



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

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M. on Monday the 12th March, 1951.

**P R E S E N T**

The Hon'ble Srijut Lakhesvar Barooah, Speaker, in the Chair, the seven Hon'ble Ministers, three Deputy Ministers and forty-two Members.

**Oath of Allegiance to the Constitution of India**

The following hon. Members were sworn in :—

1. Srijut Nalini Kumar Chaudhuri.
2. Mr. Harendra Nath Sarma.

**QUESTIONS AND ANSWERS**

**UNSTARRED QUESTIONS**

(To which Answers were laid on the table)

**Plains Tribal Officers in the Assam Junior Civil Service and Senior Civil Service**

**Shri DHARANIDHAR BASUMATARI** asked : \* 8

15. Will Government be pleased to inform the number of plains tribal officers in the Assam Junior Civil Service and the Senior Civil Service with their names ?

16. Will Government be pleased to state whether due consideration for providing services to the Plains Tribals on population basis is made at the time of appointment in all Departments as provided under the new Constitution of India ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

15.--The names are given below :—

*Assam Civil Service, Class I*

1. Shri Janmejoy Barman Rajkumar.
2. „ Herambanath Borah.
3. „ Lawrence Singh Ingty.

*Assam Civil Service, Class II*

1. Shri Baloram Neog Thengal.
  2. „ Rabindra Chandra Chaudhuri.
  3. „ Babul Chandra Borah.
  4. „ Surath Chandra Daolagupu.
  5. „ Promode Chandra Brahma.
  6. „ Bidyadhar Sonwal.
  7. „ Mohon Chandra Miri.
  8. „ Keshab Chandra Das.
  9. „ Nanda Ram Das
- 16.—Yes.



**Shri DHARANIDHAR BASUMATARI:** উত্তর দিয়া হৈছে junior ত ৯ জন আৰু senior ত ৩ জন।

যদি 'পপুলেচন' 'বেচিচত' কৰা হয়, তেন্তে আজিলৈকে ৯ জন আৰু ৩ জন কিয় হল ?

**The Hon'ble Shri BISHNURAM MEDHI:** There is a minimum qualification prescribed for appointment of persons to those civil services in order to keep the standard of efficiency in the services and if that minimum qualification is attained the tribal candidates can get about '10 per cent. of the services and at the time of recruitment. All efforts are made to fill up the posts in order to give due representation to the plains tribals as well as Hill tribes and the Scheduled Caste candidates according to population basis.

### Scheme for development of Backward Areas

**Shri DHARANIDHAR BASUMATARI** asked : \* ৭

17. (a) Will the Hon'ble Minister-in-charge of Welfare and Tribal and Backward areas be pleased to state whether the scheme for development of these areas sent to the Central Government has been approved ?

(b) If so, how Government propose to develop those areas ?

**The Hon'ble Srijut OMEO KUMAR DAS** replied :

17. (a)—The schemes have not yet received final approval of the Government of India. They are being examined by the Government of India. During this process of examination, detailed information is being sought for, which has been supplied.

(b)—Government propose to develop these backward areas by undertaking a planned scheme of development spread over a period of five years, covering the fields of Education, Medical facilities, Public Health, Rural Water Supply, Communications, Sericulture, Weaving, Cottage Industries, Co-operative Institutions and Rural Development, costing in all Rs.93,74,100 during the five year period. For details the hon. Member is referred to my statement, dated the 10th October 1950 on the subject at the Last Session of the Assembly.

### Assam Co-operative Societies Act, 1950

**Srijut GAURI KANTA TALUKDAR** asked : - ৫

18 (a) Is it a fact that the Assam Co-operative Societies Act, 1950 which was assented to by the Governor General on the 25th January, 1950 as published in the *Assam Gazette* of 8th February, 1950 has been described in section 1 (1) as "The Assam Co-operative Societies Act, 1949" ?

(b) Do Government propose to remove this discrepancy ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

18 (a)—The Assam Co-operative Societies Bill, 1949, was assented to by the Governor General on the 25th January, 1950 but the title of the Act remains as "The Assam Co-operative Societies Act, 1949", although it has become Assam Act I of 1950.

(b)—Does not arise.



**Bridges on the Dawki-Muktapur Road**

**Mr. LARSINGH KHYRIEM** asked : \* \* \*

19. Will Government be pleased to refer to the reply given to Unstarred Question No.37 asked by the Questioner during the Budget Session of the Assembly, 1950 at page 345 of Assembly Debates of 21st March 1950 and state what action Government has taken to construct bridges over—(1) Umlyngpiang, (2) Ymtyrngai and (3) Amsku River ?

**The Hon'ble Srijut RAMNATH DAS** replied :

19.— Provision for these bridges is being made in the estimate for construction of the Dawki-Muktapur Road, a project under the Scheme of Development of Scheduled Districts. The estimate will soon be submitted to the Government of India and work will be taken up on receipt of Financial sanction and Technical approval.

**Statement regarding course of Government Business for the Budget Session of the Assembly**

**The Hon'ble Srijut BISHNURAM MEDHI** : With your permission, Sir, I desire to make a statement about the course of Government Business during this Session.

2. The Government Business which is to be taken up to-day, the 12th March is shown in the agenda which has been placed on each Member's table. If the motions for taking into consideration of the Bills mentioned in the agenda are carried by the House today, we propose that all the Bills mentioned in the agenda be considered clause by clause and then be passed on the 26th and 27th March.

If the motions for taking into consideration of the Assam Appropriation Bill (1), 1951 and the Assam Appropriation Bill (2), 1951 sought to be introduced on the 24th and 26th March respectively be accepted on those days, we propose to have these Bills also considered clause by clause and then passed on the 30th March.

3. On the 13th, 15th and 16th March we propose to take up the following Government Business :—

(1) General discussion of the Budget.  
(2) Discussion, if any, of estimates of expenditure charged upon the Consolidated Fund of the State.

(3) Presentation of Supplementary Statement of Expenditure for 1950-51.

4. We propose to take up voting on demands for grants on the 19th, 20th and 22nd March.

5. On the 24th March we also propose to take up the following Government Business in addition to the Assam Appropriation Bill (1), 1951 :—

(1) Discussion, if any, of Supplementary Statement of Expenditure charged upon the Consolidated Fund of the State for 1950-51.

(2) Voting on demands for Supplementary Grants.



6. On the 26th and 27th March we propose to take up the following Government Business in addition to the Bills fixed for those days as stated above :—

(1) Resolution on the retrocession of the Dewangiri Area to Bhutan Government.

(2) Resolution for appropriation of grants from savings under heads "50.—Civil Works Provincial" and "18-B.—N.E.D.—Provincial".

(3) Resolution for approval of an expenditure of Rs.15,500 under the head "56.—Stationery and Printing, etc.", for purchase of plant and furniture for the Government Press.

(4) Resolution for the formation of a Committee to report as to the method of regulating the recruitment and conditions of service of persons appointed to the Secretariat of the State Legislative Assembly of Assam and on other incidental matters and for making recommendations for giving effect to the provisions of Article 187 of the Constitution of India.

(5) Discussion on point or points and voting on amendments recommended by the President on the Assam State Acquisition of Zamindaries Bill, 1948.

7. Any Government Business which remains unfinished on previous days will be taken up on the 30th March, 1951. On that day we also propose to take into consideration of amendments to the Assam Motor Vehicles Rules, 1940, item by item and to move the motion for their adoption, in case there is notice of further amendments.

#### Committee on Petitions relating to Bills

**The Hon'ble the SPEAKER :** Under rule 122(1) of the Assembly Rules, I nominate the following Members to constitute a Committee on Petitions relating to Bills for the current Session of the Assembly :—

1. Babu Kamini Kumar Sen, B.L.,
2. Srijut Rajendra Nath Barua, B.L.,
3. Maulavi Syed Abdur Rouf, B.L. and
4. Mr. Maniram Marak.

Under the Rules, the Deputy Speaker will be the Chairman of the Committee.

#### House Committee

**The Hon'ble the SPEAKER :** Under rule 136 of the Assembly Rules, I nominate the following Members to constitute a House Committee for the Budget Session of the Assembly :—

1. Srijut Siddhi Nath Sarma,
2. „ Gauri Kanta Talukdar,
3. „ Bimala Prasad Chaliha,
4. Dr. Emran Husain Chaudhury,
5. Prof. P. M. Sarwan, and
6. Maulana Md. Tayyebulla.

#### Message regarding assent to Bills

**The Hon'ble the SPEAKER :** His Excellency the Governor has been pleased to give his assent to the Bills as mentioned in item 11 of the agenda. I authorise the Secretary to read out the message to the House.



**The SECRETARY to the Assembly:** Information has been received from the Private Secretary to His Excellency the Governor of Assam that under the provisions of Article 200 of the Constitution of India, His Excellency the Governor has assented to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in September-October, 1950.

- (1) The Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1950.
- (2) The Assam State Legislature Members' (Removal of Disqualifications) (Amendment) Bill, 1950.
- (3) The Assam Declaration of Expenditure on the Salaries and Allowances of the Ministers to be charged on the consolidated Fund of the State of Assam Bill, 1950.
- (4) The Assam Contingency Fund (Amendment) Bill, 1950.
- (5) The Assam Appropriation Bill (No. 2.) 1950.
- (6) The Assam Legislative Chambers' (Members' Emoluments) (Amendment) Bill, 1950.
- (7) The Assam Primary Education (Amendment) Bill, 1950.
- (8) The Assam Ministers' (Salaries and Allowances) (Second Amendment) Bill, 1950.
- (9) The Assam Rural Panchayat (Amendment) Bill, 1950.
- (10) The Assam Agricultural Pests and Diseases Bill, 1949.
- (11) The Assam Agricultural Income-Tax (Amendment) Bill, 1950.

2. Intimation has also been received from the Private Secretary to His Excellency the Governor of Assam that the President of India has also assented under the provisions of Article 201 of the Constitution of India the following Bills which were passed by the Assam Legislative Assembly in its meeting held in September-October, 1950 :—

- (1) The Assam Disturbances (Commission of Enquiry) Bill, 1950.
- (2) The Assam Forest Products (Acquisition) Bill, 1950.
- (3) The Assam Requisition and Control of Vehicles Bill, 1950.
- (4) The Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950.
- (5) The Assam Forest (Amendment) Bill, 1950.
- (6) The Assam Drugs (Control) Bill, 1950.



**Amendment to the Assam Motor Vehicles Rules, 1940**

**The Hon'ble Shri RAMNATH DAS :** Mr. Speaker, Sir, I do not propose to present the amendments to the Assam Motor Vehicle Rules, 1940.

**Presentation of the Reports on the working of the Assam Public Service Commission for the years 1948-49 and 1949-50**

**The Hon'ble Shri BISHNURAM MEDHI :** I beg to lay out under Article 323(2) of the Constitution of India copies of the "Reports on the working of the Assam Public Service Commission for the years 1948-49 and 1949-50", together with Memorandum explaining, as respects the cases where the advice of the Commission was not accepted during 1948-49 and the reasons for such non-acceptance.

**Election of Members to the Gauhati University Court**

**Item 14. The Hon'ble Shri OMEO KUMAR DAS :** I beg to move—"That this Assembly, under section 9(1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947) do elect three members to the Gauhati University Court from among their own numbers to fill up the vacancies to be created by the termination of Membership to the Gauhati University Court, of Mrs. Bonily Khongmen, Srijut Beliram Das and Srijut Hareswar Das, on and from the 17th March, 1951".

**The Hon'ble the SPEAKER :** Motion moved: "That this Assembly, under section 9(1) (XVI) of the Gauhati University Act (Assam Act XVI of 1947) do elect three members to the Gauhati University Court from among their own numbers to fill up the vacancies to be created by the termination of Membership to the Gauhati University Court of Mrs. Bonily Khongmen, Srijut Beliram Das and Srijut Hareswar Das, on and from the 17th March, 1951."

*(After a pause)*

The question is: "That this Assembly, under section 9(1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947) do elect three Members to the Gauhati University Court from among their own numbers to fill up the vacancies to be created by the termination of Membership to the Gauhati University Court, of Mrs. Bonily Khongmen, Srijut Beliram Das and Srijut Hareswar Das, on and from the 17th March, 1951."

The motion was adopted.

Under the Rules, I hereby fix Tuesday, the 13th March, 1951 as the date and Committee Room No.1 of the Assembly building as the place where the election to the Gauhati University Court will take place.

The voting will be held between 1 p. m. and 3 p. m. or as soon as the business of the day is finished, whichever is earlier.

**Election of Members to the Public Accounts Committee**

**The Hon'ble Srijut MOTIRAM BORA :** Sir, I beg to move—"That this Assembly do elect six members to the Public Accounts Committee under Rule 112 of the Assembly Rules for the year 1951-52."

**The Hon'ble the SPEAKER :** The Motion moved is that this Assembly do elect six members to the Public Accounts Committee under Rule 112 of the Assembly Rules for the year 1951-52.



(After a pause)

The question is : "That this Assembly do elect six members to the Public Accounts Committee under Rule 112 of the Assembly Rules for the year 1951-52."

The Motion was adopted.

Under the Rules, I hereby fix Thursday, the 15th March, 1951, and 3 p.m. as the time or as soon as the business of the day is finished, whichever is earlier, for holding election to the Public Accounts Committee. The voting will be held on the floor of the House.

### **The Assam Evacuee Property Ordinance, 1951**

**The Hon'ble Srijut MOTIRAM BORA** : Sir, I beg to lay out copies of the Assam Evacuee Property Ordinance, 1951 under Article 213(2) of the Constitution of India.

### **The Assam Disturbed Areas Ordinance, 1951**

**The Hon'ble Shri BISHNURAM MEDHI** : I beg to lay out copies of the Assam Disturbed Areas Ordinance, 1951 under Article 213(2) of the Constitution of India. It has already been circulated to the hon. Members.

### **Message to the Assam Legislative Assembly under the proviso to Article 201 of the Constitution of India in connection with the Assam State Acquisition of Zamindaris Bill, 1948**

**The Hon'ble the SPEAKER** : A Message from His Excellency the Governor has been received under proviso to Article 201 of the Constitution of India laying out copies of amendments recommended by the President with regard to the Assam State Acquisition of Zamindaris Bill, 1948.

