Mr. Speaker, Sir, I accept the Amendment that has been moved by Mr. Alley. It seeks to add the words “not below the rank of a Sub-Inspector of Police” between the words “police officer” and “may arrest”. So, I do not see any objection to their being accepted. But the Amendment of the Leader of the Opposition cannot be accepted because he wants to add the words, “not below the rank of an Inspector” after the words “police officer”. I hope he will please withdraw his Amendment. In the District of Lushai Hills covering an area of about 8,000 square miles there is only one Inspector of Police. So it is very difficult for him alone to exercise this power for the whole district. In view of this, I hope Mr. Goswami will please withdraw his Amendment.

As regards the other Amendment of Mr. Alley I have no objection to accept it. This Amendment seeks to add a proviso, *viz.*, “Provided that nothing in this Act shall protect a Police Officer making a malicious arrest.”

Mr. SPEAKER : Does Mr. Goswami want to withdraw his Amendment ?

Shri HARESWAR GOSWAMI : Yes, Sir.

(The Amendment was, by leave of the House, withdrawn).

Mr. SPEAKER : Now the question is “that in clause 17—

(i) between the words ‘police officer’ and ‘may arrest’ the words ‘not below the rank of a Sub-Inspector of Police’ shall be inserted.

(ii) the following proviso shall be added—

‘Provided that nothing in this Act shall protect a Police Officer making a malicious arrest’.”

(The Amendment was carried).

Now, the question is that clauses 1 to 16 of the Bill do form part of the Bill.

(The question was carried).

The question is that clause 17, as amended, do form part of the Bill.

(The question was carried).

The question is that clause 18 do form part of the Bill.

(The question was carried).

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

(The question was carried).

Shri BISHNURAM MEDHI (Chief Minister) : Mr. Speaker, Sir, I beg to move that the Assam Maintenance of Public Order (Extension to Autonomous Districts), Bill, 1953 as amended be passed.

I hope the hon. Members, after discussing the problems owing to which this Bill has been brought forward, will now accept my Motion for passing the Bill.

Mr. SPEAKER : The Motion moved is that the Assam Maintenance of Public Order (Extension to Autonomous Districts), Bill, 1953 as amended be passed.

Shri GAURISANKAR BHATTACHARYA : Mr. Speaker, Sir, it was with a very constructive attitude that we had submitted some Amendments to this Bill. But unfortunately all those Amendments have been thrown out excepting the one which was moved by Mr. Alley. Now, the Bill as it stands before us, appears to be a very pernicious Bill. It will not improve the position of law and order in the Autonomous Districts, as is expected by the Chief Minister. On the contrary, it will bring a lot of confusion, a lot of terror to the simple-minded tribal brethren of our State. We have, of course, heard many a time that it is our duty to save those who are in difficulty. But in the name of protecting law and order many a terrible thing has been done in this world. We ought not to have taken the position of a Saviour. We ought to have left the matter in the hands of those people who are primarily concerned in this respect and if we had done it, not only we would have got their co-operation but would have also fostered brotherly feelings amongst the people of the Plains and Hills. But our attitude, as shown by the party in power, is far from that. In a word, their attitude is something like that of a Saviour. In the Srimat Bhagavat Gita, it is said—

“যদা যদাহি ধর্মস্য প্তানিভবতি ভারত, অভ্যুত্থানমধর্মস্য তদাত্মনং সৃজাম্যহম্ ।
পৰিত্রানায় সাধুনাং বিনাশায় চ দুষ্কৃতাং ধর্মসংস্থাপনার্থায় সত্ত্ববাসি যুগে যুগে ॥”

Now, it seems that Bishnu has taken the form of a new Avatar and this new Bishnu wants to be the Saviour of all the hill areas.....

Shri SRIMAN PRAFULLA GOSWAMI: On a point of information, Sir. May I know whether Mr. Bhattacharyya, as a Communist, believes in that Sloka ?

Shri GAURISANKAR BHATTACHARYYA: That is a different thing. It is said that Srimat Bhagavat Gita was composed in the Dwapar Yuga and Sri Krishna is alleged to have said, "I am the protector, I am the Saviour of the entire Universe. Whenever I see any injustice, whenever I see any irreligion, then I take the form of a new incarnation in order to protect the Universe from all calamities." This time, we find a new Sri Krishna in the person of Bishnu, who wants to "protect" the Universe from all calamities, irreligion and the breaches of law and order and what not. But, Sir, that is not going to be. The real Saviour is the people ; it is the *Nara* who is the real *Narayana*, and not any particular section or individual, however high-browed that particular group or individual may be. The ultimate authority, the greatest force which is irresistible, which cannot be crushed, which on the contrary crushes all injustice, and all arrogance, is the force of the people. Let us remember it ; let us also remember that this attitude of a Saviour, this attitude of an *Avatar*, is not the proper attitude in the present age. It is out of tune and back-dated. Let us take a really democratic view which is befitting with the present circumstances. Let us, even at this last stage, when we have passed all the clauses of the Bill, give up this pernicious, retrograde and reactionary measure. It will not help to develop fraternal feelings between the people of the Hills and the Plains, it will not help the maintenance of peace and order. On the contrary, it will only sow seeds of suspicion, seeds of distrust and seeds of fear and if these seeds are sown, it will spell the doom not only for those who pilot such Bills, but also for those who support them. We, therefore, do not want to be a party to these things. I therefore appeal even at this last stage that this Bill be dropped.

