

Assam
Legislative Assembly
Debates

OFFICIAL REPORT

SECOND SESSION OF THE ASSAM LEGISLATIVE
ASSEMBLY AFTER THE FIRST GENERAL
ELECTION UNDER THE SOVEREIGN
DEMOCRATIC REPUBLICAN
CONSTITUTION OF INDIA

SEPTEMBER SESSION

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**Proceedings of the Second 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 1-30 P.M., on Friday, the 5th September, 1952.

PRESENT

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, the ten Ministers, the two Deputy Ministers, one Parliamentary Secretary and eighty-eight Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given.)

Re: Golaghat Amateur Theatre Society

Shri RAJENDRA NATH BARUA asked :

*5. Will Government be pleased to state—

- (a) Whether a resolution, dated the 1st August 1952 from Golaghat Amateur Theatre Society was received by Government regarding exemption of Amusement Taxes for dramatic performances held on the Kali Puja day instead of the Magh Bihu day by Amateur Societies ?
- (b) Whether Government propose to accept the alteration proposed by the Amateur Theatre Party, Golaghat ?

Shri MOTIRAM BORA (Minister) replied :

5. (a)—Yes.

(b)—The matter is under consideration.

Shri HARESWAR GOSWAMI: Sir, did Government receive a similar resolution from the Kamrup Natya Samity ?

Shri MOTIRAM BORA (Minister): Yes, Sir.

Shri HARESWAR GOSWAMI: What is the result, Sir ?

Shri MOTIRAM BORA (Minister): The whole matter is under consideration.

Government Fishery at Raha in Nowgong District

Shri BIMALA KANTA BORA asked :

*6. Will Government be pleased to state—

- (a) When the Government Fishery at Raha in the district of Nowgong was started ?

- (b) What amount has been spent in excavating tanks, reservoirs, etc., till 31st July 1952 ?
- (c) What amount has been spent in catching fish, fingerlings, etc., for culture in the said fishery ?
- (d) What amount has been spent as establishment charges for the said fishery till 31st July 1952 ?
- (e) Whether Government are aware that the fishery goes dry during winter season and gets overflowed during rains ?
- (f) Whether there is any fish in the fishery now ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister) replied :

6. (a)—The Government Fish Farm at Raha was started in the month of February, 1951.

(b)—The following is the total expenditure for excavating tanks including raising of nurseries and dewatering till 31st July 1952—

						Rs.	a.	p.
1951-52	...	...	...	...	...	26,867	8	0
1952-53 upto 31st July 1952	...	...	...	...	...	17,000	0	0
Total	...	...	...	...	...	43,867	8	0

(c)—A sum of Rs.10,203-15-0 was spent till 31st July 1952 for collection of fish seeds including other marketable fishes caught in the Haria-Nisari Fishery. This includes the purchase of implements like nets, boats, fry carriers, tarpaulins, pay of labourers and construction of sheds at Hariamukh and Tetelisara Seed Collecting Centres against which Rs. 6,995 has been recovered by sale of fish, etc.

(d)—A sum of Rs. 1,320-14-0 has been spent as pay and allowance for the establishment provided under Fish-Farm at Raha.

(e)—The Fish-Farm is located in what was previously a grazing reserve which prior to the starting of the farm went under water during the rains and almost dried out during winter.

(f)—Yes.

Shri BIMALA KANTA BORA: May I know, Sir, who selected the site of that fishery ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): The Government selected the site on the advice of some experts, Sir.

Shri BIMALA KANTA BORA: Who were the experts, Sir, to advise the Government for selecting the site ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): The Director of Agriculture and the Superintendent of Fishery.

Shri BIMALA KANTA BORA: Was the local opinion invited, Sir, in this matter ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): No, Sir, I believe.

Shri BIMALA KANTA BORA: Is it a fact that the fishery is situated within a mile from the confluence of Haria Kalang and Titamara rivers ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): Not within a mile, Sir, but within 3 miles.

Shri BIMALA KANTA BORA: How the Minister got this information, Sir, that the distance is 3 miles ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): I have visited the confluence of the rivers myself, Sir.

Shri BIMALA KANTA BORA: Did the Minister visit the fishery after last July ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): Yes, Sir, with the hon. Member himself.

Shri BIMALA KANTA BORA: Did he notice, Sir, that all the domesticated fishes in that fishery were taken away by the last flood ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): At present that is not definitely known, Sir, but after the recession of water to a certain level, we are making trial netting when we shall be able to ascertain whether all the fishes have gone out of the fishery or some of them still remain there.

Shri BIMALA KANTA BORA: What may be the likely cost of damage as a result of the last flood ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): About Rs.17,000, Sir.

Shri BIMALA KANTA BORA: Will it be desirable to spend Rs.17,000 when there is no fish there ? And when the site of the fishery goes dry during winter and gets flooded during the rains, is there any possibility of the fishery being made successful in future ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): There is a prospect, Sir. I do not say that all the domesticated fishes have gone out of the fishery owing to the flood. The fishes from the natural sources might also come in. It is a fact that we fail to gauge the strength of the flood and the measures taken so far have proved inadequate. We are going to collect data about it and if we succeed in acting accordingly, I believe it will develop into a very nice Fish Firm.

Shri BIMALA KANTA BORA: Can Government stop flood, Sir ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): But Government can take steps to prevent damages caused by flood to a certain extent. An embankment was constructed alongside the Kolong river, and the opinion of the

Executive Engineer of the Embankment and Drainage Department was that when the embankment was constructed alongside the Kolong river, the fishery would survive the strain of flood and would be saved. This time the intensity of the flood was a bit unprecedented and the whole firm was affected.

Shri BIMALA KANTA BORA: In view of the intensity and nature of the flood will it be advisable, Sir, for the Government to continue this fishery ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): But after spending so much money if we now abandon it without giving it a full trial I think it will be unfortunate. At the same time we are also proposing to fix some wire-meshes there to give some protection against flood.

Shri BIMALA KANTA BORA: What will be the cost of wire-netting, Sir ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): It is not estimated, Sir, at the present moment.

Shri BIMALA KANTA BORA: Shall I be wrong, Sir, if I say that the cost will be prohibitive ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): The cost will be compensated if the fishery becomes a success.

Shri BIMLA KANTA BORA: Is it not a fact, Sir, that the officer in-charge of the fishery has submitted a scheme to the Government for improvement of the fishery which will cost Government about Rs. 75,000 ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): I have not received the scheme as yet, Sir.

Shri MOHI KANTA DAS: What is the estimate of loss for the fish that escaped from the fishery this year, Sir ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): Our estimate was that we had put in the fishery about 82,851 fries and about 10,204 fingerlings till 31st July, 1952.

Shri BIMALA KANTA BORA: Is it not a fact, Sir, that a boat fitted with motor engine has been supplied for the fishery officer there ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): It is not meant for the fishery officer, but meant for collecting fries in Haria river and the boat belongs to the Fishery Department.

Shri BIMALA KANTA BORA: Is it not an unnecessary cost, Sir ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): It is a matter of opinion.

Shri NANDA KISHORE SINHA: Is it a fact that the Government have taken over a few Municipal tanks of Silchar for pisciculture ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister): Yes, Sir, some of them have been taken.

Shri NANDA KISHORE SINHA : What is the present condition ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister) : This is a new question. If I get notice I can supply the information to my Friend from the local officer concerned.

Shri BIMALA KANTA BORA : If after strenuous efforts Government find they cannot protect the fishery from floods, will Government consider the desirability of doing away with this fishery ?

Shri MAHENDRA MOHAN CHOUDHURY (Minister) : As I have already said, Sir, there was an unprecedented flood this year and we do not expect that it will recur every year. However it is too early to decide this question now.

Death of a Tusker Elephant at Bamunigaon.

Shri RADHA CHARAN CHOUDHURY asked :

*7. Is it a fact that a tusker elephant belonging to Government recently died at Bamunigaon (in Kamrup district) on account of a slip from the top of the hill to its foot with "bandas" tied on the fore-legs ?

Shri RAMNATH DAS (Minister) replied :

7.—Yes. The elephant slipped from a precipice and broke its spine. As there was no hope of his recovery, he was shot down to relieve his pains.

