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Proceedings of the Fourth Session of the Second Assam Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M., on Thursday, the 1st April, 1948.

P R E S E N T

The Hon'ble Mr. Lakshesvar Borooah, Speaker, in the Chair, the eight Hon'ble Ministers and forty-three Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Training of Noa Dehing River

Srijut BEJOY CHANDRA SAIKIA asked :

*33. Are Government aware—

- (a) That the devastating floods of the Buri Dehing in 1946 were due to the diversion of the Noa Dehing river ?
- (b) Is it a fact that Government undertook training of the Noa Dehing river last year ?
- (c) Is it a fact that the work could not be completed due to the operation being undertaken late in the season ?
- (d) Are Government aware that owing to the work not being completed last year there was another flood in that year ?
- (e) Will Government be pleased to state what steps they have taken to carry out the work efficiently this year to prevent recurrence of flood ?

*34. Will Government be pleased to state what embankment and drainage schemes have now been taken up in Dibrugarh Subdivision ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

- 33. (a)—Yes.
- (b)—Yes.
- (c)—No. The Political Officer re-excavated the mouth of the Noa Dehing but this was choked up again by snags entering it during floods.
- (d)—Does not arise.
- (e)—The work is in progress in good time this year and precautions are being taken to prevent entering of snags.

Srijut NILMANI PHOOKAN: Was it known to the Government, Sir, that the Buri Dehing and Noa Dehing were two separate rivers ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I take it to be correct, Sir.

Srijut NILMANI PHOOKAN: Was it not a fact, Sir, that a Saw Mill was opened at Margherita and in consequence the mouth of the Noa Dehing was opened and that since then there is trouble in the Buri Dehing during floods?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Government have no information regarding that now, Sir.

***Maulavi ABDUL HALIM:** With regard to (e), may we know, Sir, when was the work taken up? I want to know exactly the month of the year.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: The work was taken up last year, Sir, during the dry season, but I cannot tell the hon. Member just now the exact date and month on which the work was taken up. But I can say that it was taken up in time, and as I have said just now, the river was blocked up by snags during floods.

***Maulavi ABDUL HALIM:** May I know, Sir, whether the work was taken in summer or winter season?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: It was taken up during the dry season, Sir.

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied:

- 34.—(1) Protecting the River Bank from erosion in Dibrugarh Town.
- (2) Noa Dehing River Training work in Tirap Frontier Tract.

***Maulavi ABDUL HALIM:** What kind of protection and when was the work started?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I think the work has already started now, Sir.

Srijut NILMANI PHOOKAN: May I know, Sir, whether it was due to the existence of the Steamer ghat there that has been the cause of this erosion and whether the Steamer Company agreed to shift their ghat from there?

The Hon'ble the SPEAKER: Where is the relevancy of this Question? The original Question relates to embankment and drainage schemes and the reply is there.

Srijut NILMANI PHOOKAN: My point is that due to the Steamer Company being there, these embankments are necessary; if the Steamer Company shift their ghat then this would not have occurred.

Chapar (Patalpur) Kokrajhar Road

Srijut SARAT CHANDRA SINHA asked:

*35. Do Government propose to give priority to the construction of Chapar (Patalpur) Kokrajhar Road (via Chaibari) over the other roads and make it a district road?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

35.—The road will be taken up for improvement in 1948-49.

The priority and standard fixed for this road cannot be changed without the approval of the Assam Road Communications Board.

Mr. BINODE KUMAR J. SARWAN: May we know, Sir, when the Assam Road Communications Board is likely to sit again ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sometime in May I suppose.

Persons killed and crops destroyed by wild elephants in Dibrugarh Subdivision

Srijut BEJOY CHANDRA SAIKIA asked :

*36. Are Government aware—

- (a) That wild elephants killed villagers and caused widespread destruction of crops of villagers living in Mouzas adjoining the Dibru Forest Reserve and Upper-Dehing Reserve West Block particularly in Rohmoria, Rongagora, Hapjan and Tipling Mouzas ?
- (b) Is it a fact that in response to a Cut Motion moved by a Member of the European Planting Group in the last Budget Session of the Assembly, Government assured the House to take more effective measures to check the depredations from wild elephants ?
- (c) Are Government aware that about a month ago three men were killed in broad day light in Tipling Mouza by wild elephants ?
- (d) What more effective steps Government have proposed to take in such annual devastations in Dibrugarh Subdivision ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

36. (a)—Yes.
 (b)—Yes.
 (c)—Yes.
 (d)—Prompt action was taken to allow two parties to capture some elephants of the herd with a view to drive them away.

Maulavi ABDUL HALIM: How many elephants were captured ?

The Hon'ble Srijut RUPNATH BRAHMA: This is a new Question, Sir, for which I require notice. The information was not asked for in the original Question.

Mr. P. M. SARWAN: May we know, Sir, what effective steps Government have taken to save the raiyats from this destruction by elephants ?