Shri DHARANIDHAR BASUMATARI: অধ্যক্ষ মহোদয়, আজি আমাৰ মাননীয় মধ্যমন্ত্রী মহোদয়ে যিখন বিল গোটাই অসমৰ নিৰপত্তা ৰক্ষা কৰিবলৈ, আন্তৰীণ আইনখন আমাৰ পূৰ্বত জিলা সমূহৰ শান্তি আৰু শৃংখলা ৰক্ষাৰ কাৰণে সেই এলেকা সমূহতো বলবৎ কৰিবলৈ এই সদনত উত্থাপন কৰিছে, মই তাক সাদৰেৰে সমৰ্থন কৰিছো। এই বিলখন আনোতে মই ভাবিছিলো যে আমাৰ বিৰোধীদলৰ বন্ধু সকলে বিনা বাক্যব্যয়ে এই বিলখন সমৰ্থন কৰিব। কিন্তু এতিয়া দেখিছো কথা সম্পূৰ্ণ বিপৰীত। অৱশ্যে তেখেত সকলৰ কাৰ্য্য পদ্ধতি বহুদিনৰ পৰাই দেখি আহিছে। আজি অৱশ্যে অলপ বেচি আচৰিত হৈছে। কিয়নো মই ভাবিছিলো তেখেত সকলে পূৰ্বতীয়া জন জাতি ভাই সকলৰ অন্যায় নকৰিব।

বৃটিছৰ দিনত আমাৰ পূৰ্বতীয়া ভাই সকলক আমাৰ ভৈয়ামবাসী সকলৰ পৰা তেওঁলোকৰ সামাজ্য সংৰক্ষণৰ কাৰণে আতৰাই ৰাখিছিল। আমাৰ সমাজৰ লগত কোনো সম্পৰ্ক স্থাপন কৰা বা আমি তেওঁলোকৰ লগত কোনো আদান প্ৰদান কৰা একেবাৰে আইন বিৰোধী আছিল। বৃটিছৰ নিহিত স্বার্থ ৰক্ষাৰ কাৰণেই সেইটো কৰিছিল। তেনে এটা পৰিস্থিতিৰ

ফল স্বৰূপেই নগা পাহাৰত কটাকটি মৰামৰি হৈছিল। এতিয়া আটাইতকৈ আচৰিত কথা এই যে, আমাৰ বিৰোধীদলৰ সদস্য সকলে এই বিলৰ বিৰোধীতা কৰি আমাৰ পাৰ্বৰ্য্য অঞ্চলৰ ভাই সকলৰ মাজত নগাপাহাৰৰ ঘটনাৰ পুনৰাভিনয়হে বিচাৰে।

এই বিলৰ উদ্দেশ্য হৈছে যে যাতে আমাৰ নীৰৱ পৰ্বৰ্য্য ভাই সকলে এটা শৃংখলাবদ্ধ সামাজিক জীৱন যাপন কৰিব পাৰে। সেই উদ্দেশ্যেৰেই এই বিল অনা হৈছে। কিন্তু মই দেখি আচৰিত হৈছো যে, আমাৰ বন্ধু খংফাই ডাঙৰীয়াই পৰ্বৰ্য্য অধিবাসী হৈও আমাৰ গোঁশ্বামীৰ ভট্টাচাৰ্য্য ডাঙৰীয়াৰ লগত কেনেকৈ সুৰ মিলাইছে, (হাহি) আমাৰ গোঁশ্বামী আৰু ভট্টাচাৰ্য্য ডাঙৰীয়াই বিচাৰে যে আমাৰ পাৰ্বৰ্য্য অঞ্চলত এটা অশান্তিৰ, এটা বিশৃংখলাৰ সৃষ্টি হওক। আৰু সেই অশান্তি আৰু বিশৃংখলাৰ স্থবিধা লৈ তেখেত সকলে আমাৰ পাহাৰীয়া ভাই সকলক বিপথগামী কৰাৰ এটা স্বযোগ লোৱাৰ কথা মনতে কল্পনা কৰিছে। মই বৰ দুঃখ পাইছো যে আমাৰ খংফাই ডাঙৰীয়াই তেখেত সকলৰ এই কন্দিটো বুজি নাপালে। (হাহি) (Interruption) আমাৰ বিৰোধী দলৰ নেতা শ্ৰীহৰেশ্বৰ গোঁশ্বামী ডাঙৰীয়া এজন উচ্চ শিক্ষিত উঠি অহা ডেকা ভবিষ্যত তেখেতৰ অতি উজ্জ্বল অথচ (হাহি) তেখেতেও ভট্টাচাৰ্য্য ডাঙৰীয়াৰ লগতে সুৰ মিলাই দিলে। লগে লগে তেখেতে নানা কথাৰ চলেৰে আমাৰ পাহাৰী সদস্য ভাই সকলকো প্ৰকৃত উদ্দেশ্যৰ পৰা বিবত কৰিছে। অথচ আমাৰ গোঁশ্বামী ডাঙৰীয়াই এইটো বুজিবলৈ টান পাইছে যে ভট্টাচাৰ্য্য ডাঙৰীয়াই বিৰোধীতা কৰি তেখেতৰ দলৰ পথ সূচল কৰিবলৈ উঠি পৰি লাগিছে। ভট্টাচাৰ্য্য ডাঙৰীয়াই আমাৰ পাৰ্বৰ্য্য অঞ্চলৰ শৃংখলা নিবিচাৰে—শান্তি নিবিচাৰে; তেখেতে বিচাৰে তেখেতৰ পাৰ্টিৰ সকলতা। জনসাধাৰণৰ শান্তি, শৃংখলা আৰু নিৰাপত্তা ৰক্ষাৰ লগত তেখেতৰ পাৰ্টিৰ কৰ্ম পদ্ধতিৰ কোনো সামঞ্জস্য নাই। গতিকে তেখেতে বিচাৰে দানবৰ ৰাজ্য আৰু তেখেতেই হৈছে দানবৰ অবতাৰ।