Shri RADHA CHARAN CHOUDHURY : What was the necessity of keeping the elephant tied with "bandas" on the top of the hill ?

Shri RAMNATH DAS (Minister) : The elephant was not kept on the top of the hill with bandas. As the elephant was suffering from certain wounds it was with bandas on the four legs and he went upto the hill with bandas. Of course we feel that the people who were in charge should not have allowed it to move freely and we are making an enquiry to fix the responsibility for this.

Shri RANENDRA MOHAN DAS : Have Government started the enquiry after the question was received ?

Shri RAMNATH DAS (Minister) : No, Sir, before that.

Shri DHARANIDHAR BASUMATARI : Which officer was in charge of this elephant ?

Shri RAMNATH DAS (Minister) : In addition to the grass-cutter and the Mahut there were also other officers, but who was exactly in charge is not known to me. But I have asked the Conservator to make a thorough enquiry about this.

Shri HARESWAR GOSWAMI : Is it the practice to keep the elephants with bandas tied on the top of hills ?

Shri RAMNATH DAS (Minister) : No, Sir, the elephant as stated was allowed to move with the "bandas" and it went to the top of the hill from where it fell down.

Shri DHARANIDHAR BASUMATARI : Is it not a fact that the officer who was in charge is responsible for the death of the elephant ?

Shri RAMNATH DAS (Minister) : I have already said, Sir, that we feel that the elephant should not have been allowed to move in that way. We have asked the Conservator to make an enquiry and try to fix the responsibility on the officer concerned.

Shri HARESWAR GOSWAMI: What will be the estimated amount of loss incurred on the death of this elephant ?

Shri RAMNATH DAS (Minister): I think as it was an old elephant the loss may be Rs.2,000 to Rs.3,000.

Shri DHARANIDHAR BASUMATARI: Is it not a fact that the elephant's age was only 27 ?

Shri RAMNATH DAS (Minister): I do not know, but the report says it was an old elephant.

Shri SARJU PRASAD SINGH: What is the average longevity of an elephant ?

Mr. SPEAKER: This question does not arise.

Shri HARESWAR GOSWAMI: What was the age of this particular elephant ?

Shri RAMNATH DAS (Minister): I do not know. What I do know is that it was an old elephant

Shri HARESWAR GOSWAMI: How can the Minister say that it was old when he does not know its age ?

Shri RAMNATH DAS (Minister): It was reported that the elephant was an old one.

Shri RUPNATH BRAHMA (Minister): The average age of an elephant is 100 years.

Shri BIMALA KANTA BORA: Is it due to the fact that the elephant was old and unserviceable that the Mahut was indifferent and it was allowed to die that way ?

Shri RAMNATH DAS (Minister) I do not believe that Sir.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Rice supplied through Government Ration Shops at Jorhat

Shri SARJU PRASAD SINGH asked :

17. (a) Are Government aware that rice which is being given through Government Ration Shops at Jorhat is not fit for human consumption ?

(b) Do Government propose to enquire into the matter and get the rice examined ?

(c) Are Government aware that 35 per cent. of people of the town specially poorer sections are suffering from dysentery because of this rice ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

17. (a)—No

(b)—Does not arise

(c)—Government have no information. No such complaints have also been received.

Shri SARJU PRASAD SINGH: May I enquire from the Supply Minister whether he has seen the rice himself ?

Shri BAIDYANATH MOOKERJEE (Minister): I have not seen the rice myself but I have got a report from the Deputy Commissioner, dated 25th August 1952.

Shri SARJU PRASAD SINGH: How many varieties of rice are supplied to the ration shops ?

Shri BAIDYANATH MOOKERJEE (Minister): That is a new question and I want notice.

Shri SARJU PRASAD SINGH: Which varieties are fit for human consumption ?

Shri BAIDYANATH MOOKERJEE (Minister): I cannot say. But we supply rice which is of standard quality. I do not know the names of all the varieties of rice and I think many Members in this House will also not be able to name all the varieties.

Shri RANENDRA MOHAN DAS: The Supply Minister is expected to know the varieties.

Shri BAIDYANATH MOOKERJEE (Minister): I know the names of common varieties, like Joha and Lahi. But I do not know all the varieties. I am not a *bania*.

Shri RANENDRA MOHAN DAS: But you have taken up that job.

Shri DHARANIDHAR BASUMATARI: May I know why the Supply Minister is not expected to know all these things ?

Shri BAIDYANATH MOOKERJEE (Minister): Names of all varieties of rice ! I am afraid that is not the job of a Minister.

Shri SARJU PRASAD SINGH: With regard to (c), will Government try to get the information ?

Shri BAIDYANATH MOOKERJEE (Minister): Sir, after we had received these questions we sent them to the Deputy Commissioner, Sibsagar for a proper enquiry. Deputy Commissioner made the enquiry and sent his report to us dated 25th August. In that report the Deputy Commissioner specifically states that the rice that was being supplied is not unfit for human consumption. So, we replied to (a) as "No", (b) "Does not arise" and (c) "Government have no information". No such complaints were received either by the Deputy Commissioner or the Government.

Shri BIMALA KANTA BORA: Was the rice, which was unfit for human consumption, there in the stock when the Deputy Commissioner made the enquiry ?

Shri BAIDYANATH MOOKERJEE (Minister): No rice which is unfit for human consumption is issued from any Government stock.

Shri BIMALA KANTA BORA: Did the Deputy Commissioner make any personal inspection or he sent his report on the basis of inspection made by other officers ?

Shri BAIDYANTAH MOOKERJEE (Minister): He himself made the enquiry.

Shri BIMALA KANTA BORA: Unfit rice was not there then ?

Shri BAIDYANATH MOOKERJEE (Minister): I would ask my Friend to read the question. The question says "rice which is being given".

Shri RANENDRA MOHAN DAS: When there is a complaint in the House will the Minister make an enquiry ?

Shri BAIDYANATH MOOKERJEE (Minister): The enquiry has already been made. I would request the hon. Members to go through the questions and answers carefully. The first question was "Are Government aware that rice which is being given through Government ration shops at Jorhat is not fit for human consumption?" I have replied "No". How am I expected to know what rice was given before I took charge of this portfolio. When the questions were sent to your Honour.....(The Speaker:—I am plain Mr. Speaker). When the members are hon. members you are certainly Hon'ble Speaker. It has been left to us (members) to address you as Hon'ble Speaker. My point is this that when these questions were received by us from your office we made enquiries through the head of the district or subdivision and the replies were framed after we had received his report. In that report he states that the rice which is being given is not unfit for human consumption. And with regard to (c), he says that he has received no complaints that 35 per cent. of the people of Jorhat are suffering from dysentery because of this rice. There are many members from Jorhat, including yourself, Sir, and I would like to know how many of them are suffering from dysentery.

Maulavi Md. UMARUDDIN: Sir, was the report of the Deputy Commissioner supported by any expert opinion?

Shri BAIDYANATH MOOKERJEE (Minister): What is meant by the words 'Expert opinion', Sir.

Mr. SPEAKER: The medical authorities.

Maulavi Md. UMARUDDIN: Yes Sir.

Shri BAIDYANATH MOOKERJEE (Minister): Sir, when the Deputy Commissioner sent his report, he must have been satisfied that the rice was fit for human consumption. He might have taken the opinion of the District Medical authorities. But how and where from he did, I cannot say Sir. Certainly he followed the usual procedure.

Maulavi Md. UMARUDDIN: May I know whether the opinion of the Medical authorities was taken, Sir?

Mr. SPEAKER: The Minister says, he presumes.

Number of High and Middle English Schools

Shri JOGAKANTA BARUA asked:

18. Will Government be pleased to give the following informations Subdivision-wise:—

- (a) Number of Government High Schools and Middle English Schools with students and annual expenditure thereof?
- (b) Number of Government Aided High Schools and Middle English Schools with students and annual aid thereof?
- (c) Number of Venture High Schools and Middle English Schools with students thereof?

Shri OMEMO KUMAR DAS (Minister) replied :

18.—The Statement below gives the number of High and Middle English Schools, enrolment and expenditure on Education by Management for the year 1950-51 subdivision by subdivision.