I authorise the Secretary to read out the Message to the House.

**The Secretary to the Assembly** : The following message has been received from His Excellency the Governor.

" 1. The Assam State Acquisition of Zamindaris Bill, 1948 (Bill No. IV of 1949) was passed by the Assam Legislative Assembly and presented to me in accordance with Article 200 of the Constitution of India. I gave my careful consideration to the Bill and felt obliged to reserve it for consideration of the President under the aforesaid Article read with Article 389 of the Constitution. The President has directed in pursuance of the proviso to Article 201 of the Constitution that the Bill be returned to the Legislature with a message requesting that the Legislative Assembly will consider the desirability of introducing certain amendments recommended by him.

2. In pursuance therefore of the proviso to Article 201 of the Constitution of India I, Shri Jairamdas Daulatram, Governor of Assam, request the Assam Legislative Assembly to reconsider those provisions of the Assam State Acquisition of Zamindaris Bill, 1948 (Bill No. IV of 1949) as to which amendments have been recommended by the President and also the consequential and other changes cited in this message.



134 MESSAGE TO THE ASSAM LEGISLATIVE ASSEMBLY  
 UNDER THE PROVISO TO ARTICLE 201 OF THE  
 CONSTITUTION OF INDIA, IN CONNECTION  
 WITH THE ASSAM STATE ACQUISITION  
 OF ZAMINDARIS BILL, 1948

[12TH MAR.]

3. Amendments recommended by the President.

No. of clause	Amendments recommended
Proviso to clause 6(1)(iii)	<i>Delete</i> the words "satisfies the Provincial Government that he" from the first proviso.
Clause 20(2) ...	<i>Delete</i> the words "in the manner prescribed" occurring in the third line.
Clause 21(1)(a) ...	<i>Substitute</i> the following :— "where any <i>ad interim</i> payment has been made to any outgoing proprietor or tenure-holder under section 20, any such payment in excess of 2½ per cent. per annum of the amount of compensation payable under section 18".
Clause 21(2)(a) ...	<i>Substitute</i> the words "rupees two thousand and five hundred or less" for the words "smaller than a prescribed amount," occurring in the second line of the clause.
Clause 21(2)(b) ...	<i>Substitute</i> the following :— "in other cases, twelve and half per cent. of the amount shall be paid in cash and the balance shall be paid in cash or bonds or partly in cash and partly in bonds".
Clause 21(3) ...	For the existing sub-clause, <i>substitute</i> the following :— "The bonds referred to in (b) of sub-section (2) above may be either negotiable or non-negotiable, and transferable in such circumstances and in such manner as may be prescribed, and every such bond shall provide for repayment of the total amount thereof in twenty equal annual instalments, and for the payment every year of interest at the rate of two and half <i>per centum per annum</i> on the amount outstanding thereon, with effect from the date of issue ; provided that the bond shall be redeemable at the option of the Government at any time before the last instalment falls due"
Clause 21(4) ...	<i>Delete</i> the words "in the prescribed manner and" occurring in the first and second lines.



4. Consequential and other changes which will be necessary if the amendments are accepted.

(a) Delete clause 31(ii) (q).

(b) Delete clause 31(ii) (r).

(c) Insert a new clause as 31(ii) (q) as follows :—

“the manner in which and the circumstances under which the bonds referred to in sub-section (3) of section 21 shall be transferable”.

(d) Renumber the existing sub-clauses (s) and (t) of clause 31(ii) as (r) and (s) respectively.

(e) Substitute the word “of” for the word “for” occurring between the words “sub-clause (v)” and “section 11” in clause 31(ii) (h).

(f) Substitute the words “State Government” and “State” respectively for the words “Provincial Government” and “Crown” wherever they occur.

5. I hereby appoint the Hon'ble Shri Motiram Bora to be in charge of the Assam State Acquisition of Zamindaris Bill, 1948 (Bill No.IV of 1949) in the Assam Legislative Assembly for the purpose of this message.

JAIRAMDAS DOULATRAM,

Governor of Assam.’”

The 25th January, 1951.

**The Hon'ble the SPEAKER :** Hon. Members have heard the Message of His Excellency the Governor and a copy of the Message containing the amendments has already been circulated to the hon. Members. This will be governed by Assembly Rule 74 and the discussion and voting on amendments will be taken up on the 26th March. Hon. Members know that the Assembly Rules do not permit any amendment to an amendment and as such they are precluded from tabling any further amendments to these amendments or from adopting any dilatory motion, *e. g.*, that the Bill be referred to a Select Committee for considering the amendments or that the amendments be circulated for eliciting public opinion thereon. Hon. Members are therefore either to accept or reject the amendments as they are or any of them after a debate when each of the amendments will be moved by the Minister-in-charge of the Bill.

#### The Assam Animal Preservation Bill, 1950

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Animal Preservation Bill, 1950, and to move that the Bill as reported by the Select Committee be taken into consideration.

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

“That the Assam Animal Preservation Bill, 1950 as reported by the Select Committee be taken into consideration.”

**Dr. EMRAN HUSAIN CHAUDHURY :** Mr. Speaker Sir, I rise to oppose this measure which has been brought by my Hon. Friend, Maulavi Abdul Matlib Mazumdar, banning cow slaughter in the province. Sir, it is known that an overwhelming majority of the people of Assam do take beef. I mean *ex-tea* garden labour, tea-garden labour, the Muslims and those living in Hills districts. There are other reasons for which I should like to oppose this measure of the Government.



(1) If this Bill is passed into an Act there will be a great economic loss to our province. The hides and skin Industries would collapse. All the money coming from hides and skin industries in India goes now to Pakistan. We have lost crores in this regard. I understand the object of moving this Bill is that by preserving cattle we can increase the quantity of milk. If so I have no objection to this Bill. Milk is to be had from cows not from bulls nor from cows that are barren. If we are to increase the quantity of milk by preserving cattle I can invite the attention of the House to what is taking place in western countries, where thousands and thousands of cattle are being killed every day. They export to our country and other countries shoes, leather goods, leather bags, milk products, butter, powdered milk and condensed milk and what not. In spite of all that their industries thrive there. Let me quote the Bhoire Committee Report, Vol. II, Chapter V, page 78, wherein a comparison of the province in regard to milk produced in our country as also in other countries has been elaborately drawn. I deem it proper to quote the Report because it goes in my favour. This will show that the bringing of the Bill before the House is not necessary nor desirable either. The per head total consumption of milk and milk products per day in Canada is 56.8 ozs. In New Zealand it is 55.6.

Switzerland it is 49.2.

Finland „ „ 48.4.

Australia „ „ 44.4.

Netherlands „ „ 44.2.

Norway „ „ 41.7.

Gt. Britain „ „ 40.7.

Denmark „ „ 40.3.

U. S. A. „ „ 35.6.

Germany „ „ 35.6.

Belgium „ „ 33.0.

France „ „ 30.4.

Czechoslovakia „ „ 26.3, while in India it is 5.8. ozs.

I also draw the attention of the hon. Members to a recent speech delivered at Bombay by Pandit Jawaharlal Nehru, our proud Prime Minister, who ridiculed what he described as "false notions" about cow preservation in the country. That "will result in the increase in the vast number of diseased and weak cattle". I am afraid on account of an undue increase in the number of diseased cattle, Government will have to come up before the House with another Bill cancelling this and asking beef consumers to take to beef again. On the recent occasion of the discussion in Parliament of a similar measure, the great leader of the Christian community, I mean Mr. Frank Anthony, said that that was nothing but a "camouflage legislation banning cow slaughter in an indirect, devious, if not dishonest manner". Sir, if this Bill is adopted, there will be great rise in the



price of fish and mutton and vegetables and leather goods. I would, therefore, advise the Government that instead of bringing this Bill, they could direct and concentrate their energies on the prohibition of liquor and spirit. The Government of this Province would do well to read Part IV of the Constitution of India which gives a number of provisions concerning the policy of the State. They would do well also if they will study Article 47 of the Constitution of India, which says, "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health".

Hence, I would ask the Government not to dissipate their energies and time on such unnecessary things.

**The Hon'ble Shri RAMNATH DAS:** Is there any bar imposed by the Constitution not to introduce such legislature?

**Dr. EMRAN HUSAIN CHAUDHURY:** I would like to say in reply that this Bill is repugnant to the Constitution. It goes against the fundamental rights of the people. Would you please read Article 19 of the Constitution of India? In my opinion, Sir, it is repugnant to the Preamble of our secular State. It infringes our rights, rights under Article 19 of the Constitution. This Article in question gives us certain fundamental rights, I may mention here for the information of the hon Members sub-clause (g) of clause (1) of the Article:—

"All citizens shall have right to practise any profession, or to carry on any occupation, trade or business".

The Bill offends against this Article. It also is repugnant to the Preamble to the Constitution which secures to all its citizens:

"Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; equality of status and opportunity and to promote among them all Fraternity assuring the dignity of the individual and the Unity of the Nation".

Now coming to the Bill itself we find in sub-clause (3) of clause 1, "It shall come into force on such date and in such areas as the State Government may, by notification in the official Gazette, appoint in this behalf". I cannot understand what they mean by "*in such areas*". If this is good, it should be good for the entire province. Out of fear of the Nagas, Garos, Khasis and the Lushais who may rise in revolt if a ban is placed on cow slaughter in their areas, Government appears to exclude the Hills Districts from the operation of the Bill. If that is so, and if I have understood the clause aright, it will be a ridiculous part on the part of the Government if some districts are kept out of the operation of the Bill. If it is good, it should be good for all and there should be no partiality for some and impartiality for others. Another thing is the administrative difficulty. You have to appoint many officers in order to certify which cattle are to be slaughtered. Government have no money and they cannot appoint so many officers wherever necessary. Another repugnant provision of the Bill is what we find in sub-clause (2) (a) and (b) of clause 5 which allows under certain circumstances the slaughter of unfit cattle, *i. e.* "if the *cattle* is over fourteen years of age and unfit for work or breeding;" and "if the *cattle* has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease." The prescription of such a provision is a reflection on the Select



Committee. Shall people take the meat of cattle over 14 years which are unfit for work or breeding, which are permanently incapacitated from work due to age, deformity, injury or any incurable disease? This is what we find contemplated in this Bill. But our benign Government will be well advised to give effect to Article 47 in Part IV of the Constitution by way of raising the level of nutrition and the standard of living of the people in the Province. The relevant Article says:—

“The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”

So I think I have a very important point by way of opposing this Bill of the Government. I hope these points will be seriously considered by the Government. Other things are that our religion allows us to take beef. That however does not mean that cowslaughter is obligatory.

This Bill, if passed into an Act, will go against the interests of Muslims, the Christians and other communities who raise cattle and consume them. In the Constituent Assembly Rev. N. Roy raised his voice of protest on behalf of the Hills people who raise cattle to consume them. I hope that I have said something which will be taken into consideration by the Hon'ble Maulavi Abdul Matlib Mazumdar.

Sir, I hope I have said something which will be seriously taken into consideration by the Hon'ble Minister in charge Maulavi Abdul Matlib Mazumdar.

(Then he spoke in Urdu)

মৌলানা সাহব, আব্দুল মুতালিব মজুমদার সাহব, জিন্‌হে মঁই মৌলানা কহতা হঁ। আপকো কয়ামত কে দিন হিসাব দেনা পড়েগাঁ, আজ গুনাহ কব বহে হেঁয়।

(Interruption)

কেঁয় নহী, হিন্দী হো, অংগ্ৰেজী হো, অসমীয়া হো, জিস ভাষা মে হম চাঁহে শৌকসে য়াঁ বোল সকেতে হেঁয়। ইসসে জ্যাদা মুনো কহনেকী জকবত নহী।

**Srijut GAURI KANTA TALUKDAR:** Mr. Speaker, Sir, May I ask my Friend, Dr. Chaudhury—whether he is aware that the Pakistan Government have passed similar laws on the subject of animal preservation? If an Islamic State like Pakistan enacts law which prevents killing of useful cows and bullocks, why should there be any objection to such laws being enacted here?

**Dr. EMRAN HUSAIN CHAUDHURY:** Certainly I have no objection provided it does good to the country, and provided it is not against the religious practices. I have grave objection from the economic and financial points of view.

**Srijut GAURI KANTA TALUKDAR:** Sir, I am not going to refer to all the points of objection raised by the hon. Member, Dr. Emran Husain Chaudhuri, because these things have already been discussed on the floor of this House several times. What I want to point out to the hon. Member is that he is trying to hoodwink this House by saying that the measures of this Bill are repugnant to the Constitution of India. My Friend has referred to certain provisions of the Indian Constitution to show that these measures go against the principles of dual, but he has failed to point out the relevant Article in this respect. There he will find that he should refer to Article 48 of the Constitution. request to my hon. Friend is that he should refer to Article 48 of the Constitution. the State Governments to take suitable measures for the protection of the useful cattle such as cows and buffaloes. I read the Article for the information of the House. Article 48 of the Constitution says—“The State shall endeavour to



organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle". In the face of such clear provisions in the Constitution, I fail to see how my hon. Friend can say that this piece of legislation is repugnant to the Indian Constitution. Is this fairness? Will not my Friend's statement create a bad feeling in the minds of our simple people?

**Dr. EMRAN HUSAIN CHAUDHURY:** No. No. Not at all.

**Srijut GAURI KANTA TALUKDAR:** He knows there are certain classes of people who are accustomed to take beef, and his statement is likely to rouse a spirit of dissatisfaction among these people. My Friend has quoted instances of far distant countries like Norway, Denmark, Switzerland, etc., but he does not care to refer to Pakistan which is our neighbour and is purely an Islamic State. There they have got similar measures for the protection of animals including cows and bullocks. He says these measures will go against his religion. But if he carefully goes through the Bill, he will find that provisions have been made in the Bill allowing the people to kill cows in connection with religious ceremonies. He has referred to the case of the Muslims only. But the Bill also affects the Hindus. There are certain classes of Hindus who sacrifice buffaloes for religious purposes. They will also come under the provisions of this Bill. People who intend to kill any cattle for religious purposes will be able to do so by obtaining a permit from the authorities under the provisions of the Bill. In the face of these provisions how can my Friend say that it is going to deprive the people of their fundamental right of killing cattle for performing religious ceremonies?