The Hon'ble Srijut RUPNATH BRAHMA: Probably, Sir, the hon. Member refers to the damage caused last year. Immediately after the Budget Session, when that was brought to the notice of the Government, prompt action was taken. I can tell the hon. Member that necessary steps were taken to allow parties to capture elephants in different areas. So far as Dibrugarh is concerned we have allowed operations for capturing of elephants in the Dibru Reserve this year also.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Construction of Bund from Neamati to Dikhowmukh**Srijut HARINARAYAN BARUA** asked :

139. Will Government be pleased to state—

- (a) Whether it is a fact that the project for constructing the Bund from Neamati to Dikhowmukh has been abandoned ?
- (b) If so, why ?
- (c) Whether it is a fact that the necessary estimate of cost of construction of this Bund was sanctioned by this Assembly in the last year's Budget Session ?
- (d) If so, why the construction has not been taken up ?
- (e) Whether an area of nearly two and a half lakh bighas of land, now submerged under water, will be made available on construction of this bund ?
- (f) Whether Government are aware that the survey works over this project were carried out sometime back and a report was submitted ?
- (g) If so, why no action was taken to execute the plan ?
- (h) Do Government propose to reconsider the matter and take early steps for helping the landless people at large ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

139. (a)—The proposal for constructing the Bund from Neamati to Dikhowmukh has been considered unsound and in its place strongly built Leet's fencing has been provided for protection of Bor-Ali breach at Rupahimukh.

(b)—It was not considered sound after examination on technical consideration.

(c)—Yes.

(d)—Please refer to reply (b) above.

(e)—No. About 40,000 acres of land as reported by Executive Engineer.

(f)—Yes.

(g)—Please refer to reply (b) above.

(h)—It is under consideration of Government.

Construction of a Bund near Rupahimukh**Srijut HARINARAYAN BARUA** asked :

140. (a) Is it a fact that the proposal for constructing the Bund near Rupahimukh was sanctioned by the Embankment and Drainage Committee ?

(b) Will Government be pleased to state why no action has yet been taken on the matter ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

140. (a)—A scheme for protecting Rupahipathar near Sibsagar from Dikhau flood has been approved by Embankment and Drainage Committee.

(b)—Funds have been provided in the Budget for 1948-49 for taking up this scheme.

Assistant Inspectors of Schools for Tribal Education and Muslim Education

Srijut GAURI KANTA TALUKDAR asked :

141. Will Government be pleased to state—

(a) The functions of the Assistant Inspectors of Schools for (i) Tribal Education and (ii) Muslim Education ?

(b) Whether it is a fact that these two Assistant Inspectors have no administrative functions to perform ?

(c) Whether it is a fact that there are no separate educational institutions for imparting tribal education or imparting education exclusively to tribal students ?

(d) Whether the jurisdiction of the Assistant Inspector of Schools for Tribal Education is confined to tribal students and tribal Schools, if any, or whether it extends to all students and Schools over which the non-sectarian Assistant Inspectors exercise their jurisdiction ?

(e) The areas over which the Assistant Inspector of Schools for Tribal Education exercises his jurisdiction ?

142. (a) Are Government aware that the number of institutions imparting Muslim education exclusively over which the Assistant Inspector of Schools for Muslim Education has to exercise his jurisdiction is few and that the non-sectarian Assistant Inspectors have to exercise supervision over these institutions also ?

(b) Is it a fact that the number of Tols and High English Schools which impart Sanskrit Education are considerable, but still there is no separate Assistant Inspector of Schools for Sanskrit Education ?

143. With a view to foster and preserve intercommunal harmony, do Government propose :

(a) To do away with these two posts of Assistant Inspectors of Schools ?

(b) To abolish other posts in the Education Department created similarly on communal basis for service of particular communities ?

(c) And to utilise the money thus saved for advancement of education amongst the tribal and other backward people ?

144. Will Government be pleased to state :—

(a) The functions and duties of the Assistant Inspector of Schools posted at Gauhati and placed in-charge of the Lower Assam Circle ?

(b) Whether it is a fact that the object in creating this office at Gauhati was to entrust almost all the functions of the Inspector

of Schools in respect of Lower Assam Division to this new office to avoid delay and difficulties created by the vastness of the jurisdiction and heaviness of duties of the Inspector of Schools at Jorhat ?

- (c) If so, whether any order has been passed defining and specifying the functions of the Assistant Inspector of Schools at Gauhati ?
 (d) If not, whether Government propose to pass an order to that effect as early as possible ?
 145. (a) Will Government be pleased to state whether the jurisdiction of the Lower Assam Circle or Division which is intended to be placed under the Assistant Inspector of Schools at Gauhati has been defined and communicated to the officers concerned ?
 (b) If not, do Government propose to do so as early as possible ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) replied :

141. (a)—(i) To assist the Inspector of Schools in the inspection, supervision and organisation of Schools for the spread of education among the people particularly of tribal areas.

(ii) To look after the progress of Islamic Studies in the Province, to inspect Muslim Schools (Madrassas) and the Islamic Classes in other Schools with a view to stimulate education and progress in Muslim Community.

(b)—Yes.

(c)—Yes. But there are schools in tribal areas which are mainly meant for Tribal people.