Name of Subdivision	High			Middle English																			
	Scholars			No. of Schools			Scholars			Government expenditure													
	No. of Schools	Aided	Unaided	In Government Schools	In Unaided Schools	In Schools	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	
Gauhati	1	30	1	623	11,431	250	64,900	2,22,995	1	48	6	192	3,950	429	11,138	50,581						
Barpeta	1	14	..	566	4,506	..	51,620	1,11,388	..	17	4	..	1,578	175	..	16,416						
Nowgong	1	23	3	621	7,722	470	65,365	1,55,516	1	39	10	32	3,572	330	3,838	38,306						
Goalpara	1	10	2	585	2,343	452	45,216	51,012	..	20	1	..	1,349	40	..	22,563						
Dhubri	1	23	3	528	4,357	1,220	47,430	1,14,662	..	31	4	..	1,724	515	..	28,942						
Sibsagar	1	19	3	752	5,850	1,390	63,198	1,14,040	..	26	12	..	2,693	919	..	25,320						
Jorhat	1	14	7	764	5,307	2,158	54,098	1,03,226	2	20	8	455	2,260	370	24,246	20,861						
Golaghat..	..	1	7	5	665	1,658	1,347	47,505	41,865	3	19	3	395	1,862	333	4,999	18,781						
Dibrugadh	3	13	3	1,674	5,473	1,486	1,44,734	81,026	..	28	14	..	1,812	1,043	..	16,612						
N. Lakhimpur	1	9	..	551	1,326	..	42,186	36,786	..	15	1	..	1,202	100	7,411	13,015						
Tezpur	1	9	..	624	3,643	..	47,003	63,180	1	6	..	120	677	..	..	6,112						
Mangaldai	1	6	..	569	1,303	..	52,372	27,546	..	16	..	..	1,145	..	..	16,021						
Silchar	1	13	2	771	5,327	505	56,104	89,876	..	8	5	..	759	519	..	10,018						
Karimganj	1	9	2	557	3,905	395	52,879	66,165	..	9	3	..	765	454	..	8,958						
Hailakandi	1	3	1	622	1,468	336	43,632	27,972	..	6	..	..	606	..	..	5,105						
K. & J. Hills	3	10	1	1,457	4,884	200	1,21,859	81,855	1	26	2	40	3,597	243	5,319	31,603						
Lushai Hills	1	1	..	353	280	..	38,092	4,200	7	9	20	553	738	658	34,236	8,800						
Naga Hills	2	..	..	998	..	..	71,689	..	11	13	7	1,087	1,548	502	80,048	15,430						
Garo Hills	1	1	..	359	..	..	38,516	..	1	20	6	90	1,215	304	5,301	15,099						
N. C. Hills	1	..	..	280	..	..	10,663	..	2	..	..	284	..	..	6,461	..						

The Assam Liquor Prohibition Bill, 1952

Maulavi Md. UMARUDDIN : Mr. Speaker Sir, I was not present on the day when the Minister-in-charge of Excise introduced the Assam Liquor Prohibition Bill, 1952 and have not had therefore, the opportunity of hearing him as to the facts and circumstances by which he wanted to justify the introduction and passing of this Bill. This Bill, Sir, means a stepping stone to a fiscal policy of the Government of a very far-reaching character. The Government had introduced stoppage of sale of liquor in Barpeta Subdivision from 1948 as a preliminary measure of partial prohibition and by this Act, it is intended to take certain further measures to stop possession, manufacture, consumption and import of liquor, etc., to complete prohibition. The Government should have, before selecting Barpeta as a laboratory for this particular experiment, taken certain circumstances of the place into consideration. We know, Sir, prohibition was started in Bombay, and we know the consequences of starting prohibition of liquor in that State. We all know the historic experiment in the United States of America of stopping consumption of liquor and its eventual failure. Therefore, Sir, this experiment has got great significance. First of all, I should like to know why of all the places in the State of Assam, Barpeta was selected for this experiment ?

Shri BIMALA KANTA BORA : This was introduced about 3 years ago, Sir.

Maulavi Md. UMARUDDIN : Sir, before starting this experiment Government should have taken into consideration all the relevant features of the place, *viz.*, the social condition of the people, their mode of living, the extent of their drinking habits and composition of population, etc. Had the Government found Barpeta such a place that in respect of the above factors it represents a cross section of the condition prevailing in the State of Assam as a whole ? Then after having tried partial prohibition for the last four years—all the necessary data in this connection should have been first collected, the reaction of the people ascertained before making the drive of prohibition in the State to make it successful. All these important information should have been placed before the House. Sir, it will touch the fiscal policy of the Government. So it should be considered very carefully. Already we have lost 76 lakhs of rupees as a result of this prohibition. Moreover unless the general behaviour of the people of the areas are known, unless the general reaction of those who usually indulge in drinking is known this attempt on prohibition will not serve any useful purpose. Sir, unless we know whether after the introduction of prohibition there has been smuggling of liquor in that area, etc., how can we support the measures intended to be taken. All these are vital matters which must be taken into consideration first.

Therefore, Sir, I say that this Bill should be circulated for eliciting public opinion. Sir, it is not a question of Barpeta alone where this particular Bill should be introduced, but in the whole of our State. Another aspect of the Bill is that with the introduction of this legislation, the question of expenditure will come naturally. The revenue resources of our State is nearly 2 crores and if we introduce this Bill, there will be loss of revenue. On the other hand, Sir, we do not know as yet what is the reaction of the people of Barpeta in general. We should, I think know from them whether they welcome such a measure. I know that there are a large number of Tribal people at Barpeta in the neighbouring villages. Barpeta is surrounded on all sides by land, river with those Tribal villages, who especially do not like that this piece of legislation should be imposed on them. Sir, I do not know why this Bill is selected for experiment at Barpeta.

Sir, apart from this the Bill has some lacunae, where in clause 3 of the Bill it states,

“ No person shall—

(1) import, transport, or possess liquor ;

(2) sell or buy liquor ;

(3) consume liquor except on a prescription from a registered medical practitioner ; etc.”

Sir, there is no provision in the Bill by which a traveller from one part of the country to another can go freely. Because he will find all sorts of obstacles wherever he goes either by railway or any other conveyance. Secondly, a Barpeta man may go to a neighbouring village in the Subdivision and may get drunk and return to Barpeta in a drunken state. He may be punished for getting drunk. So, Sir, the Bill is incompetent on that score. Moreover, Barpeta is not a suitable place for prohibition experiment. But if the Government still insists on introducing the Bill it is desirable that the Bill be circulated for eliciting public opinion. With these words, Sir, I support the amendment moved by my Friend. Sir, it is not a question of Barpeta Subdivision only but for the whole of our State.

Shri KHORSING TERANG : মাননীয় অধ্যক্ষ মহোদয়, মদ নিবারণী বিলৰ আলোচনাৰ অংশ গৃহণ কৰা মোৰ ইচ্ছা নাছিলেই, তথাপি অধ্যক্ষ মহোদয়ে দুঘাৰ কবলৈ অনুমতি দিছে যেতিয়া দুঘাৰ কওঁ বুলি থিয় হৈছো।

মদ কেইবাবিধো আছে, যেনে ফটিকা, লাওপানী, জীন, ছইন্ধি, ব্ৰাণ্ডি ইত্যাদি, আমাৰ ৰাইজৰ মাজত সাধাৰণতে যিটো চলে সেইটো লাওপানী বোলা হয়, গভণ মেন্টে এতিয়া কোনবিধ মদ নিবারণ কৰিবলৈ ওলাইছে মই কব নোৱাৰো। আমি সকলোৱে জানো যে মদ খোৱা বেয়া, কিন্তু কিছুমানৰ পক্ষে মদ খালে যে বেয়া সেইটোও কব নোৱাৰি। (হাঁহি)

মদ আমাৰ ঔষধত লাগে। গতিকে ঔষধ হিচাবে সকলোৱেই মদ খায়। এহাতে মদ খোৱাটো যেনে বেয়া আনহাতে মদৰ তেনে উপকাৰীতাও আছে। কিন্তু খোৱাৰ সময় আৰু পৰিমাণ আছে। মোগল সাম্ৰাজ্যৰ কালত ডাঙৰ ডাঙৰ বিষয়া আৰু সম্ৰাট সকলে মদ নাখালে কোনো স্মৃতিস্তম্ভ কৰিব নোৱাৰিছিল। তাৰ পৰিনাম মোগল সাম্ৰাজ্য টিকিব নোৱাৰিলে।