**Dr. EMRAM HUSAIN CHAUDHURY:** That will be impossible after the passing of the Bill.

**Srijut GAURI KANTA TALUKDAR:** My Friend has also referred to the question of hide industry, and has said that as a result of this Bill the hide industry will suffer. How will the hide industry suffer we fail to see? These animals will surely die. This Bill will not prevent them from dying. These measures cannot liquidate the hide that will be available after their death. We can certainly get the hide from the dead animals. Before the advent of the Muslims, India used shoes, and obviously there was no difficulty in getting hide for the purpose though there were no cow killing. Certainly for the sake of getting good quality of hide we cannot afford to kill animal indiscriminately. I believe we must be satisfied with the kind of shoes made out of the hide of the dead cows and buffaloes.

**Dr. EMRAM HUSAIN CHAUDHURY:** The price of shoes will rise.

**Srijut GAURI KANTA TALUKDAR:** As regards milk, how can my Friend expect to increase the production of milk by killing the cows indiscriminately? As I have said already there are ample provisions in the Bill which allow the people to kill cattle for religious ceremonies. In spite of all these I do not understand how can my Friend oppose this innocent Bill? Moreover this is not coming into force all over the State all on a sudden. The Bill gives the Government ample scope to exclude from the operation of the Bill such areas of the State where the sentiment of the people may be wounded and where it may take time for the people to realise the utility of these measures. My Friend, it appears, is trying to rouse a spirit of suspicion among certain classes of people in this State, but I would appeal to him to see that the Bill is passed and to see it smoothly enforced through his support and co-operation.



My hon. Friend wants to have unrestricted right to kill bulls and cows indiscriminately, and opposes the Bill for it wants to prevent indiscriminate killing. This Bill wants that useful cattle should be preserved and protected, it does not aim at complete ban on cow slaughter. Adequate provision has been made for people who want to kill cattle for religious purposes. I do not therefore see how my Friend can oppose such an innocent Bill.

In the Select Committee we considered about the application of the Bill. We did not want to make this Bill applicable throughout the whole State all on a sudden (Dr. Emran Husain Chaudhury:—why?). We have given Government ample power not to enforce this law in certain areas where the sentiment of the people may be wounded. Government can restrict application of this law in certain areas or among certain classes of people who may not in the beginning be able to appreciate the benefit and utility of this measure. My Friend has ignored everything and tried to raise, I am sorry to say, a spirit of sectarianism. My Friend should have been the first person to see that such a useful Bill is passed and enforced throughout the country. He should have been the first person to go among the Muslim masses to preach the usefulness of this measure, and I am sure he would have got the support of the Muslim masses if he cited the instance of Pakistan. Instead, my Friend criticised the Hon'ble Minister in charge of this Bill who happens to be a Muslim. Not being satisfied with speaking in English he speaks in Urdu thinking that would appeal to the Hon'ble Minister's religious sentiments more effectively. He threatened the Hon'ble Minister with Quiamat, and asked "You being a Muslim how could you bring such a Bill?" He reminded the Hon'ble Minister of the date of the Quiamat. But my Friend should remember that Quiamat is not for the Hon'ble Minister alone it is also meant for the opposer of this measure. He also will be subject to the same examination and Quiamat will be applicable to him also. His conduct would also be judged for opposing this measure for the preservation of useful cattle, which is done not for the benefit of Hindus only but for all sections of population, Hindus, Muslims and Christians. This measure is meant for the good of the people of the State at large.

**Dr EMRAN HUSAIN CHAUDHURY:** On a point of information. What does the hon. Member say about clause 5 (2) (a) and (b) ?

**Srijut GAURI KANTA TALUKDAR:** That will be discussed. We have thoroughly discussed this measure at the time of its introduction and also in the Select Committee. We shall again get ample opportunity of discussing every clause when the Bill comes up for second and third readings. If he is dissatisfied with any of the clauses, if he thinks that some clauses are vaguely worded he can bring forward amendments to those clauses and the House will certainly consider them sympathetically. But at this stage, opposing the Bill for opposition's sake cannot be appreciated, particularly by Dr. Emran Husain Chaudhury who ought to have known much more about the utility of useful cattle. I therefore request my Friend to withdraw his opposition and lend his whole-hearted support to this sound measure.

**Maulavi MUHAMMAD ROUFIQUE:** I want to get certain information from the hon. Member.

In his speech he has repeatedly mentioned about similar legislation passed by the Pakistan Government. May I know whether he has gone through the provisions of that legislation, and whether he had the benefit of that knowledge when he sat in the Select Committee to consider the present Bill? Can he say whether this Bill is in line with the Bill passed by the Pakistan Government?



**Srijut GAURI KANTA TALUKDAR:** We did not consider it necessary to seek any direction from Pakistan Legislature. We have got our own Constitution ; Article 48 which I have read out gives us clear direction as to how we are to proceed. My hon. Friend asks whether I have read the Pakistan legislation. I have read about it in newspapers. I have not gone through the Bill. My hon. Friend, who is a Muslim ought to have the curiosity of knowing how that Islamic State was going to prevent the slaughter of useful cows and other cattle instead of asking me to study the Pakistan law. I would only remind my Friend that before we had brought forward this Bill, the Pakistan Government passed a similar law.

**Maulavi MUHAMMAD ROUFIQUE:** I am sorry, the hon. Member has not realised the significance of my questions. I think it would have strengthened his case when he was asking this House in the name of the legislation passed by Pakistan to support this Bill, if he had benefited himself by going through the provisions of that legislation. In that case he would have been able to say to the Muslim Members—look here—a Muslim State has made similar provisions for preservation of cattle and it would have an effective appeal to secure the support of the Muslim Members.

**Dr. EMRAN HUSAIN CHAUDHURY:** But he has not done so.

**Maulavi MD. NAZMAL HAQUE:** Mr. Speaker, Sir, I should like to speak a few words on this Bill. Sir, the very title of this Bill is a misnomer. The Bill is called the "Assam Cattle Preservation Bill, 1950", and by this title the Bill is intended to preserve cattle. But in going through the provisions of this Bill we find that the purpose of this Bill is to stop cow slaughter as there is no mention in the Bill as to how the cattle in our country is to be preserved.

Sir, in an agricultural country like ours, cattle plays a very important part in the matter of bringing income to the people and also for economic development of the country. Now, I should say that nearly 60 per cent. of our national income is derived from agricultural livestock and allied pursuits. To this, cattle industry contributes about 50 per cent. Growth of India's agriculture depends largely on her cattle wealth which forms nearly 25 per cent. of the world cattle wealth. The large proportion of mortality amongst cattle and other livestock can be attributed to various kinds of pests and other allied diseases. Livestock suffer from a variety of diseases such as defective growth, lower productive capacity, reduced production of milk, etc. Considering the large number of live-stock population of our country, damages thus caused are enormous and may cost many crores of rupees to our country annually.

The Hide and Cess Committee worked out monetary loss of about 70 lakhs of rupees in the Indian Union due to damage to hides and skins by warbles, etc.

Now, Sir, in the Bill we do not find any provision, whatsoever to preserve this valuable cattle wealth in our country. I want to give a reply to my hon. Friend, Mr. Talukdar. He points out that we are not losing in the matter of leather industry by preventing cow slaughter. I can cite statistics as to how much hides we derived from dead cattle and how much from slaughtered cattle. The Hide Cess Enquiry Committee reporting in 1930, estimated the total value of hides and skins produced in India at 18½ crores and the report of the Marketing of Hides and Skins published by the Government of India in 1943 put the value at 9.64 crores. Assuming that the out-put of raw hides derived out of cows to be approximately somewhere, say, 160 lakhs of pieces, only 30 lakhs are said to be that from slaughtered cows and the balance is derived out of deads. Likewise, 53 lakhs of pieces are estimated to be of buffalo hides. As regards cattle hides, Bengal and Madras are pre-eminently the largest producing provinces each being responsible



for the production of nearly a fifth of the total income in India. It is further estimated that the consumption is 20 lakhs of pieces for upper leather and for sole leather. Ever since anti-slaughtering campaign has started it can easily be imagined that the arrival of better hides is getting scarcer and smaller, day by day. The deterioration in cowhides, available in India, has already led to limitation of soaking in the Madras tanneries and import of raw cowhides has been started and the alternative in the shape of hide selected from deads is very much discouraging.

(At this stage the Hon'ble Speaker vacated the Chair and the Deputy Speaker occupied it).

Madam, we may have hides from dead stock but this sort of hide is not as valuable as hide from slaughtered cows. I have also shown that the quantity of hides received from slaughtered cattle is very much less than that derived from dead stocks.

Madam, from this Bill it appears that it will serve no useful purpose as regards preservation of cattle. Now, if the intention of this Bill is to prevent cow slaughter, it should be such as to stop cow slaughter totally, partial operation of this Bill will serve no purpose.

Now, I have seen that the proposed amendment is to insert a certain clause, i.e., sub-clause (3) of clause 1 which says—"It shall come into force on such date and in such areas as the State Government may, by notification in the official Gazette, appoint in this behalf". I understand that the provision has been made to satisfy some sections of the people of Assam. If it is to satisfy the people of the Hill districts then I should say that the major consumers of this cattle wealth is going outside the operation of this Bill when it will be made an Act. If the Hill portions of the autonomous districts are not affected by this Act, the plains portion of Assam only will be affected and in the plains portion also only a section of the people, namely the Muslims consume beef and nobody else.

Now, I should like to bring to the notice of the hon. Members of this House that those who take beef know best how to preserve these animals. I also invite the attention of the hon. Members to the fact that though the Hill people take beef, they do not preserve and produce cattle as the Muslims do in the plains.....

**Srijut GAURI KANTA TALUKDAR:** On a point of information, Madam. Where does the hon. Member finds in the Bill that this Bill is not applicable to the Hill areas?

**Maulavi MD. NAZMAL HAQUE:** Madam, I have already said that though it is not clearly stated in the Bill that it is not applicable to the Hill areas, the provisions in the Bill are such that it is so meant. I had nothing to quarrel with the Bill if there had been sufficient provision not to touch the religious sentiment of a section of the people. There is a provision no doubt in sub-clause (2) of Clause 5 that some kinds of cattle are allowed to be slaughtered. But this provision is of no use because nobody will consume any cattle of over 14 years of age. And similarly nobody will take incapacitated cattle due to old age or any infirm and diseased cattle. If there is any law to prevent taking of beef or sacrificing cows by the Muslims on religious functions, such law surely goes against the religious sentiment, and rites of them.

Madam, with these words I request the Hon'ble Mover of the Bill to see that certain amendments are brought in to suit the religious sentiment of a section of the people.

**Maulavi MD. MAKSED ALI:** Madam, I would like to speak a few words with regard to this Bill already introduced by the Hon'ble Minister in charge.



Madam, the very title of the Bill has been misnamed. It has been named as "Cattle Preservation Bill", but in its real significance it intends to stop cow slaughter. Further more, there has been a provision that in certain areas the Bill will not be applicable whereas in certain areas it will be operative. I do not know, Madam, why there has been made a differentiation in the application of the Bill. You know, Madam, that the Muslims are beef eaters and the Muslims are the only cultivators, I should say, are the best cultivators in Assam. Madam, the immigrant Muslim people are the best cultivators in Assam and they can only grow more food. Some of them raise several crops in the same land in a year. And though they take beef they know how to preserve and breed cattle, including the plough cattle. It is the Muslims who are selling milk in the nearby *hats*, bazars and in the towns. In this case I should like to say that in Barpeta, Dhubri, Nowgong and some other areas predominantly occupied by the immigrant Muslims the town people depend upon the Muslims in regard to supply of milk and other milk products. May I know, Madam, in which portions of those Districts the indigenous or the tribal people are selling milk to the people? So I say though the Muslims take beef they know also how to breed cattle and how to use them. As you know, Madam, that though England is not an agricultural country and though the people thereof take beef more than we do, yet we are to import milk and other milk products from that country. Similarly we import milk and milk products from Australia, Canada, New Zealand and many other foreign countries although people of those countries take more beef than we do here. We also know that though we eat plenty of domestic fowl yet we are not falling short of them, whereas the wild fowl, which we have not the chance of killing or taking, are decreasing in number gradually. The wild-hen lays only 5 to 6 eggs in a year whereas a domestic hen lays more than 20 eggs after every three month. So, Madam, things which we take are helped by the nature in their breeding.

With these words, Madam, I oppose this Bill and hope that the Bill will be withdrawn.

**Mr. BINODE KUMAR J. SARWAN:** Deputy Speaker, Madam, I oppose the Government Bill which has been brought at this Session for passing, for three simple reasons. There may be other reason but I give the three main reasons. Firstly there are in the plains about 18 lakhs of tea labourers in all, and perhaps half of them do consume beef.

**The Hon'ble Shri BISHNURAM MEDHI:** May I Sir ask a question? Is it a fact that all the tea garden labourers eat beef?

**Mr. BINODE KUMAR J. SARWAN:** I said half of them. They come from Bihar, Chotonagpur and Madras. I think my estimate is right. I know better than any body that half of them do take beef.

Next Madam, I say that it will affect our hide industry. Every one in this House comes with shoes on, and if there was no hide industry we would not have got these shoes. If a restriction is made the poor Members will have to come without shoes.

Third point I should like to say that the price of fish, mutton etc., will rise very high if this Government Bill is passed. Madam, these are the main reasons for which I oppose the passing of the Bill.



**Prof. P. M. SARWAN:** Deputy Speaker, Madam, this Bill is good but at the present moment it is not necessary. People who ought to be taught how to preserve their cattle will get no benefit out of it. The only people who know how to take care of the cattle and who are taking care of the cattle will be prevented from doing away with their useless cattle. I think more harm will be done to the State as well as to the Union by allowing useless sick and disabled cattle to remain. If only we had a Bill which would force people to kill useless cattle I think it would have rendered more service to the State and to the Union than by bringing this Bill, that will prevent illiterate people from getting rid of their useless cattle. I am in favour of preserving cattle. In the village where I live we have scores of useless cattle. It will be nice to retain those animals that plough the field and those that give milk to the people. People would thereby get nourishing food as well as more food.