সেই কাৰণে মই সাবধান কৰি দিও যাতে আমাৰ বন্ধু মহমচিং আৰু খংফাই ডাঙৰীয়াই আমাৰ ভট্টাচাৰ্য্য ডাঙৰীয়াৰ সুৱলা কথাত ভোলগৈ এই বিলৰ বিৰোধীতা নকৰে। আকৌ মই কও যে আমাৰ ভট্টাচাৰ্য্য ডাঙৰীয়াই বিচাৰে যে আমাৰ জনসাধাৰণৰ মাজত আইন শৃংখলা নাথাকক; তেখেতে আজিলৈ যিবিলাক কৰি আহিছে, সেই বিলাক ঘটনা আপুনি জানেই Sir কেনেকৈ আমাৰ ৰাইজৰ অশিক্ষিততাৰ সুযোগ লৈ জনজাতি অঞ্চলত নানা বকম প্ৰলোভন দেখুৱাই, ভয় দেখুৱাই কি ভাবে চাৰিওফালে বিশৃংখলা সৃষ্টি কৰিছিল। কিন্তু মই বুজি নাপাও আমাৰ গোঁশ্বামী ডাঙৰীয়াই এই বোৰ কথা জানিও কিয় বিৰোধীতা কৰিছে। মই আকৌ দঢ়াই কও যাতে তেখেতসকলে দুনাই ভট্টাচাৰ্য্য ডাঙৰীয়াৰ লগত সুৰ নিমিলায়।

ইয়াকে কৈ মই বিলখন সম্বন্ধন কৰিছোঁ।

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, in piloting this Bill I gave an assurance on behalf of the Government to the hon. Members of this House as well as the people outside that although Government had been given sufficient powers under this proposed Act, Government would not exercise those powers except for the protection of the interest of the tribal people. I repeat this assurance again. It is for the prevention of retardation of the progress of the hill people that this measure has been brought forward, so that they may speedily develop in a peaceful atmosphere through the administration of their District Councils and the powers that have been conferred on the District Councils under the Sixth Schedule may be utilised by them without let or hindrance by people from outside who want to exploit them. I hope, Mr. Bhattacharyya and others will exercise their influence that the atmosphere is allowed to remain peaceful in the autonomous

districts so that they can develop and the Government is not forced by circumstances to use these powers against those who want to disturb the peace and tranquility as a measure of emergency. I can give the assurance to the Members both of Hills and Plains that any provision of this proposed Act will not be used unless it is essentially necessary to meet emergent situations for maintenance of law and order and to prevent persons fomenting anti-social or anti-State activities or any movement to create confusion or breach of peace, so that the District Councils may work harmoniously in a peaceful atmosphere. I hope with these assurances, the hon. Members at this last stage will not hesitate to pass this Bill. Let us hope that no occasion will arise such as communal disturbance or commotion in which some parties will try to exploit the situation and compel the Government to utilise these powers conferred on them against the mischief-mongers.

I assure again for the third time that Government is not going to exercise any of the provisions unless it is essentially necessary to do so. I hope, the hon. Members of the Opposition will help me in passing this Bill and offer their whole-hearted co-operation so that there might not be any occasion to use the provisions of the Bill.

Mr. SPEAKER : The question is that the Assam Maintenance of Public Order (Extension to Autonomous Districts) Bill, 1953, as amended, be passed.

(The Motion was adopted.)

The unfinished Government business of today will be taken up tomorrow.

The House stands adjourned till 1-30 p. m. tomorrow, the 10th April, 1953.

Adjournment

The Assembly was then adjourned till 1-30 p.m. on Friday, the 10th April, 1953.

Shillong ;
The 5th December, 1953.

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