আসামত বিশেষকৈ ট্ৰাইবেলৰ সমাজত বেছি পৰিমাণে মদ খায়, মদ খোৱাৰ পৰা কিছুপৰিমাণে যে তেওঁলোকৰ উন্নতিৰ পথত বাধা হৈছে সেইটো অবশ্যে ঠিক কথা। মই বিশেষকৈ পাহাড়ীয়া ট্ৰাইবেল যেনে নগা, মিকিৰ আদিৰ কথাকেই কওঁ। তেওঁলোকে লাওপানী তৈয়াৰ কৰি খায়। পুতিবছৰে ১০০ মোন ধান যদি উৎপন্ন কৰে তাৰ ভিতৰত ৫০ মোন ধান তেওঁলোকৰ লাওপানী তৈয়াৰ কৰোতেই নষ্ট হয়; তাৰ পিচত বছৰৰ শেষ ভাগত খাবলৈ নোহোৱা হয়। সেই কাৰণে মদ খোৱা নিবারণ কৰিলে বোধকৰো তেওঁলোকৰ কিছু আৰ্থিক অৱস্থাৰ উন্নতি হব; আৰু আৰ্থিক অৱস্থাৰ উন্নতিৰ লগে লগে শিক্ষা বিষয়তো উন্নতি হব পাৰিব সেই ফালৰ পৰা মই বিবেচনা কৰি চাই এই মদ নিবারণী বিলৰ সমৰ্থন কৰো।

কিন্তু একেদিনাই যদি সকলো ঠাইতে মদ খোৱা বন্ধ কৰা হয় তেন্তে হয়তো এটা অশান্তিৰ সৃষ্টি হব পাৰে। সেই কাৰণে কানি নিবারণ কৰাৰ নিছিনাকৈ একেলগে গোটেই প্ৰদেশৰ একেদিনাই আইন সংযুক্ত নকৰি লাহে লাহে যাতে মদ নিবারণ কৰা হয় তাৰ কাৰণে মই চৰকাৰক অনবোধ কৰো।

পাহাড়ীয়া ট্ৰাইবেল সকলে আৰু প্লেইন ট্ৰাইবেলৰ প্ৰায় ভাগেই তেওঁবিলাকৰ মাজত বিয়াবাক কৰা, মৃত্যুৰ কাম শ্ৰাদ্ধ আদি কামত আৰু ডাঙৰ মানুহক সন্মান কৰা, মদৰ দ্বাৰাই হয়। গতিকে তেওঁবিলাকৰ মাজত এই মদ প্ৰধান বস্তু বুলি ধৰিব পাৰি। সেই হেতুকে তেওঁবিলাকৰ কাৰণে গভীৰ ভাবে বিবেচনা কৰা উচিত হব বুলি ভাবো।

মদ নিবারণীৰ সম্বন্ধে অকল আইনৰ ওপৰত নিৰ্ভৰ নকৰি public ৰ মাজত প্ৰপাগণ্ডা (প্ৰচাৰ) কৰি মদ খোৱা অপকাৰীতা ভাল বকমে বুজাই যাতে এই মদ নিবারণৰ আইন সিদ্ধি হয়, তাৰ কাৰণে চৰকাৰক অনুৰোধ জনালে।

Mrs. USHA BARTHAKUR: মাননীয় অধ্যক্ষ মহোদয়, সদৌ অসম মহিলা সমাজৰ তৰফৰ পৰা মই এই মদ নিবারণী বিলৰ আলোচনা প্ৰসঙ্গত ইয়াকেই কব খোজো যে, যেতিয়া এটা জাতিক সুস্থ সবল কৰি গঢ়ি তোলাৰ ইচ্ছা কৰা হয়, সৰ্বপ্ৰথমে তাৰ গাতে লাগি থকা কেৰোণবোৰ গুচাবলৈ চেষ্টা কৰিব লাগে। মোৰ বোধেৰে এনেকুৱা গুৰুত্বপূৰ্ণ কৰ্তব্য এটিত কৃতকাৰ্য্যতা লাভ কৰিবলৈ আমি সকলোৱে কোনো দলগত স্বাৰ্থলৈ লক্ষ্য নাবাখি সমবেতভাৱে অগ্ৰসৰ হব লাগিব।

আমি যদি এটা জাতিক উন্নতি পথত আগ বঢ়াই নিব খোজো তেনেহলে পোনতেই এই মদৰ নিচিনা বিষাক্ত বস্তুটোৰ পৰা আমাৰ বাইজক বিৰত কৰিবলৈ চেষ্টা কৰা উচিত বুলি সকলোৱে বোধকৰো অন্তবে অন্তবে স্বীকাৰ নকৰি নোৱাৰিব (*Hear, Hear*)।

বৰ দুখেৰে কব লগীয়া হৈছে যে বিৰোধী দলৰ নেতা ডাঙৰীয়াই এইবিলৰ প্ৰতিবাদ কৰিছে আৰু এটি সংশোধনী প্ৰস্তাৱো ডাঙি ধৰিছে আৰু বিৰোধী দলৰ মাননীয় সদস্য সকলে সেই সংশোধনী প্ৰস্তাৱ সমৰ্থন কৰিছে, কিন্তু তেখেত সকলে নিজৰ অন্তৰক এৰাব সুধি চাইছেনে যে তেখেত সকলৰ নিজৰ লৰা ছোৱালীকো এই বিষয়পান কৰিবলৈ মুক্তকণ্ঠে আগ বঢ়াই দিব পাৰিব (শুনক, শুনক)। এই বিষাক্ত বস্তুটোৱে আজি শ শ বছৰ ধৰি কিমানক ধ্বংশৰ পথলৈ আগবঢ়াই নিছে, কিমান ভাইভনীক নিজৰ কৰ্তব্য পথৰ পৰা চ্যুত কৰিছে, তাৰ সীমা নাই। এনেকুৱা এটা কুঅভ্যাসৰ পৰা আমাৰ সমাজক বক্ষা কৰি উন্নতিৰ পথত আগবঢ়াবলৈ আমাৰ সকলো চেষ্টাকে আগ বঢ়াব লাগিব; আৰু সেই চেষ্টাৰ ভিতৰত, মই ভাবো এটি শুল্কলা-বন্ধ আইনৰ ভিতৰেদি যদি আমি চেষ্টা কৰো তেনেহলে অনতিপলমেই এই কামৰ সফলতাৰ আশা কৰিব পাৰি।

ইয়াৰ আগেয়ে বিৰোধীদলৰ মাননীয় সদস্যসকলে সমালোচনা কৰি কৈছে যে, মদ খোৱা বন্ধ কৰিলে আমাৰ চৰকাৰী ৰাজহ বহুপৰিমাণে হ্ৰাস হব। এইখিনিতেই মই কব খোজো যে চৰকাৰী ৰাজহ বৃদ্ধিৰ মূল উদ্দেশ্য হৈছে বাইজক উন্নতিশীল জীৱন এটি যাপন কৰিবলৈ আহিলা যোগোৱা। তাকে নকৰি বাইজক ধ্বংশৰ মুখলৈ আগবঢ়াই দি ৰাজহ বৃদ্ধি কৰাৰ উদ্দেশ্য কি থাকিব পাৰে। মই বুজি পোৱা নাই। (শুনক, শুনক)। সেই কাৰণে মই ভাবো যে এই বিষাক্ত বস্তুটো গুচাবলৈ যদি আমি কোটি কোটি টকাৰ ক্ষতিও স্বীকাৰ কৰিব লগীয়া হয়, সিও মঙ্গলৰ কাৰণেই হব। কিন্তু এইটো বৰ দুখৰ বিষয় যে বিৰোধীদলৰ সদস্য সকলে কেবল সাময়িক ৰাজহ ক্ষতিটোকেই লক্ষ্য কৰিলে, আনপিনে যে, এনেকুৱা এটি মাদক দ্ৰব্যই লক্ষ লক্ষ ভাই ভনীৰ সৰ্বস্ব নষ্ট কৰিছে তেওঁলোকক বিপথগামী কৰিছে আনকি পাৰিপাশিক জীৱনৰ মানদণ্ডও অধোগামী কৰিছে তালৈ লক্ষ্য কৰা নাই। (*Hear, Hear*.)