At the present moment what is necessary is not to control things; because from our experience we find that controlling has not been very beneficial to the economy of the Province. Controlling has resulted in making it worse. As I understand recently there was a control of Gur (*A voice*. Is it relevant, Madam?) Yes. This is an illustration. Recently in Jorhat we have experienced how the control of Gur worked. Gur was previously being sold at As. /11/ or As. /12/ per seer. As soon as the control was introduced, Gur disappeared altogether and people like me have begun to take tea with salt. I still have salted tea. In Jorhat Gur is available from ration shops. Same thing is going to happen if we introduce this Bill. Illiterate people of this State will not be able to get rid of their disabled cattle. Things will become worse. The Bill will no doubt bring benefit to some corrupt people. People should rather be educated how to preserve cattle rather than that we introduce this Bill. It will give handle to bring some subordinates to make profit out of this Bill. I would request that the Government do keep this Bill pending for a quite long time until the people have been properly educated. (*A voice*: May I know for how many years). For a year or two.

With regard to the number of people who consume beef I am told that in the plains it will be found that half the tea garden population and *ex-tea* garden population consume beef. The population in tea garden and *ex-tea* garden labourers will be about 17 lakhs. 50 per cent. of them are beef consumers. So from nine to ten lakhs of tea garden and *ex-tea* garden labourers are beef consumers. Therefore, I would request that this Bill be kept in abeyance for the time being, but we must thank the Government and the Select Committee, for giving a consideration to this Bill, and trying to let the people know about it.

**Mr. KEDARMAL BRAHMIN:** অধ্যক্ষ মহোদয়া, জিস ভাষামে কুছ হী বক্ত পহলে মেবে এক মিত্র ডাঃ ইমবান হুসেইন চৌধুরী নে হুয়াবে এক মাননীয় মন্ত্রী মোঃ আব্দুল মুতলিব মজুমদার সাহেবকো ধমকী দী থী, উসী ভাষামে মইচন্দ বাৰ্তে ইস বিল কে বাৰেনে কহনা চাহতা হঁ।

**Mr. EMRAN HUSAIN CHAUDHURY:** মই নে ধমকী নহী দী থী।

**Mr. KEDARMAL BRAHMIN:** মই সমবাতা হঁ কি ইস তবহ এক ভলে আদমীকো আগাহ কবনা অনুচিং হয়। ইস তবহকী ধমকী সে ন কিসীকো কোদি ফায়দা হোগা, ন কোদি কাম হী চল সক্তা হয়।



জিস তৰীকেনে উনহোনে বহস কী হয় য়হ বহস কবনেকা তৰীকা নহী হয়। উনহোনে যো যো বাতেনে কহী হেয় উনমে এক দুসৰকে সাথ কোদি সবোকাব নহী উনহোনে চমড়ে কে ব্যাপাৰ কে লিয়ে কহা হয়। হম সিক চবম কা হী ব্যাপাৰ কেয়া কৰে। ব্যাপাৰ কবনেকে লিয়ে আওব বহত সী চীজে হেয়। উন চীজোকে ব্যাপাৰ মে উনুতি কবনে কে লিয়ে হমে চেষ্টা কবনী চাহিয়ে।

উনহোনে কহা হয় কি গোস্তকে লিয়ে তখা অন্য ধাৰ্মিক কাৰ্য্যোকে লিয়ে বৈল হী মাৰে জাতে হেয়। গায় নহী, বৈলসে তো দুধ মিলতা নহী। মই নহী সমঝতা কি ডা: চোখুৰী জো অসমকে এক মশহব economist সমঝে জাতে হেয়, কোঁ কব এইসী বাতেনে কহ সৰুতে হেয়। এইসী স্থিতি কিতনা দিন চল সৰুতী হয়। কা বৈল বিনা ন শেল নষ্ট নহী হো জয়েগী।

কেৱল ধৰ্মকে বিৰুদ্ধ হোনে কাৰণ হী নহী, গো জাতী কী উপকাৰিতা কী দৃষ্টিসে হমে এইসা এক বিল লানা বহত কী জৰুৰী হো বহা হয়। অব জো বিল হাউচ কে সামনে পেশ কিয়া জা বহা হয়, উসমে হমাৰা পূৰা সমখন হয়। ফিবতী মই সমঝতা হুঁ কি অভী ভী ইস বিলমে বহত কমিয়া হেয়। মই সমঝতা হুঁ কি ইস বিলমে আউব জ্যাৰা, ইসসে ভী জ্যাৰা বোক লানা চাহিয়ে খ।

হমাৰে মিত্ৰনে চমড়েকি বাত কহী হয়। চমড়েসে জুতে বনতে হেয় আউব হম জানিতে হেয়। যা তো বিলাসীতা কী বাত হয়। কা পিবফ বিলাসীতা কে লিয়ে হী হম গায় জেইসে এক উপকাৰী জানৰাৰ কো মাৰে? মৰে হোৱে জানৰাৰ কে চমড়ে সে ভী তো জুতে বনতে হেয়। ফিব ইসকে লিয়ে জীৱিত গায়কো মাৰনা কহুঁ তক ন্যায় হয়।

উধৰ মেৰে মিত্ৰ Sarwan brothers নে ভী ইস বহসমে ভাগ লিয়া হয় আউব কহা হয় কি উনকে দেশমে ৫০ প্ৰতিশত আদমী গো খাতে হেয়। য়হ বিলকুল বাঠ হয়। য়হ তো এসেবলী হয়। য়হা বাঠ সচ সব কুছ কহ সৰুতে হয় বাঠ কহনেপৰ ভী য়হা সজা নহী মিলতী। মই উনকে দেশমে গয়া হুঁ। Santal প্ৰদেশ আউব Madras মে মই গয়া হুঁ আউব ৱাহাকে লেগোকে বসমবিৰাজ কো ভী মই দেখ চুকা হুঁ। ৱে লোগ গো-ভক্ষক নহী হেয়। ৱে গো বক্ষক হেয়। এইসা কহনা কি ৱাহাকে ৫০ প্ৰতিশত লোগ গো-খাতে হয় বিলকুল বাঠ হয় আপনে দেশমে ৱে এইসী বাতেনে নহী কহ সৰুতে। উনকী আপনে বাত আলগ হয়। শায়দ, ৱে গো খাতে হোঙ্গে কোঁ কি ৱে Christian হো গয়ে হেয়।

আৰ্থিব মই আপলোগোঁসে অনুবোধ কবতা হুঁ কি আপ ইস বিলকো সমৰ্থন কৰে আপ সোচিয়ে কি আজকল দুধ নহী মিলতা কপিমেমে ১ই/২ সেব ভী অচছা দুধ নহী মিলতা হয়। আপ আপনে বাল বাচোচাকে লিয়ে সোচিয়ে। দুধ ন মিলে তো উনকা হালত কা হোগী। ইসসে জ্যাৰা অব মুৰে নহী কহনা হয়। মই ইস বিলকা পূৰা সমখন কবতা হুঁ।

**Dr. EMRAN HUSAIN CHAUDHURY:** জনাব, সদৰ সাহিব, মেৰে দোস্ত শ্ৰী কেদাৰমল ব্ৰাহ্মনজী নে জো বাতেনে কহী হেয়, মই, উসকা জবাব দেনা চাহতা হুঁ।

**The DEPUTY SPEAKER:** Is that a reply or a personal explanation?

**Dr. EMRAN HUSAIN CHAUDHURY:** Personal explanation, Madam.

**The DEPUTY SPEAKER:** The hon. Member may proceed.



**Dr. EMRAN HUSAIN CHAUDHURY:** মেবে দোস্ত, কেদাৰমল জীনে কথা হয় কি, মইনে এক মিনিষ্টৰ সাহব কো ধমকী দী হয়। যহ কেসে হো সৰুতা হয়, যহ গৈব মুমকিন হয়। মইনে সিৰ্ফ ইতনা হী কথা হয় কি আপ গুনাহ কব বহে হেঁয় কয়ামত কে দিন আপকো জবাব দেনা পড়েগা।

আউব এক হয় বাত য়েহ কি কেদাৰমল জী ক্যা জানতে হেঁয় কি ৫০ প্ৰতিশত লোগ গোস্ত খাতে হয় যা নহী আপ খুদ তো গোস্ত নহী খাতে, রে মছলী তককো নহী খাতে হেঁয়, আউব কাবোবাব কী বাত তো বহত জানতে হেঁয় রে তিজাবত কবতে হেঁয় আওব খুদ তাজিব হেঁয়। মই কহতা হঁ কি চমড়ে কা বহত বড়া ব্যাপাব চল সৰুতা হয়। হাঁ, রে চমড়ে কা ব্যাপাব নহী কৰেছে। রে ইসকে বাবেমেঁ ক্যা জানতে হেঁয়।

**The DEPUTY SPEAKER:** That is a puzzling explanation.

**Maulavi ABDUL HALIM:** বহ ধমকী নহী থী, হিদয়াত থী।

**Srijut DALBIR SINGH LOHAR:** মাননীয়া উপাধ্যক্ষ মহোদয়া, মই আজিব এই বিলৰ আলোচনাৰ কোনো অংশ গ্ৰহণ নকৰো বুলিয়েই ভাবিছিলো। কিন্তু সমালোচনা আৰু দুই এটা উক্তি ইমান তীক্ষ্ণ আৰু অবাস্তব হৈ উঠিল যে মই এই সদনত উপস্থিত থাকি দুই এটি অনুক্তিকৰ উক্তিৰ প্ৰতিবাদ নকৰিলে মোৰ কৰ্তব্য কৰা নহব বুলি ভাবিয়েই, অনিচ্ছাস্বত্ত্বেও দুমাৰ কথা কবলৈ আগবাঢ়িলো।

প্ৰথমতে, মোৰ বন্ধু Sarwan Brothers এ এটা কথা কৈছে যে, বাগানৰ বনুৱা সকলৰ আনকি বাগানৰ বাহিৰত থকা বনুৱা সকলৰো শতকৰা ৫০ ভাগৰো অধিকাংশ লোকেই গোমাংস-ভোজী। ইয়াৰ দ্বাৰা তেখেত সকলে এটি উনবিংশ শতিকাৰহে উক্তি কৰিছে। আৰু বিংশ শতিকাৰ বনুৱা সমাজৰ দোষাৰোপ কৰিছে। আধুনিক বহিৰ্জগতৰ আবহাৱৰ অংশ বনুৱা সমাজেও গ্ৰহণ কৰে। আজিকালিৰ বনুৱা সমাজৰ ভিতৰত এনেকুৱা বহুত দৃষ্টান্ত পোৱা যায়। আনকি District Officer বিলাকৰ পৰা অনুসন্ধান কৰি চালেও দেখিব পাৰ যে, বাগানৰ বনুৱা সকলে গৰু-মহ হত্যা কৰাটো একেবাৰেই বন্ধ কৰি দিছে। এই কথা তেওঁ লোকে মৰ্মে ২ উপলব্ধি কৰিছে যে যদি, প্ৰত্যেক বাগানত মাহে ২০।৩০ টাকৈ গৰু-মহ মাংসৰ কাৰণে হত্যা কৰা হয়, তেন্তে গাখীৰ, মাখন, হালোৱা গৰু আদি পাব ক'ব পৰা। গতিকে গোমাংসৰ পৰিবৰ্তে তেওঁলোকে অন্যান্য বস্তু ব্যৱহাৰ কৰিছে।

সেইকাৰণেই মই কও যে, অশিক্ষিত, পিচপৰা হলেও আধুনিক বনুৱা সমাজে গাখীৰ, ঘি, মাখনৰ অভাবৰ কাৰণ উপলব্ধি কৰিছে—তেওঁলোকেও গৰু-মহৰ উপকাৰীতা অনুভৱ কৰিছে, আৰু তাৰ ফলতেই তেওঁলোকে গোমাংস ভোজন বা গো হত্যা কৰা একেবাৰেই বন্ধ কৰি পেলাইছে। তেলেঙ্গা, ওবাং, উৰিয়া আদি যিবিলাক বনুৱা আছে সিবিলাকৰ ভিতৰত গোহত্যা একেবাৰেই বৰ্জজন কৰিছে; অবশ্যে কয়া আৰু চাওতাল বিলাকৰ ভিতৰত অলপ অচৰপ থাকিলেও, আজি কালি গোহত্যা কৰা ঘোৰ অন্যায় বুলি তেওঁলোকেও অনুভৱ কৰিছে, আৰু লাহে লাহে সেই প্ৰথা বন্ধ কৰি আহিছে। আনকি মই ডাঠি কব পাৰো যে, ইণ্ডিয়ান খ্ৰিষ্টিয়ান সকলৰ ভিতৰতো শতকৰা ২০ ভাগ লোকে ইয়াক ব্যৱহাৰ নকৰে।

যি হওক, যি বিল বৰ্তমান ডাঙি ধৰিছে, তাক সময়োপযোগী কৰিবলৈ আৰু বহু কথা সংলগ্ন কৰা দৰ্কাৰ আছিল। বন্ধুবৰ ব্ৰহ্মিন ডাঙৰীয়াই কৈছে যে, তাত আৰু বহুতো কথা দিব লাগিছিল; কিন্তু দিয়া হোৱা নাই। এই বিষয়ে মোৰও তেখেতৰ লগত একমত। আজি দেশৰ যি অবস্থা, সেই অবস্থালৈ দক্ষ্য ৰাখি, তাৰ লগত এই বিল খাপ খুৱাব লাগিছিল। কিন্তু খাপ খুওৱা নহল। যিহওক আজি এই সদনত লোৰ বন্ধু শ্ৰীযুত চাৰোৱানে কলে যে, বনুৱাৰ শতকৰা ৫০ ভাগৰো অধিকাংশ লোকে গোমাংস ব্যৱহাৰ কৰে; ই প্ৰকৃততে সত্য নহয়, কাষেই মই তেখেতৰ এই উক্তিৰ ঘোৰ প্ৰতিবাদ কৰো, আৰু চৰকাৰে যি বিল ডাঙি ধৰিছে তাক মই সমখন কৰিছো।



**The DEPUTY SPEAKER :** Srijut Nalini Kumar Chaudhury will now speak.

**Srijut NALINI KUMAR CHAUDHURI :** Deputy Speaker, Madam, I rise to make a few observations on this important Bill. I believe that the Bill as it emerges from the Select Committee will be acceptable to all sections of the House. In one sense the problem which this Bill seeks to solve is not so acute in our State and in another sense it is so. Cow slaughter, as is known to this House, has been responsible for a lot of unpleasantness, rioting and loss of life in other provinces of India. We are fortunate that in our own province no such incident has marred our communal harmony. But preservation of cattle, particularly those which can be used for cultivation is very important for us. The tractors have not been used in any appreciable degree in our State and I believe I am correct in saying that considering the heavy rainfall in our State, tractors may not be largely used here. It is therefore imperative that care should be taken to prevent uneconomic slaughter of cattle. But there is another side of the matter. In large part of our Tribal areas beef is used as food and it will be creating great discontent if cow-slaughter is altogether prohibited. Again there is large number of weedy bulls and useless cattle in this country. What are you going to do with them? Should they be allowed to stray over the whole country, destroy and damage the crops and vegetables which are raised with such difficulty. In my humble opinion, Clause 5 of the Bill has solved the problem by providing that no cattle could be slaughtered unless a certificate has been obtained from the Certifying Office and Veterinary Officer of the area. A very useful change has been made in sub-clause (3) of Clause 1 by which it has been provided that the Bill shall not come into force throughout Assam, but shall be applicable only in such areas as the State Government may, by notification, appoint in this behalf. I hope that action under this law will be taken cautiously and in the beginning tribal areas should be excluded.