(d)—The jurisdiction of the Assistant Inspector of Schools for Tribal Education is confined to matters relating to the Education of Tribal people.

(e)—Tribal areas as well as in the areas where there are tribal students.

142. (a)—Yes.

(b)—Yes.

143. (a) to (c)—Government have no such contemplation just at present.

144. (a)—All the functions of the Inspector of Schools hitherto exercised by him excepting the matters relating to appointment and transfers, countersignature of Travelling allowance bills of officers of Class I of the Assam School Service and confidential reports on Gazetted officers.

(b)—Yes.

(c)—Yes.

(d)—Does not arise.

145. (a)—Yes.

(b)—Does not arise.

Srijut GAURI KANTA TALUKDAR : With regard to Question No.145(b), will Government be pleased to state the jurisdiction of the Assistant Inspector of Schools in the Lower Assam Circle ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : Goalpara, Kamrup and Darrang Districts, Sir.

Export of cattle

Maulavi MAHAMMAD ROUFIQUE asked :

146. (a) Are Government aware that a large number of cattle is now going out of Assam through Hills on foot and thereby causing a great loss to the Province ?

(b) Do Government propose to take immediate steps to stop such export of cattle ?

(c) Do Government propose to take necessary steps to register the names of all the cattle dealers in Assam ?

(d) Do Government propose to make a thorough enquiry on export of cattle through Hills particularly in Nowgong, Kamrup and Goalpara ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

146. (a)—Yes.

(b) & (c)—The matter is already engaging the attention of the Government.

(d)—In view of the proposed action by the Government such a step does not seem necessary.

Srijut HALADHAR BHUYAN: Is there any competent Act to stop cattle export from the Province ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Government is contemplating to take action for special legislation and if it is found necessary, Government will introduce a legislation for the purpose of stopping export of cattle from the Province.

Srijut SARAT CHANDRA SINHA: Is it a fact that Government recently has imposed a ban on the export of cattle ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: No ban has been imposed as a legislation will be necessary.

Srijut HALADHAR BHUYAN: As the cattle is not a controlled commodity, I think, Government cannot stop export of cattle out of the Province. Here in the answer I find that Government has stated that the matter is already engaging the attention of the Government. Mere engaging attention will not do. I know, once the matter was reported to the Deputy Commissioner, Nowgong, long ago and it was referred by him to the District Police and they refused to stop the export.

Srijut BELIRAM DAS: He is delivering a speech, Sir.

Srijut HALADHAR BHUYAN: I am explaining the matter and want to know whether Government has any legislation to stop the export.

The Hon'ble the SPEAKER: At present there is no such legislation. The Hon'ble Minister has already said that Government is contemplating enactment of a legislation.

এই বিলখন আনিব নে নানিব সেইটো গৱণমেণ্টে বিবেচনা কৰিছে। এতিয়া তেনেকুৱা কোনো আইন নাই।

Srijut HALADHAR BHUYAN: সেইটো বুজিছো।

The Hon'ble the SPEAKER: ইয়াৰ ওপৰিও যদি আইন কিবা প্ৰশ্ন আছে কওক।

Srijut HALADHAR BHUYAN: তেখেত সকলে কৈয়েই আছে; তেনেহলে কেতিয়ানো কৰিব ?

The Hon'ble the SPEAKER: আইনজ্ঞ সকলক শুধি যি হয় কৰিব।

Srijut SARAT CHANDRA SINHA: Do we understand then that the export of cattle is not stopped now ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is being discouraged by Government by all means of persuasion but as the Government is not armed with a legislation stopping altogether has not been effective.

Babu KAMINI KUMAR SEN: Is it not a fact that some sort of ban has already been imposed in the Cachar District ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I have no information.

Maulavi MUHAMMAD ABUL KASHEM: There is some sort of ban in the Goalpara District also.

Srijut GAURI KANTA TALUKDAR: Can not Government stop export of cattle under their executive orders ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Government requires legislation for the purpose. Executive order is not sufficient for it.

Srijut SARAT CHANDRA SINHA: Will Government take it from me that if early legislation is not taken, the position will be very bad so far as cattle are concerned.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: As I have said already, the attention of the Government has already been engaged in the matter.

Babu KAMINI KUMAR SEN: Now that in view of the fact that customs barrier has been imposed by the Central Government, will it not be necessary to take a license for the export of cattle ?

Srijut PURNA CHANDRA SARMA: Does it not also come under the Food Control Act ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The hon. Members' suggestions will be examined by Government and I will see whether export of cattle come under these restrictions. In that case it will not be necessary for another legislation.

Waste lands in Digholiati Kisam of Bokoni Mauza

Srijut MOTIRAM BORA asked :

147. (a) Is it a fact that some waste lands in Digholiati Kisam of Bokoni Mauza in Nowgong District were temporarily thrown out for cultivation as a part of Grow-More-Food Campaign some years back ?

(b) Is it a fact that Government propose to pursue the Grow-More-Food activities with more determined vigour ?

(c) Is it a fact that these cultivators who were allowed temporary cultivation in those waste lands have now been served with notices to give up the lands ?