সেইকাৰণে মই ভাবো আমাৰ চৰকাৰে মদ নিবারণৰ কাৰণে যি বিল আনিছে তাক সূচাক-ৰূপে কাৰ্য্যকৰী কৰিলে, অতি সোনকালেই অসমত এটি নতুন পোহৰৰ জিলিকনী পৰিব বুলি মই দৃঢ়ভাৱে বিশ্বাস কৰো।

এইখিনিতেই মই অনুৰোধ কৰো যাতে বিৰোধী দলৰ নেতা ডাঙৰীয়াই যি সংশোধনী প্ৰস্তাৱ আনিছে তাক যেন তেখেতে উঠাই লয় আৰু এই বিলৰ কাৰ্য্যকৰীতাত দল নিবিবশেষে আশানুকূপ সহায় কৰে।

Shri AKSHAY KUMAR DAS: Mr. Speaker, Sir, here I take my stand to speak on this Bill, when I find that the Mover of the amendment is in such a holiday mood that he has indulged himself in speaking so light-heartedly about some locality. Then, Sir, it was all the more necessary, when an Opposition Member just now invited opinion from the Members from Barpeta. As one from Barpeta Subdivision, I can definitely say that there is not a single soul even amongst the Tribals who is not in favour of this legislation being extended to the Barpeta Subdivision. Some objections were raised from the Opposition as to the practicability of this Bill in the face of so many technical and legal difficulties immediately. Sir, I would like to mention in this connection that during the year 1948 as many as four liquor shops were closed down in the Barpeta Subdivision. So far, the people of Barpeta did not raise any complaints regarding their closure or put complaints in that behalf to re-start those liquor shops. Sir, what it indicates? Is it not an instance of their complete acceptance of liquor prohibition in the Barpeta Subdivision? What it indicates? It indicates that the decision of the Government has been accepted by the people. As they received no complaint, it is in fitness of things that the Government assumed that the people will welcome the measures ought to be introduced by enacting this Bill. In fact the Government must have received requests from Barpeta for such legislation. Government is therefore quite right to bring the Barpeta Subdivision under the operation of this Act immediately. As to whether Barpeta is the proper place or not to be brought first under operation of this Act, those who oppose it, have not so far come forward with any data on which a place should be selected for experimenting on or starting operation of such an Act. It has been pointed out in the Bill that there is no liquor shop in that locality. If that is the locality where there is no liquor shop for four or five years, I think that is the right place to start with the experiment. Because the people of such a locality certainly know the magnitude of the evils of liquor, it is known to them all, at least to the majority of the people it is known that it is a very bad thing and therefore be shunned as quickly as possible. To the people of such a locality Government can also confidently look forward for every co-operation to the measures that Government is going to adopt. Because the Government also realise.....

(A voice: Sir, on a point of information may I know whether there is no drunkard in Barpeta?) I think I should not reply to that question. It is understood by any common man.

I have heard the arguments adduced by the Opposition suggesting to circulate the Bill for eliciting public opinion, but, Sir, I do not find their arguments convincing. They seem to be speaking only for the sake of speaking. A Member of the Opposition hinted at fads of this side of the House, fads like that for temperance. But I submit, Sir, even a fad for such a noble cause is far better than the fad for opposition, which is patent in the Opposition. Again, Sir, the Mover of the amendment also mentioned the effect the operation of the Bill will have on the State's finance. This, Sir, leads us to a distant past, when Sir Beatson-Belle replied to the "tainted-money" argument of the late Phanidhar Chaliha, a Member of the then Assam Legislative Council—a sad memory, Sir. I therefore appeal to all sections of the House to combine with the Government and throw in their full weight in putting into operation the provisions of this Bill first in the Barpeta Subdivision and after that gradually in the whole of the State.

Maulavi MUKHTAR ALI: Mr. Speaker, Sir, I am for prohibition. Liquor should be prohibited not only in Barpeta Subdivision alone, but in the whole of the State. In this connection I would like to say that every law

must have moral sanction. Before passing the Bill, it should be circulated amongst the people to ascertain their sanction.

Another thing which makes me laugh is that Barpeta Subdivision has been selected as the area to start prohibition. Yesterday one of the hon. Members said—my Leader had said—that it was populated by 'keolias' (disturbances)—yes, it is populated by the 'keolias' plus by the Muslims who are against liquor.

Shri MOTIRAM BORA (Minister): But it is enjoined by the Islamic law.

Maulavi MUKHTAR ALI: Government would have done better if they had selected another place instead and not Barpeta Subdivision, because Barpeta is already a prohibited area, liquor is almost non-prevalent there. It is not by virtue of law or Act.

Shri RANENDRA MOHON DAS: Not by law, but by custom.

Maulavi MUKHTAR ALI: I therefore support the Mover when he moved that the Bill be circulated among the people for eliciting their opinion. With these words, Sir, I beg to support the Motion.

Shri MAHENDRA NATH DEKA: Mr. Speaker, Sir, first of all I would like to offer my thanks to the Minister-in-charge of the Excise Department for introducing this Liquor Prohibition Bill in this House. This has been a long-felt want and introduction of this Bill and passing it into a law will go a long way towards removing this want. So far I have noticed that the younger section of our country has been progressively drawn towards the evil habit of drinking and unless we can put a stop to it, the future of our country is indeed very gloomy. If not for any other reasons, this one factor calls for immediate legislation. Any attempt to delay the passing of this Bill is really unfortunate. Delay is dangerous. Therefore, the sooner the Bill is passed into law, the better it is for us all. Legislation can be supplemented by education, by propaganda and by other methods of persuasion. This vice may be driven out by legislation or by persuasion or by propaganda or by education or by making and enforcing some sort of punishment and also by means of exacting some fines. In the district of Kamrup when a man is found drinking wine he is punished by the members of his society even by realising some *কোণ* (cow or price thereof). When there is such method of prohibition of driving out this vice from amongst us, what harm if there is legislation by enforcing the provision of law which is adopted by the representatives of the people so that this vice should at once go from us? I agree that there will be some loss to the revenue of the State's exchequer, but will you not stop this evil from among us even by spending money? If there is cholera epidemic, will you not spend money to drive it out? Will there be any harm to spend some lakhs of rupees to drive out this vice from among us? There is no harm by losing some money if it is spent for the good of the country. So my request is that all of us should see that this vice is driven out by legislation adopted by the legislators and by persuasion, if possible, by the people of the State.

Rev J. J. M. NICHOLS-ROY (Minister): I thank my Friend, Mr. Hareswar Goswami, who has moved this amendment to circulate this Bill for eliciting public opinion. He has done a kind of service by bringing out in this House the feeling of the people who are in favour of prohibition. The discussion we have had in this House prove very definitely that the majority opinion in this country is in favour of prohibition. This is shown by the fact that the people of all sections-with the exception of a few Members of the Opposition are in favour of prohibition. Even one of the Members of the Opposition has said that Barpeta is already a prohibited area and the opinion of the people is in favour of prohibition. If you want the view of the majority, you have got the majority in this House which is represented by representatives sent by adult suffrage in the whole of the State. What else do you want better than that? People who are the representatives of the whole State are here, public opinion is here, and therefore, sending the Bill to be published again for eliciting public opinion is practically useless and waste of time. So I oppose this Motion because it will have no effect at all, it will bring no good to the country.

My second point is this, and that must not be forgotten as has already been stated in this House namely that Barpeta is already a prohibited area. We lose no money now by bringing this Bill, we have already lost the money, unless some Members will come forward to bring again the liquor shops to Barpeta, which I hope no one will dare to come forward in that way before this House. No one from the people of Barpeta, as far as I remember, has sent any appeal to the Government to bring the liquor shops again in Barpeta. One of the Members, Mr. Akhay Kumar Das, who was the Chairman of the Local Board and who knew the condition in Barpeta has stated that there was no appeal from the people of Barpeta to bring back the liquor shops. This Bill has been found necessary because three bottles of liquor may be taken to that place at a time by any one and such liquor, it is reported, is sold in tea stalls and in shops here and there, and there are people who drink there. Therefore in order to make prohibition effective in that place, we have brought this Bill. We want to make prohibition that is already existing there effective. We don't want to have prohibition only on paper, we want to see that no body brings liquor and consumes liquor in that place so that this area may be an example to others. I don't see why there should be any objection at all of the Bill to be taken into consideration, and there is no necessity for eliciting public opinion. Public opinion is already there in Barpeta, and also in the whole State. Now I want to make a few remarks with regard to some objections that have been raised by some of the Members of the Opposition Group. One of Members of the Opposition said that some Members from this side of the House spoke as if the Mover of the amendment had no right to move this amendment. There is no one from this side of the House who has objected to this right; he has the right to move the Motion. The objection from this side of House is on account of the attitude of the Leader of the Opposition against the principle of prohibition.....