With these few words, I take my seat.

**The DEPUTY SPEAKER :** Mr. Larsingh Khyriem will now speak.

**Mr. LARSINGH KHYRIEM :** Madam, on behalf of the Hills districts I wish to give my protest to the Bill. (*Hear, hear* from the Opposition Bench.) The Bill as it is should be excluded from the autonomous districts. As you know, we the Hills people rear cattle for the purpose of eating and as you also know that our people in the interior are not accustomed to take milk, for that reason, I request the House that the Bill should for the present be excluded from the Hills districts. One thing also I wish to point out that the Government should also consider the question of helping to exclude the people of Hills districts who have been from time immemorial using the cattle for eating. If this Bill is introduced in the Hills districts, the people living therein will feel very much against this Bill. So in the present circumstances, I appeal that this Bill as it stands at present be excluded in the autonomous districts.

**The DEPUTY SPEAKER :** Mr. J. S. Hardman will now speak.

**Mr. J. S. HARDMAN :** Madam, Deputy Speaker, I had no intention of intervening in this debate. The interests which I represent are not in any way concerned whether cattle are slaughtered or not. The purpose of my intervention in this interesting debate is to draw attention to a number of points which appear to have been over-looked. Everyone, I feel certain, will agree that it is essential in the interest of India and in the interest of Assam that all useful cattle should be preserved. (*Hear, hear* from Government Bench.) It is clearly against public policy if valuable milch cattle are sent to the slaughter house.



At the same time, there is case for considering that cattle which serve little useful purpose have no claim to be preserved. I have noticed that there seems to be throughout the world an inverse ratio between cattle population and milk production. In India, the milk production is the lowest although the *per capita* cattle population is the highest. I can quote briefly the figures of the United Kingdom. There the cattle per head is 1 to every 5.1; whereas in India, we come down to the figure 1: 2.2. About two years ago in an important lecture in Calcutta on the economic position in India the speaker referred to the causes of India's ills, which he stated was "too many men, too many cattle". The human population problem is obviously intangible, but there is perhaps little reason why such emphasis should be paid to increase in number without regard to quality. What is the value of large number of cattle if the cattle are not able to produce milk and the bullock are too weak to draw ploughs. They become a mere encumbrance on the land. One of the complex problems that has to be faced in India is the problem of nutrition. We have heard a great deal about the needs of nutrition of the people in India. How many people in India get a square meal? I feel certain if we direct a little more attention to the cattle population, we would find that a large percentage of the cattle in India are under-fed. I happened to be in Calcutta some time ago for six months and it was my misfortune to see daily the grazing ground in Netaji Subhas Chandra Road with swarms of cattle visiting from dust-bin to dust-bin struggling to get scraps.

I am certain that those cattle are not serving any useful purpose to any one. If they were fortunate possibly to get away to other areas where grazing was available were they not competing with more useful cattle for available supplies of fodder? One of the problems which this Bill has, I feel, not contemplated has been the question of feeding. While it is quite wrong for any useful cattle to be killed it seems no crime under any Act to allow cattle to be starved to death or to allow them to go perpetually under-nourished. In many cases we feel that it is no one's fault. It is difficult to blame a poor person, who cannot afford the cost of fodder which is high to-day, for not being able to give his cattle an adequate meal. At the same time it must be recognised that the grazing grounds of Assam are limited, that the pressure of cattle population is large. If the present trend continues we shall not merely have a much higher cattle population but the cattle will progressively deteriorate and ultimately reach the size of an average dog. The ordinary cow will produce a quarter of its present supply of milk and that grazing will have almost disappeared. We would have liked to see in this laudable effort for the preservation of what must be in any agricultural community the most valuable asset that a country possesses, its cattle population, some provision for ensuring that cattle must be fed. On this will depend the prosperity of agriculture in Assam and the health of our future population.

**Srijut CHANOO KHERIA:** মাননীয়া অধ্যক্ষ মহোদয়, আমাৰ আগত আজি যিখন বিল দাঙি ধৰিছে, তাৰ সকলো কথা মই সমখন কৰিছোঁ। এই আলোচনা প্ৰসঙ্গত মই নকৈ নোৱাৰো যে এই পৰিষদৰ সদস্যসকলৰ কোনো কোনোৱে মিছা কথা নোকোৱাকৈ থাকিব পৰা নাই।

(A voice) সবেই মিছা কথা কৈছেনেকি ?

**Dr. EMRAN HUSSAIN CHAUDHURY:** মাননীয়া অধ্যক্ষ মহোদয় সদনৰ ভিতৰত উচ্চাৰণ কৰা "মিছকথা" টো withdraw কৰিব লাগে।

**Srijut CHANOO KHERIA:** "মিছা কথা" মানে "ভুল কথা" বুজাইছে।



**The DEPUTY SPEAKER:** Order, order, will the hon. Member please withdraw the words “নিছা কথা” ?

**Srijut CHANOO KHERIA:** মই উঠাই লৈছো।

মাননীয় অধ্যক্ষ মহোদয়, মই সেই সদস্য সকলক প্ৰতিবাদ কৰিবলৈকে ঠিয় হৈছো। বিশেষকৈ মাননীয় সদস্য শ্ৰীযুত চাৰোৱান ভাতৃদ্বয়ে যে কৈছে বনুৱাসকলৰ শতকৰা ৫০ জনৰো অধিকে গো-মাংস ব্যৱহাৰ কৰে—সি একেবাৰে অসত্য। যেহেতু, মই নিজে জানো যে, যিবিলাক বনুৱা অসমলৈ অহা বহু দিন হৈ গৈছে—সি সকলে গো-মাংস খাবলৈ এৰি দিছে। হব পাৰে, কিছু কিছুৱে ব্যৱহাৰ কৰে; যিখিনিয়ে ব্যৱহাৰ কৰে, তেওঁলোক মাত্ৰ ১ বছৰ, ২ বছৰ অথবা ৩ বছৰহে আসামত আছে। মই নিজে, অসমত বাসকৰা বহুদিনীয়া পুৰনি উৰিয়া মানুহ আৰু সেইদৰে অনেক উৰিয়া মানুহ অসমত আছে। সিবিলাকে তো গো-মাংস ব্যৱহাৰ নকৰে। আমাৰ জন-জাতি লোক সকলৰ কিছুমানে গো-মাংস ব্যৱহাৰ কৰে—

**The Hon'ble Srijut BISHNURAM MEDHI:** গৰু মাৰি খায়নে—মৰা গৰু খায় ?

**Srijut CHANOO KHERIA:** মৰা গৰুও খায়। মুণ্ডা বিলাকেও খাইছিল; ওবাং বিলাকেও খাইছিল; কিন্তু এতিয়া তেওঁলোকে এৰি দিছে। মোৰ বোধেৰে, বনুৱা সম্প্ৰদায়ৰ লোক সকলৰ ভিতৰত—শতকৰা ৫ (পাঁচ) জনেও খাইনে নেখায় বিবেচনা কৰিব লগা কথা। সেই কাৰণে, চাৰোৱান ভাতৃদ্বয়ে যি শতকৰা ৫০ জনৰ কথা কৈছে—তাত পাঁচৰ বুকুত শূন্যটো এনেয়ে লগাই দিছে যেন অনুমান হয়।

আজিৰ সদনত যিখন বিল পাচ' কৰিবলৈ দাঙি ধৰিছে, সেই বিলখন আৰু drastic হোৱাহে উচিত আছিল। পাচে আমাৰ অসমত কিছুমান অসুবিধা আছে—যেনে পাহাৰী আৰু জন-জাতি লোকসকল, বনুৱা সম্প্ৰদায় মুছলমান সম্প্ৰদায় আদি সকলোৰে জনমত আহ্বান কৰি সিবিলাকৰ কাৰণে Safeguard দিহে—Select Committee য়ে বিলখন পাচ কৰি দিছে। এনেস্থলত, এই স্তৰত, বিলখন কোনো প্ৰতিবাদ নোহোৱাকৈয়ে ‘পাচ’ হৈ যাব লাগিছিল। পিচে তাকে নকৰি, মাননীয় সদস্যসকলৰ কিছুমানে প্ৰতিবাদ উপস্থাপিত কৰি অশান্তিৰ সৃষ্টি কৰিব খোজে।—গৰু খালে অশান্তিৰ সৃষ্টি হয়নেকি ? (*A voice.*)

হয়, ইয়াতো বহুত কথা আছে। অনাহকতে বহুত মানুহে এই বিলাক কাৰণত অশান্তিৰ সৃষ্টি কৰিবলৈ কৰা আন্দোলনৰ ফল স্বৰূপে কেইবাটাও case কট'ত বজু হৈ আছে।

মুঠৰ ওপৰত, এই বিষয়ে মই আৰু বেচি কথা নকও—যি সকলে, এই বিলখন পাচ নহবলৈ প্ৰতিবাদ কৰিছে—তেওঁলোকৰ বিৰোধিতা কৰি চৰকাৰে অনা বিলখন ‘পাচ’ হৈ যাবলৈ সম্মত কৰে। ইয়াকে কৈ মোৰ বক্তব্যৰ সামৰনি মাৰিলো।

**Prof. P. M. SARWAN:** On a point of personal explanation; Madam.

I have not been understood by my Friends, Messrs. Dalbir Singh and Chanoo Kheria. What I said was that 50 per cent. of the *ex-tea* garden labourers are beef-eaters, but I did not say that they were cow-slaughterers. They may not slaughter cow because they are an adaptable people and they do not like to wound the sentiments of other people. If an *ex-garden* or a garden labourer lives near a Hindu he will not slaughter any animal just to respect the sentiments of his neighbour. That does not mean that he does not take beef.

**The DEPUTY SPEAKER:** That will do.

#### Adjournment

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



(After lunch)

(The Deputy Speaker in the Chair)

**The DEPUTY SPEAKER:** Before we resume our discussions I should like to remind the House that no hon. Member should criticise the general principle of the Bill as reported by the Select Committee as the House is already committed to the general principle while referring the Bill to the Select Committee. Any Member may discuss any principle of the amendments made by the Select Committee and is also entitled to make further amendments to any clause of the Bill.

Does any hon. member want to take part in this discussion ?

**Srijut NILMONI PHOOKAN:** Madam, Deputy Speaker, I should like to speak a few words in this matter. The Bill itself is aimed at the protection of cattle mainly on economic ground. But as my Friend, Mr. Hardman, already said that though milk production is the least in this country, the cattle population is the highest and that very fact shows that simply protection of cattle will not be the only thing which we are to look at. My point of view is this. The discussions and deliberations that have ensued since the introduction of this Bill in this House have, I may be wrong, given me the impression that we have discussed the question more from the point of view of religious sentiments of both communities. And again my Friend, Mr. Sarwan, has brought in his arguments regarding the labour population, I may be wrong, from a different line. At any rate, I want to make the point clear in this regard, that whatever I may tell now, I will simply discuss the matter from the economic point of view and as regards the sentiments, the religious sentiments of both the Hindu and Muslim communities, I may speak of my province that in the two or three generations before even my Muhammadan friends never used to slaughter cows even on that religious 'qurbani' day. The practice was that generally buffaloes were offered on that religious day and even our buffalo keepers have been seen to assist them in the killing of buffaloes. That was the amity which was prevailing between the two communities in Assam. Not because the Hindus insisted that they cannot slaughter a cow, but because the Muhammadah community themselves were always respectful of the sentiments of the Hindus as also the Hindu community were also always respectful of the sentiments of their Muslim brethren. This is a wellknown fact of history and I need not repeat it here. But subsequently during recent times, say from the time when we got liberal education under a liberal Government when both these communities became slave of a third power, from that day we are practically running at each other's throat on the slightest provocation on religious sentiments or social matters. So now when our country is free and when we are really living in a secular State, it must be the duty of every community to forget their communal self and decide these matters from other stand points than religion. With these few words, Madam, I will now speak about certain provisions of this Bill, not on its principle, the principle has already been accepted by the House.

**Dr. EMRAN HUSSAIN CHAUDHURY:** May I know from my Friend, Srijut Phookan, as to the time when the Muslims used to slaughter buffaloes in their religious festivals ?

**Srijut NILMONI PHOOKAN:** I am sure my Friend's, grandfather and my grandfather could have given him evidence of this. But he may take it from me that in Jorhat itself on enquiry from older folks both Hindus and Muslims it will be found that this is true. I know that even some of our Mahomedan women folks used to go and assist their Muslim brothers in taking the meat out of the buffalo and the whole village congregated in the feast. About these things I will satisfy him at Jorhat from the



mouths of the older folks themselves and I will make him convinced of this fact. However, I want to discuss this matter from the economic point of view. Had I the power I would have introduced a prior Bill to amalgamate the two Departments—Veterinary and Live-stock—which is the practice in all other Provinces except this unfortunate Province of ours. These two Departments should be amalgamated first and the live-stock breed should be improved, but for that reason we cannot wait for long to pass this Bill also because at the present moment cattle strength in our State is so uncared and unlooked for and in addition to that indiscriminate slaughter is made and it is still being made in many places. This will certainly affect the whole cattle population. So, apart from religious sentiments which we must not bring in here there will be sufficient provision for safeguarding the religious susceptibilities of our Muhammadan brethren at the time of their festivals.