(d) In view of prevailing scarcity of food of all kinds, do Government propose to allow these cultivators to continue their cultivation for some years more till the period of scarcity is over ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

147. (a)—Yes, the Dighaliati village grazing reserve with an area of 228B 2K 13L of land was in 1943, thrown open temporarily for cultivation of food crops for three years.

(b)—Yes.

(c)—Yes, on expiry of the original terms of settlement.

(d)—Extension of term for another 2 years with the original allottees is under consideration of the local officers whose recommendations are being awaited.

Demonstrators and Inspectors of Agriculture Department

Srijut HEM CHANDRA HAZARIKA asked :

148. Will Government be pleased to state—

(a) The number of Demonstrators and Inspectors of Agriculture Department now working in the North Lakhimpur Subdivision ?

(b) The number of villages in which attempts were made by these officers in the years 1945-46, 1946-47, 1947-48, to demonstrate agricultural activities under modern improved methods ?

(c) The area or areas now under cultivation showing different types of crops so demonstrated and their result, if any ?

(d) Whether the officers mentioned above made any attempts to organise and address public meetings to carry on the Grow-More-Food Campaign in North Lakhimpur Subdivision in the years 1945-46, 1946-47 and 1947-48 ?

(e) If not, why ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

148. (a)—There are twelve Agricultural Demonstrators working in the following centres, viz., North Lakhimpur Town, Rangajan, Laluk, Bihpuria, Narayanpur, Boredutti, Garmur, Dhakuakhana, Machhkhoha, Bordoloni, Pathalipam and Nowboisa and one Inspector in the Subdivision.

(b)—The number of villages in which attempts were made by the above officers to demonstrate Agricultural activities in the years shown below :—

			1945-46	1946-47	1947-48
No. of villages	...	...	251	202	190

(c)—The area in Bighās under different improved crops and their results noted below :—

Ahu	Bao	Sali	S. Cane	Mustard
2290	963	2730	1115	330
Pulse	Veg.	Potato		
2770	1390	515		

Average results per acre :—

Ahu	Bao	Sali
25 maunds 5 seers	24 maunds 20 seers	29 maunds 35 seers.
S. cane	Mustard	Potato
53 maunds 9 seers	10 maunds	77 maunds.

(d)—The number of public meetings and gatherings organised by the staff in the Subdivision in the years is shown below :—

1945-46	1946-47	1947-48
343 Nos.	275 Nos.	93 Nos.

(e)—Does not arise.

Hoisting of White Flags

Srijut GAURI KANTA TALUKDAR asked :

149. (a) Are Government aware that for some time past some immigrants inhabiting the Districts of Goalpara and Nowgong and the Subdivision of Mangaldai are exhibiting white flags on their house-tops ?

(b) If so, have Government tried to ascertain the true motive of these people in doing so ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

149. (a)—Yes, such flags were witnessed in Different parts of the Goalpara and Darrang Districts and in some Muslim houses under Laharighat Police Station of the Nowgong District.

(b)—The ostensible reason as stated by the people is that this is a preventive measure against cholera and other epidemic outbreaks, but there was no sign of epidemics in the localities then. It further transpired that these flags are symbols of Muslim League supporters.

Srijut GAURI KANTA TALUKDAR : With regard to (b), the reply is that these flags are symbols of Muslim League supporters. Does it mean that those people who hoist white flags are meant to give shelter to Muslims coming from outside ?

The Hon'ble Srijut GOPINATH BARDOLOI : We had enough discussion in the matter and I have nothing further to add.

Srijut GAURI KANTA TALUKDAR : I do not want to press the matter.

Maulavi MAHAMMAD ROUFIQUE : I have never heard of any flag hoisting in the Nowgong District but I have heard about it for the first time in this House.

Srijut BELIRAM DAS : I have seen such flag hoisting in the Kamrup District also.

Amount allotted for repairs of roads and bridges in Jowai Sub-division from 1941-47.

Mr. LARSINGH KHYRIEM asked :

150. Will Government be pleased to State :—

- (a) The amounts allotted for the repair of roads and bridges in the Jowai Sub-Division during each year from 1941-47 ?
- (b) Whether the said yearly amount was higher than the amount allotted in pre-war days ?
- (c) If so, whether Government are aware that for the last 4 years practically no repair was done to these roads and bridges ?
- (d) If not, whether Government propose to allot more money in order that the roads and bridges may be restored to their normal condition ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY replied :

150. (a)—A Statement showing the amounts allotted for repairs to roads and bridges in the Jowai Sub-division during each year from 1941 to 1947 is laid on the table.

(b)—Upto the period 1944-45 the grants continued with slight variation to be approximately on an average of the pre-war days but from the year 1945-46 the grant has been increased.

(c)—Government had no information until the receipt of this Question. It is not a fact that roads and bridges were left unrepaired during the last four years, but that some unimportant items were left unattended to owing to insufficiency of grant.

(d)—All attempts will be made to provide funds according to the requirements estimated by the Divisional Officer.

Deuri Tribe in Assam

Srijut KARKA DALAY MIRI asked :

151. (a) Are Government aware that the 1941 Government of India Census does not give the population figures for the Deuri Tribe in Assam ?