Shri HARESWAR GOSWAMI : Sir, it is not true. I don't oppose the principles of prohibition at all. I oppose the principle through legislation.

Rev. J. J. M. NICHOLS-ROY (Minister): If he does not oppose the principle of the prohibition, I am very glad, Sir. I have misunderstood him, but.....

Mr. SPEAKER : I will not allow you to say any further.

Rev. J. J. M. NICHOLS-ROY (Minister): All right I do not want to continue any more in regard to that. If he is in favour of prohibition we are very happy indeed, and we can take it that the whole Opposition is in favour of

prohibition. The only difference seems to be this. Whether this Bill should be taken into consideration now or not. That is the only contention. They are against prohibition, it seems to me, as they were talking about finance. We know that when we introduce prohibition all over Assam, this Government will lose about 75 lakhs of its revenue. But if they are in favour of prohibition and prohibition means only prohibition by legislation, why should they talk about loss of Government revenue? When we take up prohibition, there will be loss of Government revenue; that is a fact which nobody will be able to controvert. If we are in favour of prohibition, we are in favour of losing revenue (Maulavi Md. Umaruddin: you may lose both).

We on this side of the House believe that prohibition by legislation is necessary and that it will have a good effect on the minds of some persons addicted to this bad habit. We believe that both methods, persuasion by education as well as by legislation are necessary in order to make prohibition work more effective. Therefore, Sir, we have brought in this Bill first of all with the object of making the country believe that the Government is against this evil. That is another method of educating the people. The whole Government and all the people in power are against this habit because they consider it is an evil. That itself is education. Then again, it will produce a fear upon those who may be tempted to fall into this habit and that will cause them to shun this evil. It will bring a psychological effect upon the younger generation which, it is hoped, will not have any experience of this habit in the future. That is another method of educating the minds of the people against the evil of liquor. These are the reasons why legislation is necessary against such evil. The only question is whether this method will be successful, or whether we can totally stop this habit by means of legislation. We do not mean that we can stop totally the habit of liquor or opium habit only by means of legislation, but that is one of the means of stopping the evil habit, and therefore, we have taken that one means. That does not mean that we do not put any emphasis on persuasion by education. That also is being carried on by the Congress Party everywhere from the very beginning of this great Organisation in the whole country of India, and also by all religious societies. We hope, Sir, that every organisation, every political organisation will join us all in that propaganda against this evil habit so that at the time of elections no one should go about the country and say, "come and join our party and vote for us and we shall give you drink and we can defeat this Government that will be bringing in prohibition in the country." We hope that that will be the spirit of the whole of India and of every organisation in this country.

Sir, some Hon. Members have spoken about failure of prohibition in America and, therefore they say, as America has failed in its 'dry laws,' so also India will fail, and there is no use, therefore, to bring in this kind of legislation. Sir, I was in America twice—I happened to be there for two and a half years at each time. I met thousands of people, I addressed public meetings where thousands of people gathered. I was there at the time when there was prohibition and also at the time when the 'dry laws' were repealed and when there was no prohibition. The people everywhere said that prohibition was a wonderful blessing to the country; they did see those kinds of drunkenness when people in the street were falling and quarrelling with one other and that crime disappeared greatly and people led a happy life. But what was the reason that caused the failure of prohibition in America? The liquor interests there were strong and very rich. They fought with their money to gain influence over the newspapers, they purchased the newspapers who tried to make propaganda against liquor; they influenced the candidates to the House of Representatives and the Senate, and gradually by that means, by their riches and wealth they were able to influence the legislators in the Congress which is like our Parliament, to be in favour of repealing the "dry laws". This they did while the Temperance Associations were feeling at ease. That was the reason of the failure of prohibition

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in America. But the conditions in America were quite different from conditions here in India. The liquor interests here in India, especially in Assam, are not wealthy persons, they are not rich people. Who are making illicit distillation of liquor outside the distilleries licensed by Government? Only poor people, the villagers, the Nepalis and other people in the tribal villages. They are not rich people. On the other hand, public opinion against this evil is very strong here, from the religious standpoint, from the moral standpoint and from the political standpoint. The biggest organisation in the country, the Congress, has a strong hold in the country and is against this liquor habit. As I have said, conditions in this country are quite different from those obtained in America.

Some hon. Members said that there is failure of prohibition in Madras and in Bombay. It is too early yet to judge prohibition in Bombay or Madras. Sir, judging the success of prohibition is just like judging the progress of building a very big house, which would take many years to finish... (Maulavi Md. Umaruddin—Why don't you wait?.....)—Why should we wait? (*Laughter*). We know it will be successful though it may take many years and that is why we must begin now. Supposing you are building a house which will cost you several crores of rupees and will take many years to finish and while you were gathering materials so that you can start building gradually, somebody comes and say, "Oh you will not be able to finish it, so do not begin to build it". It will be very unreasonable to argue like that. It reminds me of a friend of mine when I was building a house which cost nearly half a lakh of rupees—I did have very much money, but somehow gradually I could get it slowly through prayer and other means—that friend came to me and said, you have undertaken to build a very big house, unless you have the money, you will not be able to finish it and that will be a great shame to you and us all. He left me and did not co-operate with me. But a time came when that building was completed and he came and apologised to me that he was very sorry that he had doubted me at the beginning. In the same way I hope that my Friends in the Opposition, who opposed this good scheme which the Government have brought in, will gradually repent when they see the success of this scheme. As we get more finance we shall go on. (*Voices: By the back door you are closing the front door*) (*laughter and disturbance*). It is not by the back door, but by the front door we are coming. If you all co-operate, the prohibition scheme will be successful.

Now, Sir, I want to speak about another objection. One Member has stated that this Bill is not necessary. The amending Bill which is coming before the House a few minutes after is said by him to be enough; but there is a great difference in that. That amending Bill seeks to amend Sections 17 and 53 of the Eastern Bengal and Assam Excise Act, 1910. We must remember that the intention of this Bill is quite different from that. The Eastern Bengal and Assam Excise Act is for regulation and control of license given under the Act, but the intention of this Bill is for prohibition altogether. Moreover, Sir, when this Bill becomes an Act and when it will apply all over Assam in due course, then the Eastern Bengal and Assam Excise Act will be of no use in regard to liquor. Therefore, we have clause 22 here which seeks to repeal the Eastern Bengal and Assam Excise Act in regard to the area to which this Bill, when it becomes an Act, will apply. Therefore, Sir, gradually the old Act will be out of existence when this legislation for prohibition will take its place.

I think the explanations given by me are enough to meet the objection raised by different Members of this House.

There is another point to which I have to give a reply. There is a question why the Barpeta Subdivision has been selected first. I think I have already stated that Barpeta Subdivision has been selected because there is no liquor shop

there. It is already a "dry area" and in order to make prohibition effective in this Subdivision we have introduced this Bill. It is a convenient place to try this prohibition first, and after gaining experience and knowledge by making this prohibition a success there we shall be able to apply elsewhere gradually. So, Sir, it will be realised that we are going to give effect to this prohibition all over Assam gradually by experimenting it at a convenient place first, and thus we will gradually be abolishing liquor shops in all places over Assam as in Madras. One of the Members from the Opposition, I mean, Mr. Bhattacharyya said yesterday that the Government had taken a "cautious and correct view in our gradual policy". I thank him for this remark. He has taken a correct view.

I think, Sir, I have replied to all the points raised from the Opposition and hope that all the Members will vote for the Bill and pass the amending Bill without circulating it for eliciting public opinion and without any opposition.

Mr. SPEAKER : I now put the Amendment. The question is that the Assam Liquor Prohibition Bill, 1952 be circulated for eliciting public opinion thereon by the 30th November, 1952.