But that can be done by amendments, and I believe amendments should be coming for that. So.....

**Srijut GAURI KANTA TALUKDAR:** There is a provision already.

**Srijut NILMANI PHOOKAN:** If some change by way of amendments or whatever might be necessary we have time to do that and we should do that. But regarding the extension of the application of the Bill, if I am not wrong, one of my hon. Friends of the Khasi Hills on behalf of the hills people is also suspecting the application of the Bill indiscriminately everywhere. But all that I can say is that the cattle population of the Khasi Hills in spite of the Khasi people taking beef are better than the cattle which we have in the valley. So it does not affect us from that point of view. Only from the economic point of view we must look at the thing. If my hill Friends who are accustomed to take beef object to the application of this Bill in their hill areas, then there is a provision in the Bill that the Government will be careful enough to extend the provision of the Bill only to those places where it will be acceptable. Therefore on that account there will be no fear. The fear of my Muhammadan Friends who think that this legislation may interfere with their religious festivals may also be allayed by having a clear amendment for that purpose, if necessary. If these two things are done and along with that if the Hon'ble Minister in-charge of Veterinary and Agriculture who, I know, personally believes in the amalgamation of these two departments, if he with little more energy presses his colleagues to amalgamate these two departments then we will be able to improve the cattle breed of this province. This Bill will only check indiscriminate slaughter of cattle for any other purposes than what is absolutely necessary.

With these few remarks if I have been able to clarify our point of view and if I have been able to satisfy all communities, possibly there can be no difference of opinion.

Regarding the labour Members, I think, those who claim to be the custodians of the labourers, I mean the Sarwan brothers—they are very much mistaken. Sir, I have every sympathy for the labourers. Sometimes I used to control many labourers and I can tell my Sarwan brothers that the labour population is not very keen to eat beef. They care more for a pair of bullock to plough their land than for few pieces of meat. They suffer more for want of cattle strength to do their cultivation rather than to put them into their stomach. Therefore this apprehension that the labour population will rise to a man against this legislation is nothing but an exaggeration. Our Friends, the Sarwans, always exaggerate the labour population. They say 50 per cent. or more are beef eaters. That is not true. I know that most of the labourers are not beef eaters. So if we listen to all the exaggerated things made from various points of view except from the economic point of view, we will not come to a happy conclusion.



I would request all hon. Members who have discussed this matter threadbare from the point of view of economy and also with a view to improve the cattle strength ultimately to press for the amalgamation of the two departments. Unless that is done, there can be no improvement of our live-stock. I can predict that some time Government will have to do that. As regards the economic question, if we make clear amendments to satisfy all ideologies, all sentiments, possibly there can be no objection to accept this Bill. I think all those hon. Members after hearing me will not oppose but give their full support to the principle of the Bill.

**Mr. BINODE KUMAR J. SARWAN:** The labourers are quite unable to eat any other meat than beef which is only Re.1-8-0 per seer. They are poor enough to pay for any other meat.

**Srijut NILMANI PHOOKAN:** My experience is this: Labourers if they eat, they eat one or two fowls out of Cock fight.

**The DEPUTY SPEAKER:** I now call upon the Hon'ble Minister-in-charge to reply.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Madam, Deputy Speaker, much has been said in opposing this Bill by my Friends in the other side either from a mistaken motion or not having taken care to appreciate the principle of the Bill as it is. Madam, as has been pointed out or rather admitted by Mr. Sarwan the younger that the object of the Bill is benefit of the people. It is utility that should be taken into consideration. If, Madam, by passing this Bill we can achieve the greatest amount of good to the greatest number, I think we should not care very much whether we lose some money here or there.

As regards the sentiments of certain communities, Madam, this Bill has been framed in such a way that there is no scope for its being taken amiss as injuring the sentiments of certain communities. There is a provision as has been pointed out that the Bill will be given effect to after due consideration of the various parts of the State and various sorts of population. There is ample scope for that.

As regards the religious susceptibilities of certain communities there is a provision which reserves the power to Government to exempt in certain cases where they think fit. We should consider the provisions of this Bill dispassionately. If we do so than we will find that the provisions will only go to benefit the greatest number in the State and not injure them. It has been said, Madam, that bringing the provisions of this Bill into operation will injure the hide industry. That may be. I do not deny that such may be the consequence. But, Madam, we have been foregoing income in other Departments also where necessity arises. For instance, we are out to prohibit liquor and other intoxicants though we know that by so doing we stand to lose some income. It is fully known that by total prohibition of liquor not only this State but other States of the Indian Union will be loser by lakhs and lakhs of rupees, but for the ultimate good of the masses such great loss of income is welcome. So, here also if we suffer some loss in the hide industry that loss will be counterbalanced by the benefit that will be brought by adopting this measure.



It has been pointed out by one of the hon. Members that due to prohibition of this indiscriminate slaughter of cow, prices of shoes will go very high and as a result we will not be able to come to this Assembly even with shoes on in future. Madam, we know that most of our masses go without shoes and through the provision of this Bill if we can achieve some good, for example, if we can provide more milk, provide more food, then I do not mind to come to this Assembly without shoes (*Hear, hear*),

It has been tried to attach religious feelings with the provision of this Bill in seasons and out of seasons. I should like to tell the hon. Members that this Bill has nothing to do with the religious sentiment of any people. For economic reasons alone this Bill has been brought in. On the Quorbani day, where Quorbani is obligatory, though one cow is necessary for 7 members of a family, yet one goat will be sufficient for one member. These are economic considerations and the Bill has nothing to do with the religious sentiment of any people. If a Muslim wants to slaughter a cow on a religious occasion, there is provision for that in the Bill. So, this Bill does not provide for total prohibition. It is said that after 14 years of age any cattle become unfit for use as food. But I say if proper care is taken even after 14 years they will still remain good for food (Dr. Emran Husain Choudhury: That is a wrong idea). I can tell Dr. Emran Husain that proper care having been taken, a cow remains good for food up to the age of 19 or 20. Moreover, Madam, if it is found that this age of 14 years is too much, then this can be amended by a suitable provision. For example, 14 may be replaced by 12 or 10 as the hon. Members desire. The age question cannot stand in the way in passing this measure. It has also been said that people of other countries, say England, New Zealand, America, etc. do not put any restriction on the slaughter of cattle and yet they get more milk, butter, etc. Madam, conditions of their and our countries are quite different. They are advanced countries and they know how to deal with their cattle more usefully than we do. We have been released from bondage only the other day and so we have been lying much behind them.

It has been argued by some of my hon. Friends that in certain hill areas this measure is not going to be given effect to. I do not find any justification for any such apprehension. There is no reason for supposing like that. Madam, if the necessity of the State demands that certain areas are to be excluded from the operation of this measure then that will be done in due course. The question of any hill areas or tribes does not come here. Madam, if the provision of the Bill or Act does not interfere with the religious sentiment of any community, I do not know how my learned Friend, Dr. Emran Husain Choudhury, can say that this Bill is repugnant. I can cite an instance that in certain cases, even now, the flesh of the horse is allowed to the Muslims as a food. It was prohibited as being "Makruh" because the horse was of great utility at that time. Islam provides that horse flesh can be taken, but for that reason alone the Muslims do not take it though it is allowed. So, Madam, in this case discriminate slaughter of cow will benefit our people.

**Maulavi ABDUL HALIM:** On a point of information, Madam, according to Quoran horse flesh was allowed to be taken only during the war and not at other times.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** He is not correct, Madam. Can he point out any chapter of the Quoran where horse flesh is allowed to be taken during war only?

**Dr. EMRAN HUSAIN CHOUDHURY:** Can the Hon'ble Minister in charge say that in Quoran horse flesh is allowed to be taken even now?



**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** Oh, yes, Madam, it is still allowed.

**Maulavi Md. MAKSHED ALI :** May I know if the Muslims are slaughtering cows indiscriminately and recklessly for which the Bill has been brought ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** That is not the point at issue.

We have come to a point as regards production of milk and cereal, and the number of plough cattle that we must focus our attention on getting more milk and draught and plough cattle. In order to achieve that we must have some restriction on the indiscriminate slaughter of cattle. It is only the useful cattle that have been sought to be debarred from slaughter. Cattle over a certain limit of years can be slaughtered. This is also provided in the Bill that on religious occasions Muslims can, with the permission of the authority, slaughter any number of cattle, if necessary.

**Dr. EMRAN HUSAIN CHOUDHURY :** What about Milat Shariff ?

**Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** Milat Shariff is not such a religious occasion.

Madam, I also assure Dr. Choudhury that no indictment will come on the Ministers or any hon. Members supporting me simply if we stop indiscriminate slaughter of cattle. He was telling that on the day of resurrection, the hon. Minister will be held answerable. (*Interruptions*).

**The DEPUTY SPEAKER :** Order, order.

**Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** I was assuring my Friend, Dr. Choudhury, that it has been made very plain and clear, that we have not been injuring the sentiments of any community. I can assure my Friend that no indictment will be coming on me on the day of resurrection. I can give that assurance. Rather, Madam, instead of failing to appreciate the terms of the Bill it will be better for all of us to see that we can give provisions of the Bill the desired effect in such a way that our country, our masses may derive some benefit. If from experience it is found that here and there it is doing injury to certain communities there would be ample opportunity to point this out to the Legislature, and bring in amendments. There will be time for that.

So my earnest request to my Friends will be just to appreciate the provisions of the Bill and to make our masses with lesser understanding to appreciate the terms of the Bill, and not to run away with any party or any propaganda but to listen to the instructions of their leaders, who will be able to make them understand the real intention of this Bill. The intention is not to injure any community's sentiments or to injure anybody.

With this, I request my Friends to withdraw their oppositions.

**The DEPUTY SPEAKER :** The question is that the Assam Animal Preservation Bill 1950, as reported by the Select Committee, be taken into consideration.



**The Assembly divided**

I may remind the hon. Members that there should be no conversation during division.

**Ayes—27**

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|---|--|
| 1. The Hon'ble Srijut Bishnu Ram Medhi.       | 13. Srijut Lakshmidhar Borah.          |
| 2. The Hon'ble Srijut Ram Nath Das.           | 14. Srijut Mahendramohan Choudhury.    |
| 3. The Hon'ble Maulavi Abdul Matlib Mazumdar. | 15. Srijut Manisankar Basumatari.      |
| 4. The Hon'ble Srijut Rupnath Brahma.         | 16. Prof. Nibaran Chandra Laskar.      |
| 5. The Hon'ble Srijut Omeo Kumar Das.         | 17. Srijut Nilmani Phookan.            |
| 6. The Hon'ble Srijut Motiram Bora.           | 18. Mr. Kedarmal Brahmin.              |
| 7. Babu Bidyapati Singha.                     | 19. Srijut Nalini Kumar Chaudhury.     |
| 8. Srijut Bijoy Chandra Bhagavati.            | 20. Srijut Purnananda Chetia.          |
| 9. Srijut Gauri Kanta Talukdar.               | 21. Babu Ramesh Chandra Das Chowdhury. |
| 10. Srijut Haladhar Bhuyan.                   | 22. Shri Satindra Mohan Dev.           |
| 11. Srijut Hareswar Das.                      | 23. Maulana Mahomed Tayyebulla.        |
| 12. Srijut Hem Chandra Hazarika.              | 24. Srijut Chanoo Kheria.              |
|   | 25. Srijut Dalbir Singh Lohar.         |
|   | 26. Shri Dharanidhar Basumatari.       |
|   | 27. Srijut Dhirsing Deuri.             |

**Noes.—5**

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| 1. Dr. Emran Husain Chaudhury. | 4. Mr. Binode Kumar J. Sarwan. |
| 2. Maulavi Md. Maked Ali.      |                                |
| 3. Maulavi Md. Nazmal Haque.   | 5. Prof. P. M. Sarwan.         |

The Motion was adopted.

**The Assam Finance Bill, 1951**

**The Hon'ble Srijut MOTIRAM BORA:** Madam, I beg to introduce the Assam Finance Bill, 1951, and to move that the Bill be taken into consideration.

The object of this Bill is to fix for the year 1951-52 rates of taxation under sections 3 and 6 of the Assam Agricultural Income-tax Act, 1939.

**The DEPUTY SPEAKER:** Motion moved is that the Assam Finance Bill, 1951, be taken into consideration.



(After a pause.)

I put the question.

The question is that the Assam Finance Bill, 1951, be taken into consideration.

The Motion was adopted.

### **The Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1951**

**The Hon'ble Srijut MOTIRAM BORA :** Madam, I beg to introduce the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1951, and move that the Bill be taken into consideration.

The object of the amendment is to bring Section 3(2) of the parent Act in conformity with Article 286 of the Constitution of India while retaining the privilege to tax the quantities used by the dealers.

The Assam Sales of Motor Spirit and Lubricants Taxation Act, 1939 and the Rules framed thereunder, as they stand at present, do not provide for any wastage due to leakage or evaporation during transit, etc., though there is always some wastage due to the above causes. The proposed amendment is intended to make statutory provision for such wastage as also to remove the possibility of clandestine sale.

**The DEPUTY SPEAKER :** Motion moved is that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1951, be taken into consideration.

(After a pause)

I put the question.

The question is that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1951, be taken into consideration.

The Motion was adopted.

### **The Assam Sales Tax (Amendment) Bill, 1951**

**The Hon'ble Srijut MOTIRAM BORA :** Madam, I beg to introduce the Assam Sales Tax (Amendment) Bill, 1951 and to move that the Bill be taken into consideration. The object of the Bill is that under existing provisions of the Assam Sales Tax Act, 1947, certain transactions are liable to sales tax, which under the provisions of the Constitution are not so liable. Levy of sales tax on such transactions was, however, regularised by the President's Sales Tax Continuance Order, 1950, which will cease to operate with effect from 1st April, 1951. Hence it has become necessary to amend certain provisions of the Act to bring them in conformity with Article 286 of the Constitution.

Certain other amendments are also necessary in the light of experience and with a view to prevent leakage of revenue.