(b) Do Government propose to take necessary steps to rectify the omission ?

(c) Are Government aware of the population figure of the Deuri Tribe ?

(d) If so, what is that figure ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

151. (a)—The population figures of the Deuri Tribe in Assam are shown in the 1941 Census village statements prepared by this Government.

(b)—Does not arise.

(c)—Yes.

(d)—Population figures of the Deuri Tribe in Assam are shown separately District by District.

District					No. of population
1. Lakhimpur	...	...	...	...	4,975
2. Sadiya Frontier Tract	...	...	...	...	32
3. Garo Hills	...	...	...	...	1
4. Sibsagar	...	...	...	...	3,921
5. Khasi and Jaintia Hills	...	...	...	...	2
				Total	8,931
				Other Districts	Nil.

Appointments in the Assam High Court

Dr. EMRAN HUSAIN CHAUDHURY asked :

152. (a) Is it a fact that some appointments for which applications were invited upto February 7th for the Assam High Court were filled up before that date ?

(b) If so, why ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

152. (a)—Certain posts required for the High Court were advertised.

(b)—Two of the posts were filled up by the Registrar provisionally subject to the approval of the Chief Justice as they were required immediately.

Persons killed by wild elephants in Tipling Mouza

Srijut BHADRA KANTA GOGOI asked :

153. Will Government be pleased to state—

(a) How many persons were killed by wild elephants in the Tipling Mouza of Dibrugarh Subdivision during the period of January 1947 to January 1948 ?

(b) Of which community they belong to ?

(c) Whether Government paid any compensation to their families ?

(d) If not, why not ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

153. (a)—Five.

(b)—Three are coolies and two Assamese.

(c)—No.

(d)—Compensation is not granted in such cases.

Srijut BHADRA KANTA GOGOI: ইয়াত তেখেতে কুলি বুলি কাক বুজাইছে ?

The Hon'ble Srijut RUPNATH BRAHMA: আনি Divisional Forest Officer ৰ পৰা যি ভাবে report পাইছে তাক সেই ভাবেই দিছে ।

Dr. EMRAN HUSAIN CHAUDHURY: I am not satisfied with the use of the word 'coolie' instead it should be 'Mazdoor'.

The Hon'ble Srijut RUPNATH BRAHMA: Yes, but it was reported like that by the local officer. If, however, it is the sense of the House then the word 'coolie' be substituted by 'labourer'.....

Dr. EMRAN HUSAIN CHAUDHURY: They should be addressed as Mazdoor.

Mr. P. M. SARWAN: We do not mind them being called coolies.

Srijut NILMANI PHOOKAN: We do mind.

Srijut BHADRA KANTA GOGOI: ইয়াত এবছৰৰ ভিতৰত ৫ জন মানুহ মৰিছে বুলি কৈছে । গৱৰ্ণমেণ্টে জানেনে যে এই মৌজাত বনৰীয়া হাতীৰ দৌৰাৰ্জা এতিয়াও গুচা নাই আৰু এতিয়াও সিহঁতে মানুহৰ ওপৰত অত্যাচাৰ কৰিয়েই আছে ?

The Hon'ble Srijut RUPNATH BRAHMA: ঠিক কেনে উপদ্রব হৈছে তাৰ খবৰ গৱৰ্ণমেণ্টে পোৱা নাই ।

The Hon'ble the SPEAKER: তেখেতৰ প্ৰশ্নত দেখা যায় যে এতিয়াও মানুহ নাৰিয়েই আছে।

The Hon'ble Srijut RUPNATH BRAHMA: ইয়াৰ ভিতৰত নাৰিছে বুলি গৱৰ্ণমেণ্টে জনা নাই।

Srijut BHADRA KANTA GOGOI: এই বাৰ জানুৱাৰী মাহত একেদিনেই এটা মানুহ নাৰিছে বুলি জানো।

The Hon'ble Srijut RUPNATH BRAHMA: গৱৰ্ণমেণ্টে তেনেকুৱা কোনো উপদ্ৰৱৰ কথা শুনা নাই। যদি মাননীয় সদস্যই বিচাৰে তেন্তে অনুসন্ধান কৰিব পাৰে।

Srijut KARKA DALAY MIRI: যি বিলাক মানুহ নাৰিছে তেওঁবিলাকৰ কাৰণে গৱৰ্ণমেণ্টে compensation দিছেনে?

The Hon'ble Srijut RUPNATH BRAHMA: Compensation is not granted in such cases.

Srijut KARKA DALAY MIRI: এতিয়া দিবনে?

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I do not know how the Government can be held responsible for the loss of life over which we have no control, as for instance a man is killed by a tiger.

Mr. J. S. HARDMAN: Are Government prepared to make ex-gratia payments?

The Hon'ble Srijut RUPNATH BRAHMA: That will be looked into.

Srijut BHADRA KANTA GOGOI: মই মাননীয় মন্ত্ৰী মহোদয়ৰ পৰা জানিব খুজিছো.....