(The Amendment was lost.)

I put the original Motion. The question is that Assam Liquor Prohibition Bill, 1952 be taken into consideration.

(The motion was adopted).

The Assam Excise (Amendment) Bill, 1952.

Rev. J. J. M. NICHOLS-ROY (Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Excise (Amendment) Bill, 1952.

The Bill has been published and copies thereof have been laid before the Members.

Shri HARESWAR GOSWAMI : Sir, we have received copies of this Bill on the 2nd September, but the rule is that seven days should be given to introduce a Bill; it is according to Rule 59.

Rev. J. J. M. NICHOLS-ROY (Minister) : Sir, there is no such rule that the introduction of a Government Bill can be opposed for not giving seven days time. This Motion is not asking for leave to introduce a Bill, because the Bill has been published in the Gazette. I think, Sir, my Motion is in order.

Shri HARESWAR GOSWAMI : In that case,.....

Mr. SPEAKER : The motion is that the Assam Excise (Amendment) Bill, 1952 be introduced.

Rev. J. J. M. NICHOLS-ROY (Minister) : Mr. Speaker, Sir, I beg to move that the Assam Excise (Amendment) Bill, 1952 be taken into consideration.

The Bill is to amend two sections of the Eastern Bengal and Assam Excise Act, 1910. The object of this amendment is given in the Statement of Objects and Reasons. That is very clear. It says "Liquor is being sold illicitly in such

public places as hotels, restaurants and tea stalls, etc., not licensed under the Eastern Bengal and Assam Excise Act and such sales are effected out of the quantity allowable under the existing law as the limit of private possession by an individual. Though such sales are punishable under the Act, no action can be taken to prosecute the offenders for want of evidence. The obvious remedy is to prohibit possession of liquor in such places and to make any illegal possession punishable.

It is also proposed to make punishment for offences under the Act more deterrent."

I may explain as briefly as possible how these amendments stand.

Clause 2 of the Bill proposes to amend sub-section (3) of Section 17 of the Principal Act by inserting the words "place or class of places" between the words "local area" and "comprised therein" in this sub-section.

This sub-section (3) gives power to the State Government "by notification to prohibit the possession by any person or class of persons either throughout the whole territory to which the Act applies, or in any local area comprised therein, of any intoxicant either absolutely or subject to such conditions as it may prescribe". In order to enable Government to prohibit possession of liquor in any hotel, restaurant, and tea stalls, etc., the words "place or class of places" are proposed to be inserted between the words "local area" and the words "comprised therein" in the sub-section. So the whole sub-section, when amended will give power to the State Government by notification to prohibit possession of any intoxicant, etc., in the whole territory to which this Act applies or in any local area, place or class of places comprised therein either absolutely or subject to such conditions as it may prescribe. This will include hotels, restaurants, tea-stalls, etc.

Clause 3 of the Bill has the second amendment which is of section 53 of the Principal Act which provides punishment for offences committed in contravention of this Act or any rule made thereunder. The amendment seeks to make punishment deterrent by making any offence relating to liquor, Ganja, etc., excepting Pachwai and Tari punishable with imprisonment and fine. The present Act gives power to the Court to inflict punishment either by imprisonment or fine or both, but this amendment proposes to make imprisonment and fine as a compulsory punishment in offences relating to any intoxicant excepting Pachwai and Tari.

In the present amendment the offences relating to Pachwai and Tari are punishable with imprisonment or fine or both. There is a difference in punishment for offences relating to Pachwai and Tari from the punishment relating to intoxicants other than Pachwai and Tari.

The deterrent punishment proposed in this Bill by amending section 53 by clause 3 of the Bill is for the purpose of discouraging, if not for stopping altogether, illicit distillation and illicit possession of liquor in certain prohibited areas. This punishment will be in consonant with that provided in the Assam Liquor Prohibition Bill, 1952 just introduced in this House for taking into consideration. At a later stage, the Bill will be taken into consideration clause by clause.

Mr. SPEAKER : Motion moved :

"That the Assam Excise (Amendment) Bill, 1952 be taken into consideration."

Shri HARESWAR GOSWAMI : Sir, I oppose this motion because under proviso (2) to rule 59 which says, "Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made and such objection shall prevail unless the Speaker, in his discretion, allows the motion to be made."

Sir, the rules lay down that "any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made" etc. So it is left to your discretion whether the Bill should be taken into consideration or not. But, Sir, apart from this legalistic objection, we have received the Bill on the 3rd and we have not been able to get the original Act up till now. Therefore, Sir, it is not possible for us to examine the Bill by fitting the amendments in the original Act.

Mr. SPEAKER: Have you anything to add ?

Rev. J. J. M. NICHOLS-ROY (Minister): Sir, the Bill has been moved by me for taking into consideration. According to provision of proviso (2) to rule 59 of the Assembly Rules it appears that the hon. Members "may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made", but there is also provision that "such objection shall prevail unless the Speaker, in his discretion, allows the motion to be made". I request, Sir, that the motion moved for taking the Bill into consideration may be allowed. Sir, I shall move for the next stage of the Bill on the 12th, therefore, I request the Hon. Speaker to kindly permit this motion to be placed before the House now.

Mr. SPEAKER: Will it dislocate you in any way if it is moved to-morrow?

Rev. J. J. M. NICHOLS-ROY (Minister): They will not to have seven days.

Mr. SPEAKER: You have not been able to adduce any reason. My discretion is judicial and not arbitrary.

Maulavi FAIZNUR ALI: Sir, I intend to say a word or two in this connection. There is a definite rule in our Assembly Rules that when it is moved that a Bill be taken into consideration it should be distinctly mentioned whether the Bill will be taken at once or at some future date, mentioned by the Mover. The Mover is moving that the Bill be taken into consideration, but when ? The Hon'ble Member is required according to the rule to mention the date when the Bill is going to be taken into consideration.

Rev. J. J. M. NICHOLS-ROY (Minister): I am not going to say that the Bill be considered now.

Shri HARESWAR GOSWAMI: Sir, then why it is specifically mentioned "clause by clause", that the Bill be taken into consideration". All these do not satisfy us. Then again, Sir, I submit that the copies of the Bill were given to us only on the 2nd September.

Shri BISHNU RAM MEDHI (Chief Minister): Sir, on a point of clarification. It is clearly mentioned in the agenda, "to move that the Bill be taken into consideration", whether you accept it or not.

Shri HARESWAR GOSWAMI: Even then, Sir, we got the Bill on the 2nd September, 1952.

Mr. SPEAKER: Well, I am exercising my discretion both ways, your way and our way. I say that the date is fixed for tomorrow.

The Assam Forest (Amendment) Bill, 1952

Shri RAM NATH DAS (Minister): Sir, I beg to introduce the Assam Forest (Amendment) Bill, 1952. The Bill was published on the 20th August, 1952.

Mr. SPEAKER: The motion moved is that the Assam Forest (Amendment) Bill, 1952 be introduced.

Shri RAM NATH DAS (Minister): Sir, I beg to move that the Bill be taken into consideration.

Maulavi FAIZNUR ALI: Mr. Speaker Sir, again I would like to mention in this connection Rule 59(a) wherein it states, "that it be taken into consideration by the Assembly either at once or at some future day to be then mentioned".

Shri RAM NATH DAS (Minister): Sir, although it was noted down in the agenda that the Bill be taken into consideration *at once* yet, Sir, I now move that the Bill be taken into consideration at once. My Bill is a very simple one and therefore I need not say anything which will generate any heat in the House. The main purpose of the Bill is to include within the definition of the Forest Officer two classes of officers which we have got and omit one category of officer which we do not possess, by amending sub-section (1) of section 3 of the Assam Forest Regulation. The two categories of officers to be included are namely Deputy Ranger and Assistant Forester and the category of officer to be omitted is Sub-Assistant Conservator. Sir, as this is merely a formal matter, I hope nobody will raise any objection to the motion moved by me.

Mr. SPEAKER: I find now that Maulavi Faiznur Ali's objections are right. While introducing a Bill it should be specifically mentioned the particular date. This will obviate our difficulties, both technical and real. In future, the Minister-in-charge, in any case will please mention either "at once" or at some "future date" in the motion, otherwise it would be difficult to give answers to the objections raised in this behalf.