**The DEPUTY SPEAKER :** Motion moved is that the Assam Sales Tax (Amendment) Bill, 1951, be taken into consideration.



(After a pause)

I put the question :

The question is that the Assam Sales Tax (Amendment) Bill, 1951, be taken into consideration.

The Motion was adopted.

### **The Assam Maintenance of Public Order (Amendment) Bill, 1951**

**The Hon'ble Srijut BISHNURAM MEDHI:** Madam, I beg to introduce the Assam Maintenance of Public Order (Amendment) Bill, 1951 and to move that the Bill be taken into consideration. The Bill was published in the Gazette of 21st February, 1951 with the object of removing doubts that have been raised in some of the decisions of the High Courts about certain provisions said to be inconsistent with the fundamental rights conferred by the Constitution of India. The important provisions of this Bill are the deletion of the provision regarding Pre-censorship, deletion of the provisions regarding control of Essential Services which are now contained in the Industrial Disputes Act and restricting the powers of delegation under the Act to Deputy Commissioner and Additional Deputy Commissioner.

I hope the hon. Members will accept it.

**The DEPUTY SPEAKER:** Motion moved is that the Assam Maintenance of Public Order (Amendment) Bill, 1951 be taken into consideration.

(After a pause)

I put the question :

The question is that the Assam Maintenance of Public Order (Amendment) Bill, 1951 be taken into consideration.

The Motion was adopted.

### **The Assam Disturbed Areas Bill, 1951.**

**The Hon'ble Srijut BISHNURAM MEDHI:** Madam, I beg to introduce the Assam Disturbed Areas Bill, 1951 and to move that the Bill be taken into consideration. The hon. Members may be aware that on account of the disturbances that happened in the last year and to deal with such situation, an Ordinance promulgated, which after the disturbances, was allowed to lapse as it was then considered unnecessary to continue the Ordinance. But in view of the recent sporadic disturbances happening in some places like Rangiya, we feel that we should have sufficient powers in the hands of our officers so that these disturbances can be quelled. That is why this Ordinance was promulgated in the month of February. This is a temporary legislation and will be in force only for twelve months. However, I assure the hon. Members that the powers will not be exercised unless it is absolutely necessary to suppress these disturbances spreading in different parts of the State. With these words I request the hon. Members to accept my Motion.

**The DEPUTY SPEAKER:** Motion moved is that the Assam Disturbed Areas Bill, 1951 be taken into consideration.

**Prof P. M. SARWAN:** Madam, I am one with the Government in regard to the desirability of maintaining peace in the State of Assam, but very often things do not move or go in the direction desired by the Government as well as those interested in the administration. We have had experience of how the people suffer in areas declared as disturbed areas. The whole area is put in



charge of the military and police so that civil authorities cease to function. We have had experience of Sibsagar subdivision where large number of innocent people were victimised. It is true that the handful of people who disturbed the peace were brought under control, but I do not know whether Government are aware of the miseries that were caused to thousand and thousand of people in Sibsagar Subdivision. Fortunately my section of the community in Assam was not touched at all. But I know of many section of the people who were very much harassed. I was helpless to do them any good because they had their own men who represented them both in the State and in the Union Legislatures. So far as my people are concerned, I am grateful to the Government for taking care that none of them were disturbed by the military and police. Yet it is a great danger that a large number of people undergo unnecessary miseries. We would like to know how the Government would protect innocent people from being hurt by the passage of this Act.

**Dr. EMRAN HUSAIN CHAUDHURY:** Madam, I would also like to say a few words in respect of the Bill which has been brought forward by the Hon'ble Chief Minister.

Recently in the Sibsagar district much trouble was given to many an innocent person on account of the provisions contemplated in this Bill. As a matter of fact I am one of those who would like to see peace and order prevail in the country. No Government has any right to exist if it cannot maintain law and order in the country. But in going to curb the activities of certain undesirable persons, sometimes the authorities go beyond what is provided in the Bill and actually cause harassment to people who are quite innocent and not at all connected with any crime committed in any part of the State. Last Session in the course of an Adjournment Motion that I had brought in I referred to the harassment caused to the people of the Sibsagar subdivision by the military. I gave some specific examples of commission of harassment. I hope Government will bear them in mind and give special instructions to the officers, who are going to be armed with large powers under this Bill in order to meet any emergent situation that may arise, that they should be very careful to see that innocent people are not troubled. I realise, Madam, that peace has got to be maintained. I also know that our State is a Welfare State and not a Police State, and I hope that our Welfare State will not be turned into a Police State merely on account of subversive activities of certain people and the consequent excesses committed by the Police.

**The Hon'ble Srijut BISHNURAM MEDHI:** Madam, it appears that Prof. Sarwan and Dr. Emran Husain Chaudhury missed the point when they refer this Bill in connection with Police operations for arrest of the members of the R. C. P. I. and C. P. I. in the Sibsagar district. That was a different matter. This Bill has been introduced mainly to provide against large groups of people defying valid orders of Magistrates, coming armed with lathis and other weapons and setting fire to houses of some people and committing other mischief and offence. Only under those circumstances the powers given by this Bill will be exercised by the officers concerned for dispersing the members of the unlawful assembly. It is not contemplated that the provision of this Bill will be used in any operation like that conducted in the Sibsagar district. Prof. Sarwan tells us that there were thousands of persons who were oppressed, but at the same breath he says that not a single labourer, whom he represents in this House, was mishandled by any officer. It is therefore clear that only those who sheltered or otherwise had any connection with the R. C. P. I. were arrested. He is wrong in his impression that the area was handed over to the Military. That was not the case. The Civil Authority was there; the



Subdivisional Officer was there. Any one who was aggrieved by action of the Police might come to the Court and institute a complaint against any alleged oppression that might have been committed by any of the officers. If he was aggrieved by the action of the Subdivisional Officer or the Deputy Commissioner he could move the higher authorities, *viz.*, the District Judge and then the High Court. My hon. Friends also could have taken up their cases and bring them to the notice of the Government. At that time the Superintendent of Police, the Deputy Inspector General and the Inspector General of Police were moving about in those areas to see that no oppression was caused to anybody who was innocent. Of course there might have been some arrests on suspicion, but after interrogation those people who were found to have no connection with the subversive elements were released. The very fact that not a single complaint was lodged with any Magistrate either at Sibsagar or Jorhat will go to show that there was no oppression, as has been alleged by the hon. Members.

Then, again, Madam, the disturbances in the Sibsagar area were tackled under the ordinary law, the Police Act. This Bill is quite different. It will apply in the case of persons who defy a prohibitory order under Section 144 and more than 5 persons assemble together carrying lathis and other weapons in order to set fire to the houses of the minority community and carry out other depredations in a wide scale. In such cases we want to give sufficient powers to our officers to tackle the situation and bring it under control. This Bill will be used only against those who violate valid orders of proper authorities and form themselves into members of unlawful assembly causing injury to the life and property of certain sections of the community. I therefore hope the hon. Members will accept my Motion.

**The DEPUTY SPEAKER:** The question is that the Assam Disturbed Areas Bill, 1951, be taken into consideration.

The Motion was adopted.

### The Assam Evacuee Property Bill, 1951

**The Hon'ble Srijut MOTIRAM BORA:** Madam, I beg to introduce the Assam Evacuee Property Bill, 1951, and to move that the Bill be taken into consideration.

The Statement of Objects and Reasons of the Bill are as follows:—

The Government of Assam have ratified the Indo-Pakistan Agreement, dated the 8th April 1950, between the Prime Ministers of India and Pakistan. To implement the provisions of sub-sections (V) and (VI) of Section (B) thereof it is necessary to enact legislation to constitute an Evacuee Property Management Committee for Assam and otherwise facilitate administration and ultimate restoration of evacuee property. A Bill for the purpose was introduced at the September 1950 Session of the Assembly but had to be withdrawn in view of certain unforeseen difficulties which arose at the last moment. The difficulties have since been resolved and in view of the urgency of the matter an Ordinance was promulgated in February 1951, to give effect to the objects in view. This Bill seeks to serve the same purpose and replace the Assam Evacuee Property Ordinance, 1951 (Ordinance No. 1 of 1951).

**The DEPUTY SPEAKER:** Motion moved is that the Assam Evacuee Property Bill, 1951, be taken into consideration.

(As there was no debate, the Motion was put by the Chair as a question before the House, and adopted.)



**The Assam Displaced Persons (Rehabilitation Loans) Bill, 1951**

**The Hon'ble Srijut MOTIRAM BORA:** Madam, Deputy Speaker, I beg to introduce the Assam Displaced Persons (Rehabilitation Loans) Bill, 1951, and to move that the Bill be taken into consideration.

- It is necessary to make statutory provision for the grant of rehabilitation loans to displaced persons and for the recovery thereof as arrears of land revenue. It is also necessary to protect the interest of the Government by declaring that assets purchased with or created from such loans shall be deemed to be mortgaged or hypothecated to Government. This Bill seeks to serve these purposes and also enables the State Government to exempt from stamp duty any loan bond executed by displaced persons. I hope the House will accept this Motion.

**The DEPUTY SPEAKER:** The Motion moved is that the Assam Displaced Persons (Rehabilitation Loans) Bill, 1951 be taken into consideration.

If no hon. Member is taking part, I put the question.

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

**The Assam Maternity Benefit (Amendment) Bill, 1951**

**The Hon'ble Srijut OMEO KUMAR DAS:** Madam, Deputy Speaker, I beg to introduce the Assam Maternity Benefit (Amendment) Bill, 1951, and to move that the Bill be taken into consideration.

The Statement of Objects and Reasons is clear. Increased rate of maternity benefit for women workers on Plantations has been mooted for some years past and in 1947 at a Tripartite Plantation Conference at New Delhi a specific increased rate was agreed to. The present Bill has been prepared in the light of that decision and also on consideration of all relevant factors.

Madam, the House is aware that the existing Act was passed in 1944 nearly seven years ago and during these years working conditions in the plantations have changed necessitating amendments in the provisions of the Act. I must state that I intended to have this amending Bill, discussed in a Tripartite Conference, but I found that the Industry have already agreed to the increased rate of maternity benefit at New Delhi. Besides this Medical Officers working in the Plantations had stated before the Lloyd-Jones Committee which was instituted at the instance of the Government of India, that a woman did not become fit for work in the Plantations within eight weeks of confinement and they considered that in view of the usual physical condition of women after confinement in tea gardens they are not fit for work in less than 12 weeks from the date of confinement and they should be excused from work and should be entitled to draw maternity benefit for at least that period. It must be stated to the credit of the Industry that some of the tea companies affiliated to the Indian Tea Association were following a liberal policy with regard to maternity benefit. But after the passing of this Act in spite of recommendations by the I. T. A., some of those gardens who were paying benefit at the higher scale had reduced their scale. On the other hand the House is aware that West Bengal Government had already passed legislation providing maternity benefit at a higher rate in 1948. And after taking all these factors into consideration we have to bring in this amending Bill.

With these words, I beg to move that the Bill be taken into consideration and I hope the House will accept my Motion.

**The DEPUTY SPEAKER:** The Motion moved is that the Assam Maternity Benefit (Amendment) Bill, 1951, be taken into consideration.



**Srijut NILMANI PHOOKAN:** Madam, in this connection I want to speak a few words. I found opportunity to refer to the Maternity Benefit Act yesterday and today also I have heard the Hon'ble Minister in introducing this Bill has taken all factors into consideration for his Bill. We have also found in the report that medical opinion is definitely for four months, that is one month previous to confinement and three months after that. So I hope Government will be in a position and possibly the Members also will think over the matter if some improvements cannot be made as regards the type of this benefit. To my mind, at least not less than three months be given for this maternity benefit. If three months are the medical opinion after confinement, so we cannot say with confidence that less than that period will be medically advisable. As such we cannot curtail one month previous to confinement undoubtedly, if not more. So after confinement at least two months if not three months should be definitely given to them. I am sure our Members will have time to think over this and if necessary these two amendments may be acceptable to the House.

**Mr. J. S. HARDMAN:** Madam, Deputy Speaker, I am sorry that it has become necessary for me to disappoint the hon. Member Mr. Phookan by suggesting to him that there are economic factors in an industry which employs a large labour force with a high proportion of women workers, which militate against the suggestion or proposal that for a quarter of a year they should be maintained at the expense of the Industry without contributing anything towards its earning capacity.

The whole question of maternity benefit is linked up with the other benefits which workers employed in an organised industry enjoy. Possibly some Members of this House are familiar with conditions in the less prosperous areas of tea. In Cachar there has been the unfortunate necessity of reducing wages on a number of gardens in order to enable these gardens to carry on. Without that reduction in wages there would have been no alternative but to close down the gardens. In such circumstances, while it may be meritorious to consider increase of benefits, it is necessary for this House to realise the extent to which the State depends on the Tea Industry and to examine whether further increased burdens can reasonably be accepted.

We agree entirely with Government that the original Maternity Benefit Bill is out of date. We agree also that there was a discussion in Delhi with a view to change the rates of benefit and in fact the Tea Industry has been giving enhanced benefit in accordance with that Tripartite Agreement. It has therefore come to us as rather a surprise that Government should have introduced a measure which was not entirely consistent with the agreement reached in that Tripartite Conference and placed it before the House with out any consultation. It is quite apparent, as the Hon'ble Finance Minister has said in his Budget Speech, that Government attach importance to proceeding in Labour matters by way of a Tripartite negotiation but it is necessary for Government to accept the full implications of that policy. In April 1948 representatives of labour, of the Industry, of the Assam Government and of the Central Government met in New Delhi in a Tripartite Conference on the question of maternity benefit. A decision was reached and I am quoting from the official records—of the agreement—published by the Government of India. "It was agreed that women workers should get a benefit of maternity a rate of Rs.5-4-0-per week or 12 annas a day for 8 weeks". That was the final agreement. This however is not exactly in accordance with what is proposed now. We are raising no objection to the increase in the rates of benefit excepting a slight modification, because again by a subsequent Tripartite Agreement these rates have been increased by 3 annas a day in the Surma Valley and 3½ annas a day in the Assam Valley. What we



regard as a deviation from the Tripartite Agreement is the period of 9 weeks in place of 8 weeks, though there has been no further decision on this point. In fact if I am kindly granted an opportunity by the Hon'ble Minister to discuss this matter personally we hope that it will be possible to resolve the differences which at present exist and to come to some agreement with Government, so that the legislative proposals can proceed on an amicable basis.