The Hon'ble the SPEAKER: আপুনি অলপ বৰ।

The Hon'ble Srijut RUPNATH BRAHMA: That will have to be looked into and examined.

Mr. J. S. HARDMAN: Do Government admit that these are cases of great hardship?

The Hon'ble Srijut RUPNATH BRAHMA: Certainly, there is no doubt about that.

Mr. J. S. HARDMAN: Are Government prepared to consider giving relief in such cases?

The Hon'ble Srijut BISHNURAM MEDHI: If it is by the side of a tea garden, certainly that tea garden may be said to be responsible for keeping theses wild elephants.

Mr. J. S. HARDMAN: Will Government take it from me that tea gardens do not preserve elephants?

The Hon'ble Srijut BISHNURAM MEDHI: But they tempt wild elephants to take shelter in the garden area which remains jungle. No doubt legislation will have to be enacted to clear the jungles from the tea garden areas.

Mr. J. S. HARDMAN: Are Government aware that tea gardens are anxious to drive out all elephants from their property?

The Hon'ble Srijut BISHNURAM MEDHI: We are receiving complaints from different places that on account of some tea garden areas remaining undeveloped, they have become the abode of wild animals such as tigers and elephants which are causing havoc in the neighbourhood. Recently as many as 10 men were reported to have been killed by a tiger near Paneri.

Mr. J. S. HARDMAN: Are Government aware that many of these animals come from their own reserve forests?

Srijut BELIRAM DAS: Is it not a fact that these animals come from the jungles of the tea estates?

The Hon'ble Srijut RUPNATH BRAHMA: The other day a Resolution on this subject was moved by Mr. Hardman and there was sufficient discussion over the question and in my reply I stated that fee simple grant lands are also responsible for inviting the wild animals. These grant lands are full of ever green forests and jungles and the wild animals find a good shelter in them.

Mr. J. S. HARDMAN: May I request Government to have a survey made of the number of wild animals available in the tea gardens?

The Hon'ble Srijut BISHNURAM MEDHI: I think nobody will agree to that, because these animals move about from place to place. If a vast jungle is kept these animals find a shelter there and even if they are driven out from the reserve forests they take shelter in the jungles in the tea gardens and move from place to place. That is how it is difficult to make a census of these animals while they take shelter in tea garden.

Maulavi MAHAMMAD ROUFIQUE: Is it a fact that Government preserve wild animals?

The Hon'ble Srijut BISHNURAM MEDHI: That is done under a specific statute and the right and obligation are laid down in the statute. Government is not responsible for anything beyond what is provided in the statute.

Maulavi MAHAMMAD ROUFIQUE: If any preserved animals cause any havoc, then who will be responsible?

The Hon'ble Srijut GOPINATH BARDOLOI: I could tell the hon. Member that there has been no case of any animal coming from the preserved forest and doing any harm outside.

The Hon'ble Srijut RUPNATH BRAHMA: We have got sanctuaries in many places for the preservation of animals of rare species like rhinos and wild buffaloes.

Maulavi MUHAMMAD ABUL KASHEM : Instead of having a quarrel between the Government and the tea garden owners I would request the Hon'ble Minister to make some rules so that the people who are just killed by tigers from the tea gardens should be compensated by the garden owners and in case they are killed by tigers from the Government forest reserves, Government should make the compensation.

The Hon'ble Srijut RAMNATH DAS : Is it in order to say that there is a quarrel between the Government and the hon. Members of the European Group ?

Srijut SARAT CHANDRA SINHA : The word is not 'Parliamentary' at all.

Srijut BHADRA KANTA GOGOI : মই মাননীয় মন্ত্রী মহোদয়ৰ পৰা জানিব খুজিছো যে এই মানুহৰা হাতী বিলাকক মাৰিব বা ধৰিবৰ কিবা ব্যৱস্থা হৈছেনে ?

The Hon'ble Srijut RUPNATH BRAHMA : এইটো সদায় হৈয়েই আছে। এই বিলাক হাতী ধৰিবলৈ আৰু মাৰিবলৈ প্ৰত্যেক বছৰে খেদা আৰু মেলা চিকাৰৰ নিমিত্তে বহুত লাইচেঞ্চ দিয়া হয়।

Srijut BHADRA KANTA GOGOI : আজিলৈকে কিমান মৰা হৈছে ?

The Hon'ble Srijut RUPNATH BRAHMA : কিমান মৰিছে তাৰ সংখ্যা মই এতিয়া off-hand দিব নোৱাৰো।

Maulavi ABDUL HAI : May I know whether licenses are granted for capturing or killing ?

The Hon'ble Srijut RUPNATH BRAHMA : For both.

Maulavi MAHAMMAD ROUFIQUE : May I ask the Hon'ble Minister whether he is prepared to consider the question of paying compensation in these cases in view of the fact that Government makes a decent income out of these wild elephants ?

The Hon'ble Srijut RUPNATH BRAHMA : I do not see any reason why Government should be held responsible for the loss of life caused by wild elephants over which we have no control.