I now put the question.

The question is:

"That the Assam Forest (Amendment) Bill, 1952 be taken into consideration."

(The Motion was carried.)

**The Assam Adhiars Protection and Regulation
(Amendment) Bill, 1952.**

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to introduce the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952. It was published in the Gazette of the 23rd August, 1952.

Mr. SPEAKER: The Motion is that Assam Adhiars Protection and Regulation (Amendment) Bill, 1952 be introduced.

Shri HARESWAR DAS (Deputy Minister): I beg to move that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952 be taken into consideration at once.

Mr. SPEAKER: Will you please tell me when was the Bill published ?

Shri HARESWAR DAS (Deputy Minister): On the 23rd August, 1952. I simply want to point out the main provisions of the Assam Adhiars Protection and Regulation Act sought to be amended. In the main Act protection has been given only to those Adhiars who were in existence one year previous to the enforcement of the Act. The present Act may be enforced in any area, whenever there is a demand, so that the date of different areas may be different and the Adhiars who were in occupation before one year will get protection. That is what is sought to be amended. In the amended Bill all Adhiars will get protection irrespective of age. Then two new sections, are sought to be inserted in the main Act. Some designing landlords are trying to evict Adhiars on the plea of non-delivery of their share of the crop though they received the same. Hence sections 7 and 8 are sought to be inserted in the amending Bill which provide that the Adhiars shall be entitled to obtain a receipt from the landlord. If the receipt does not contain the required particulars, the benefit thereof shall go to the Adhiars unless the contrary is shown. Another minor amendment is sought to be introduced with regard to letting out land to other persons. There is an anomaly in the main Act. It appears under section 4 an Adhiar can let out his land to others, but under section 5 (iv) he cannot do it. This anomaly has been sought to be removed. These are the amendments.

Mr. SPEAKER: Motion Moved:
"That the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952 be taken into consideration."

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I beg to move an amendment to this Bill being taken into consideration at once. I beg to move that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952 be referred to a Select Committee consisting of the following Members and that the report of the Select Committee be submitted before the 30th of November 1952—Members of the Select Committee should be—

1. Shri Moti Ram Bora,
2. Shri Hareswar Das,
3. Shri Nilmani Phookan,
4. Shri Radhika Ram Das,
5. Maulavi Mahammad Umaruddin, and
6. the Mover of this amendment.

Three Members will form the quorum.

The purpose of my bringing this Amendment is that the objects and reasons shown for this amending Bill will be better fulfilled if the Bill is again gone into with greater care. It has been said in the Statement of Objects and Reasons that this Bill seeks to give protection to the Adhiars and remedy certain defects that were there in the Assam Adhiars Protection and Regulation Act, 1948. The provisions that have been suggested in this Amending Bill, are good so far as they go. But there are some very important matters which have been left out in this Amending Bill. It will be seen that there is a general sense in this House that there should be amendment to section 5 of the original Act. In fact, we find several Resolutions standing in the names of several private Members—one in the name of Shri Nilmani Phookan, another in the name of Shri Radhika Ram Das, another in my own name, and through these Resolutions it has been expressed that there should be amendment to section 5. In this Amending Bill section 5 has been left unamended.

Mr. SPEAKER: Which number is your Resolution ?

Shri GAURISANKAR BHATTACHARYYA: My Resolution number is 26, Sir. What I want to say is that Government should protect the interests of Adhiars and lease-holders from frivolous and arduous eviction by landlords by enactment of a comprehensively amended legislation.

There is another Resolution in the name of Shri Radhika Ram Das. There also he has made suggestions in this regard. He says, "In view of the fact that there are various defects in the Assam Adhiars Protection and Regulation Act, 1948, which lead to constant clashes and litigations between the Adhiars and the landlords, this Assembly is of opinion that the Government of Assam do take necessary steps for amending the said Act in the following manners—

(1) by adding the words 'or who after the passing of this Act' in the sixth line of section 3 (1) after the words 'estates' and 'for one year' after the words 'as Adhiars' in the seventh line of that Section; and

(3) by adding the words 'or kept it fallow for one year' in 6th line after the words 'said clause (i) in 2nd proviso of clause (iv) of Section 5"

We have also another Resolution in the name of Shri Nilmani Phookan wherein he says, "This Assembly is of opinion that the Government of Assam do take steps to amend the Assam Adhiars Protection and Regulation Act of 1948 in such a way so as to give the tenants occupancy rights as well as incentive for cultivators to improve the land belonging to landlords."

So, from all these it appears that members of both sides of the House are keen about a proper and judicious amendment to the existing Act, and I hope it is also the opinion of the Government. To remedy the defects of the present Act and to give real protection and relief to the Adhiars, it will be meet and proper that the Bill be referred to a Select Committee which will be able to go thoroughly through all the contentions and the Bill may come back to the House in a more comprehensive and thorough manner. I do not want to go into further details at this stage; because I feel that the entire House will be willing to support me in this matter. I therefore hope that the Mover of the Bill will feel the necessity of accepting my amendment and that this will also be accepted by the House.

Mr. SPEAKER: Amendment moved is that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952, be referred to a Select Committee consisting of the following members, and that the report of the Select Committee be submitted before 30th November, 1952. Three members will form the quorum.

1. Shri Motiram Bora.
2. Shri Hareswar Das.
3. Shri Nilmani Phookan.
4. Shri Radhika Ram Das.
5. Maulavi Md. Umaruddin, and
6. The Mover of the amendment.

Maulavi Md. UMARUDDIN: Mr. Speaker, Sir I am in agreement with the principles of the Bill but I find that there is some conflict in the definition between a tenant and an Adhiar. There is a distinct difference between a tenant and an Adhiars ; a tenant has been sought to be protected under the Goalpara Tenancy Act, 1929, the Assam (Temporarily-Settled Districts) Tenancy Act, 1935 and the Assam State Acquisition of Zamindaris Act, 1951. The word 'tenant' would be confused with the word 'adhiar' unless there is a clear and distinct definition. Sir, it will be clear from the definition of the word 'rent' in the Goalpara Tenancy Act, 1929, I refer, Sir, to sub-section (17) of section 4, where it has been defined that "Rent" means whatever is lawfully payable in money or kind by a tenant on account of the use and occupation of the land held by the tenant ; rent is said to be payable in kind when a definite quantity of produce (as distinct from a proportion of the crop) is payable for the use and occupation of land" and under sub-section 20 "Tenant" means "a person who holds land under another person, and is, or but for a special contract would be, liable to pay rent for that land to that person, but does not include (a) an *ijaradar*, that is to say, a person who is primarily a farmer of rents, and (b) a person holding land on condition of rendering service.

Explanation (1) A person who is otherwise a tenant shall not, by reason of his holding land under any person referred to in sub-clause (a) or (b) lose his right as such.

Explanation (2) A person who, under the system generally known as '*adhi*' '*barga*' or '*bhag*' cultivates the land of another person on condition of delivering a proportion of the crop to that person, is not a tenant. Therefore, Sir, the word "Tenant" has been kept distinct from "Adhiar".

Now, Sir, under the Assam (Temporarily Settled Districts) Tenancy Act, 1935 Rules the word "Tenant" has been defined in a somewhat different way. There in "Tenant" means 'a person who holds land under another person, and is, or but for a special contract expressor implied would be, liable to pay rent for that land to that other person ; provided that a person who holds lands immediately under Government is not a tenant without the meaning of this definition' and "Rent" means "whatever is lawfully payable or deliverable in money or kind or partly in money and partly in kind by a tenant to his landlord on account of the use or occupation of land held by the tenant". Sir, this very same definition, also appears in the Assam State Acquisition of Zamindaris Act, 1951. Therefore, Sir, the very preamble of Adhiars Protection Act, is wrong. The preamble of this Act is as follows. "Whereas it is expedient to provide for the protection of tenants of agricultural lands paying rent in kind in the Province of Assam".

Then, Sir, according to the provisions of the Act the word "Adhiar" is not correctly defined. I say, Sir, that Adhiar is not a tenant, and a tenant is legally distinct from an "Adhiar". Then, Sir, if we mix up the words "Tenant" and "Adhiar", then serious consequences will follow, because I do not think that it is

D. Singh