For these reasons I do not wish to say any more at this stage and hope that it will be possible for certain modifications or adjustments to be made in this legislation which will make it quite acceptable to the Industry.

**Srijut CHANOO KHERIA:** মাননীয়া উপাধ্যক্ষা মহোদয়া, Maternity Benefit Act খন শুধবাবলৈ গৈ চৰকাৰে দুমাহৰ পৰা তিনিমাহ কৰি আগে যিখিনি benefit পাইছিল তাতকৈ অলপ বঢ়াবলৈ চাইছে। এনে কৰাত আমাৰ সদস্য হাৰ্ডমেন ডাঙৰীয়াই কিয় ভয় খাইছে মই কব নোৱাৰো। তেখেতে কৈছে যদি খৰচ বেচি কৰা যায় তেনেহলে Tea Industry suffer কৰিব আৰু বহুত লোকচান হব কিন্তু তেখেতে এইটো জানে যে আন বছৰতকৈ এই বছৰ চাহৰ বজাৰ ভাল হৈছে আৰু আগলৈকো ভাল হব বুলি আশা আছে। মহিলা জাতিৰ মঙ্গলৰ কাৰণে আমি অন্ততঃ এই খিনি ভাবি চাব লাগিব। তেখেতে নিশ্চয় জানে যে ইউৰোপীয় মহিলাৰ পুসবৰ সময়ত তেওঁক পুসবৰ কাৰণে দাজিৰ্জলিং বা শিলঙলৈ লৈ যোৱা হয় আৰু শই শই টকাও খৰচ কৰিব লগীয়া হয়। কিন্তু আমাৰ মহিলাৰ কাৰণে ইমানখিনি মাত্ৰ উপকাৰ কৰিবলৈ তেখেতে কিয় বাধা দিছে কব নোৱাৰো। আমি জানো যে এতিয়া পুসবৰ আগত এমাহ আৰু পুসবৰ পিচত এমাহ। কিন্তু সেইটো যথোপযুক্ত হোৱা নাই। মোৰ বিবেচনাবে পুসবৰ আগত এমাহ আৰু পিচত দুমাহ কৰিলেও Tea Industry ৰ উন্নতিলৈ চাই বৰ্তমান সময়ত একো লোকচান নহয়। ১৯৪৭ চনৰ Lloyd Jones ৰ enquiry মতে যি বানচ বান্ধি দিছে সেই বানচো যথোপযুক্ত নহয়। তেখেতৰ পুস্তাৱত ১ টকা কৰি ৪মাহ কৰিবলৈ যি বন্দবস্ত কৰিছিল সেই বিচাৰ মতেই যি আইন কৰি দৈনিক ১১/৬ পাই বন্ধা হৈছে, সেই হিচাবেও তিনি মাহত বেচি টকা দিব লগীয়া নহয়। মহিলা জাতিক বচাই ৰাখিবলৈ হলে তেওঁলোকক সকলো সুবিধা দিব লাগিব। আমি দেখিবলৈ পাম যে দুমাহৰ ঠাইত তিনিমাহ কৰি দৈনিক ১১/৬ পাইকৈ দিলেও ৬০ টকা মানহে খৰচ হব। তেখেতে ৬০ টকা দিবলৈকো ভয় খাইছে কিয় কব নোৱাৰো। কিন্তু একোজনী ইউৰোপীয় তিবোতাৰ পুসবৰ খৰচ ৬,০০০ টকা লাগিলেও ভবিব পাৰে। মই আৰু বেচি নকও বেচি কোৱাৰ অভ্যাসো নাই। ইয়াকে কৈ মই মোৰ আসন গৃহন কৰিছো।

**The Hon'ble Srijut OMEO KUMAR DAS:** Madam, Deputy Speaker, I find that my hon. Friend Mr. Hardman has not objected to the principle of the Bill. He only says that there had been no Tripartite discussion on the amendment proposed. I am quite agreeable to have a discussion with him on them. But I find on the other hand that there had been already an agreement on all those points at New Delhi and the West Bengal Government had already passed a legislation on the basis of those points. I find that the amending Bill which has been introduced does not go beyond this. In the Tripartite Agreement it was stated that the woman workers should get a benefit at Rs.5-4-0 per week or 12 annas per day for 8 weeks. The West Bengal Government had initiated the legislation in operation there and the West Bengal Tea Industry had agreed to this. I do not think the Tea Industry of Assam is less profitable than the Tea Industry in Darjeeling and Dooars.

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

**The DEPUTY SPEAKER:** The question is that the Assam Maternity Benefit (Amendment) Bill, 1951 be taken into consideration.

The Motion was adopted.



**The Assam Requisition and Control of Vehicles (Amendment) Bill,  
1951**

**The Hon'ble Srijut RAMNATH DAS:** I beg to introduce the Assam Requisition and Control of Vehicles (Amendment) Bill, 1951 and to move that the Bill be taken into consideration. This Bill is necessary in order to replace the Ordinance which was promulgated on 6th February 1951. This Ordinance was promulgated to make certain amendments to the original Act which was published in the Gazette Extraordinary on November 22nd, 1950. Madam, by sub-section (3) of Section 1 of the Parent Act, we wanted to bring into force the Act by 1st of October, 1950 but to do that the Bill could not receive the assent of President which was essentially necessary. After the assent the Bill was published; but there was a gap from 30th September to 20th November. To legalise the action that was taken during the period of this gap the Ordinance had to be promulgated as the Assembly was not at that time in Session. The main features of this Bill are sub-section (3) of Section 1, by which we propose to give retrospective effect to the Act, and sub-section (1) of section 4 to define more precisely the method of assessment.

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

**The DEPUTY SPEAKER:** Motion moved is that the Assam Requisition and Control of Vehicles Amendment Bill, 1951, be taken into consideration.

*(After a pause)*

The question is that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1951, be taken into consideration.

The Motion was adopted.

**The Assam Local Self-Government (Amendment) Bill, 1951**

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Madam, Deputy Speaker, I beg to introduce the Assam Local Self-Government (Amendment) Bill, 1951, and to move that the Bill be taken into consideration.

Madam, the intention of bringing this Bill as will appear from the Statement of Objects and Reasons is to regulate private markets within the jurisdiction of Local Boards. It is fairly well known that these markets are coming into existence in every nook and corner. Owners make a benefit from them. But they do not make sufficient provision for sanitation and for other facilities of traders and market goers. It is also well known that the public at large use very widely these markets taking advantage of the roads maintained by Local Bodies. So one of the objects is that the Local Bodies will have more income. The expenditure that is incurred for giving facilities to the public to come to the markets is not small. With these words I hope the Bill will be supported by the hon. Members of the House.

**The DEPUTY SPEAKER:** Motion moved is that the Assam Local Self-Government (Amendment) Bill, 1951, be taken into consideration.

**Mr. J. S. HARDMAN:** Madam, Deputy Speaker, while we consider that one of the purposes of the Bill is quite unobjectionable we regard the other part of the proposed legislation as being open to serious objection. It is reasonable that markets whether maintained privately or publicly should be kept in a clean and sanitary state, and should be provided with a proper water supply. The main question however involved in this legislation is how far it is justifiable for Local Boards to tax such private markets. In the first place, a considerable percentage



of these markets are not maintained for the purpose of making profits, but for providing facilities for those who use them. No profit is made out of many of these markets. In other instances fees are levied but the amounts collected in this way are utilised for the benefit of those using the markets. The argument that substantial damage is done to Local Board roads, hardly bears a moment's examination. Many of the markets are so situated that there is no access to the Local Board Roads. In fact much of the traffic frequenting such markets consists of pedestrians carrying small bundles. Few, if any motor vehicles frequent these markets, but even if this happens in a number of cases, motor vehicles already pay taxes in a variety of forms, which is more than sufficient for the maintenance of such roads. For these roads a share of the proceeds of the petrol tax is given to the Local Boards. If any damage is done to these roads, this is done by the bullock cart traffic, and we consider that the time is long overdue for taxation of this traffic and we would have little or no objection to a measure of this sort. It seems to me entirely wrong to propose taxation of markets for the damage which is done instead of taxing the traffic which actually does the damage. It will be apparent to every one that the owners of private markets are not going to meet the taxation. In the end all this taxation will come from the consumers and in the end the consumers will pay heavily, and therefore, there will be a definite inflationary effect from this taxation. The method also of raising this taxation is perhaps the most objectionable that can be devised. There is no rate of taxation fixed in this Bill and it is not left to the Members of this House to determine the taxation. The Government should determine the rate of taxation in the Bill and not leave the matter of fixation of tax to the Local Boards. Not a single Member of this House has any idea what amount of tax is to be levied. Is it one rupee? or is it one lakh of rupees? We have no idea, and I will submit that this is a form of legislation which the House should not accept. If it is decided to go ahead with this unsatisfactory measure, I trust, Government will be able to accept suitable safeguards, providing for some arrangement to be made for the creation of a fund. Income which is collected for special purposes must be appropriated to that purpose and the income collected from the private markets should be utilised for the benefit of these markets or on the maintenance of approach road. Therefore a provision should be included in the Bill that money collected from these fees will only be used for the purposes which are for the benefit of private markets. We hope, Madam, that the Hon'ble Minister will listen sympathetically to the representation which we have made, because we feel that though the number of private markets is not very large, the number of the public utilising these markets is very considerable and they will suffer if this ill-advised legislation is passed.

**Prof. P. M. SARWAN:** After the masterly speech of Mr. Hardman, it would not be necessary for me to say much. Many hon. Members know what sort of *hats* these are. There are little gardens which have little *hats* or little bazars, held once a week. These *hats* do a lot of good by way of giving relaxation, etc., to these poor labourers. In these *hats*, vegetables, and other food-stuffs produced by the Assamese people are brought and the labourers can buy them, the *hat* people have to go on foot to these *hats* since hardly can any wheeled traffic go to these garden *hats*. Now this measure is likely to put a burden of taxation on these *hats*. Now if these garden *hats* would be excluded, I would have little to say; by taxing these *hats* which give so much enjoyment and pleasure to the labourers, is really an injustice done to the Tea Industry, because I think the Tea Industry has done a lot of good to the labourers by providing these *hats*. The Government should realise the benefit which the Tea Industry has brought to these labourers and no one on earth has done any good to these



labourers. I would request that this matter be completely dropped as it is intended to tax the tea garden *hats* and this will be a great injustice done to the Tea Industry.

**Srijut NILMANI PHOOKAN:** Madam, I oppose what my hon Friend says about the taxation of the tea garden "hats". Nobody can deny the fact that the tea authorities by establishing "hats" just close to the tea gardens have benefitted in various ways tea garden labourers. But on that very account the taxation which has been proposed like any other "hats" in the country cannot be considered to be unreasonable. The benefit is thus being counted and recounted by the Tea Industry itself. Our Friends inside and outside the House consider that the Tea Industry always has benefitted the labourers. But the tea garden authorities would not have conferred benefits on the labourers if they for nearly half a century at the beginning did not get the same benefit at the hands of the labourers by paying them annas 3 haziri and zebra rice and resort to Penal Code. Will they be ungrateful to these shattered labourers at this time when all sorts of amenities have increased everywhere? The tea authorities have not done full justice to these mute labourers as yet. The tea authorities always speak of labour with patronising tones. The labour is a toy in the hands of the Tea Industry—I wish that these labourers would get all the amenities of life whether they are in the tea gardens or outside it. These labourers are not Mr. Sarwan's people, they have got their own union, their own spokesman, and the labour population should not be considered like the chattel of the Tea Industry. These labourers have worked with their tattered cloth and with half starved bellies, and have built up millions and millions for the Tea Industry. It is high time the Tea Industry should not complain for these small things. I should also ask the people not to think that it is the Tea Industry which made Assam known to the civilized world. For their information I must say that even when there was not a leaf of tea in Assam, Assam was known to the civilized world for its culture and civilization. So these things must now change. We must now change this ideology. We must now treat the labourers as brothers and sisters. We must cease speaking patronisingly about them. If the Tea Industry have got all the benefits out of the labour of these labourers on an humanitarian consideration they must be repaid ten-fold, if necessary. There is no other way.

**The DEPUTY SPEAKER:** The Hon'ble Minister will now speak.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Deputy Speaker, Madam, I am rather surprised to hear that there are many *hats* which are not approachable either by Local Board roads or Public Works Department roads. All the tea gardens are either connected with the Local Board road or Public Works Department road. It is known Madam, to all that at present the private markets are managed in such a way that it is not at all conducive to the interest of the traders and market-goers. There is no proper arrangements for the drainage of refuse waters or for water supply for drinking. Madam, should we grudge a little tax for all these facilities; for the sanitary arrangements for the people who do not know to take care of themselves? If a market is maintained, it must be maintained in proper condition so that in bad parts of the year it can remain in proper condition. We must guard against all these. We must see whether there is sufficient sanitary arrangements for the traders and the buyers and if they are absent the market should be closed down. For looking after all these if a little amount is realised for the services rendered by the Local Board by way of maintaining the road and supervising the market for its drainage,



water supply, etc., we should not grudge this small amount. I hope, on consideration of all these, Mr. Hardman will withdraw his opposition. I can assure the House that an unlimited sum will not be fixed as tax.

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

**The DEPUTY SPEAKER:** The question is that the Assam Local Self-Government (Amendment) Bill, 1951 be taken into consideration.

The Motion was adopted.

The Bills which have been accepted will again come up for Second and Third Readings on the 25th March, 1951. Amendment, if any, with regard to these Bills should be submitted on or before the 22nd March, 1951 before 2 p. m.

#### Statement *re*: interruption by the Members

**The DEPUTY SPEAKER:** There had been some confusion in the minds of the hon. Members with regard to interruptions while hon. Members made speeches. For the information and guidance of the Members, I should like to say that interruptions are not in order unless the hon. Member speaking who is in possession of the House wants to yield. Of course reasonable interruptions may be allowed, points of orders may be raised, but constant and unreasonable interruptions cannot be allowed.

#### Adjournment

The Assembly was then adjourned till 10 a.m., on Tuesday, the 13th March, 1951.

DATED SHILLONG :  
The 5th May, 1951.

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