Distribution of Stud-bulls in different parts of Assam

Srijut HEM CHANDRA HAZARIKA asked :

154. Will Government be pleased to state—

(a) Whether the arrangement of placing Sindhy Stud-bulls or any other suitable type for breeding purposes has been discontinued in North Lakhimpur Subdivision ?

(b) Whether the Live-stock Department under the Government proposes to help the people of this Subdivision in the matter of improving their cattle ?

155. Will Government be pleased to state—

(a) The number of Stud-bulls distributed in different parts of Assam showing the names of the centres with addresses ;

(b) Number of bulls allowed in each centre ; and

(c) The results achieved in each centre ?

156. Do Government propose to help the people for improving their cattle by introducing the system of placing Sindhy Stud-bulls or any other suitable type at different centres under the management of certain officer appointed by Government or under the Veterinary Department ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

154. (a)—No. (Due to insufficient number of bulls and staff our activities so long could not be pushed out to a greater extent throughout this Subdivision). But to facilitate the works on North Bank Headquarters of Agricultural Inspector, Livestock, Gauhati, has been transferred to Tezpur for extension of works there.

(b)—Yes. It is in our programme.

155. (a), (b) and (c)—The statement is placed on the Library Table.

156.—Yes. It is in practice.

Introduction of elementary practical science at the Primary Stage

Srijut PURNA CHANDRA SARMA asked :

157. (a) Do Government propose to take immediate steps to introduce elementary practical science at the Primary stage of education and train up all Primary Teachers in that line as early as possible ?

(b) Do Government propose to try to give every young man of the Province a scientific bias with an idea about the immense natural resources of the Province and its Eastern Frontiers so as to create a genuine determination in them to explore them and make the Province richer ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) replied :

157. (a) & (b)—The question of reorganisation of Education, including curricula at different stages, will be considered in an Educational Conference to be held in near future and action will be taken on the lines adopted at the conference to the extent of the available resources of the Province.

Srijut PURNA CHANDRA SARMA : Is it a fact that the Government of India is contemplating such a scheme for imparting scientific education in the Primary stage ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : In January last there was a Conference held by the Education Minister of the Central Government and in that Conference there has been a resolution. The relevant portion of the resolution runs thus : "That the Conference recommends that the Government of India should appoint a representative committee as recommended by the Central Advisory Board of Education with the following modified terms of reference to consider steps to be taken for the preparation of text books, scientific instruction and terminology and other requisites".

**PRESENTATION OF THE AUTHENTICATED
SCHEDULE OF AUTHORISED EXPENDI-
TURE FOR THE YEAR 1948-49**

[1st APL.]

Population of garden tribes and "floating population"

Mr. P. M. SARWAN asked :

158. (a) Will Government be pleased to state the population strength of the tea garden tribes and castes (i) in tea estates and (ii) in the villages separately ?

(b) What is the number of the "floating population" in the tea estates ?

(c) Whether any of those labourers in the tea estates whose residence in Assam has exceeded three years are treated as "floating population" ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

158. (a) (i)—6, 43, 592.

(ii)—2, 60, 476.

(b)—The strength of the "floating population" in the tea estates has not been compiled by the Census authorities.

(c)—No.

Election of representatives to the Provincial Primary Education Board

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to move that this Assembly under section 4(b) of this Assam Primary Education Act, 1947 (Assam Act XIII of 1947) do elect three representatives to the Provincial Primary Education Board from among their own numbers.

The Hon'ble the SPEAKER: Motion moved :

"That this Assembly under section 4(b) of the Assam Primary Education Act, 1947 (Assam Act XIII of 1947), do elect three representatives to the Provincial Primary Education Board from among their own number".

(After a pause)

The Hon'ble the SPEAKER: 'The question is :

"That this Assembly under section 4(b) of the Assam Primary Education Act, 1947 (Assam Act XIII of 1947) do elect three representatives to the Provincial Primary Education Board from among their own numbers".

The question was adopted.

The Hon'ble the SPEAKER: Under the Rules, I hereby fix Friday, the 2nd April, 1948, 3-30 p.m., or as soon as the business of the day is finished for holding the election of three representatives to the Provincial Primary Education Board. Voting will be done on the floor of the House.

Presentation of the Authenticated Schedule of Authorised expenditure for the year 1948-49

The Hon'ble Srijut BISHNURAM MEDHI: I beg, Sir, to present the *authenticated Schedule of authorised expenditure for the year 1948-49.

**Presentation of authenticated Schedule of authorised Expenditure
in relation to Supplementary Demands for Grants for
1947-48**

The Hon'ble Srijut BISHNURAM MEDHI: I beg, Sir, to present the *authenticated Schedule of authorised expenditure in relation to Supplementary Demands for Grants for the year 1947-48.

Amendments to the Assam Motor Vehicles Rules

The Hon'ble the SPEAKER: There are no amendments to these rules, I take it that the House has accepted these rules that are before the House.

Amendments to the Assam Legislative Assembly Rules

The Hon'ble the SPEAKER: There are also no amendments to the amendments to the Assam Legislative Assembly Rules. I take it that the House has accepted the amendments proposed by the Committee. The next stage is for Hon'ble Srijut Bishnuram Medhi to move that the amending Rules be adopted.

The Hon'ble Srijut BISHNURAM MEDHI: I beg, Sir, to move that the amendments made to the Assam Legislative Assembly Rules, be adopted.

The Hon'ble the SPEAKER: Motion moved:

"That the amendments made to the Assam Legislative Assembly Rules, be adopted".

I put the question.

The question is:

"That the amendments made to the Assam Legislative Assembly Rules, be adopted".

The question was adopted.

The Assam Shops and Establishments Bill, 1947

The Hon'ble the SPEAKER: In this also I see that there are no amendments to this Bill. I take it that the House has accepted the Bill. The next stage is for Hon'ble Srijut Omeo Kumar Das to move for passing the Bill.

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to move that the Assam Shops and Establishments Bill, 1947 be passed. The absence of any amendment with regard to this important Bill is a clear testimony of the unanimity in the House.

Sir, this Bill was originally introduced last year during the September Session of the Assembly by my Friend Hon'ble Srijut Ramnath Das. I am rather a legatee. Having been his immediate successor, it has now devolved on me to have this Bill passed and made into an Act. The credit that is due for this legislation is his.

Sir, it is needless for me to bring to the notice of the House the main provisions of the Bill, which seeks to regulate the holidays, payment of wages, and also leave, etc. The House is aware of the fact that there has been a long-standing grievance with this class of wage-earners working in shops, for their livelihood. It was found necessary to protect their legitimate interests by legislation as the labour laws existing in the Province failed to do so.

I must say that there has been rapid change in the outlook of the Government with the introduction of Provincial Autonomy in April, 1937. A new epoch was ushered in with the establishment of popular Ministries. The Ministries that were functioning, having realised their responsibilities with regard to the wage-earners of the class, passed a series of legislations to relieve the shop workers. I will be failing in my duty if I do not remind this House that after the Congress Coalition Ministry came into power in 1938, this problem engaged its attention. But my Friend, Hon'ble Srijut Ramnath Das who was in-charge of this portfolio then, could not carry his intention into effect owing to the short duration of the Ministry. Though the succeeding Ministry took up this problem and as a matter of fact, introduced a Bill, it could not be passed into law owing to the situation created by War. Many of us had to be behind the prison bars. However, after subsequent modifications, the Bill has attained the present shape and it has devolved upon me to have this Bill passed into law. Sir, the penalties fixed for contravention of any of the provisions are also not too heavy. It is expected that the employers will co-operate with the Government in maintaining social security.

Before I conclude, Sir, I must say that while we proposed to do all that is practicable for the amelioration of the conditions of the wage-earners, I, as a Member of the Cabinet, must say that the Government is convinced that no legislative programme can be a substitute for the organised strength of the working class. We expect that organisations of workers run on genuine trade union lines grow up to bring about a lasting good to the working class and also to the society.

On the other hand, I expect that employers will not fail to deal fairly and squarely with those whom they employ. I have to remind then the advice tendered by the Father of the Nation, late Gandhiji who for the last 3 decades tried to convince the employers that they should always place themselves as trustees of those whom they employ.

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

Before I resume my seat I have to remind that there will be a consequential amendment with regard to the year in clause 1(1), that is 1947 should be 1948.

The Hon'ble the SPEAKER: Motion moved:

“That the Assam Shops and Establishments Bill, 1947, be passed.

(After a pause)

The question is:

“That the Assam Shops and Establishments Bill, 1947, be passed.”

The question was adopted.

The Assam Opium Prohibition (Amendment) Bill, 1948

The Hon'ble the SPEAKER: We come to item No. 8. In this case also there are no amendments. The Hon'ble Minister may move his Motion for passing of the Bill.

The Hon'ble Maulana MAHOMED TAYYEBULLA: Mr. Speaker, Sir, I beg to move that the Assam Opium Prohibition (Amendment) Bill, 1948, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Opium Prohibition (Amendment) Bill, 1948, be passed".

(After a pause)

The question is:

"That the Assam Opium Prohibition (Amendment) Bill, 1948, be passed."

The question was adopted.

The Assam Ministers' (Salaries and Allowances) Bill, 1948

The Hon'ble the SPEAKER: We now come to item No. 9. There are two amendments, the first one stands in the name of Maulavi Md. Abul Kashem.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that at the end of clause 5 the following proviso be added:—

"Provided that the Ministers shall not be entitled to travelling allowances while on tour in a Government car on public business".

Mr. Speaker, Sir, in bringing this Amendment I would like to explain before the hon House that under sub-clause (3) of clause 2 there is a provision that "Every Minister shall further be entitled to a conveyance allowance of rupees two hundred and fifty per mensem; provided that when a suitable conveyance is provided for his use a Minister shall not be entitled to a conveyance allowance but shall be entitled to a car allowance of rupees two hundred per mensem", and clause 4 provides "The Provincial Government may, from time to time, purchase and provide suitable conveyances for the use of every Minister subject to such rules as regards their maintenance and repair as may be made by the Provincial Government". Government have already made provision in the Bill for providing every Minister with a motor car at Government cost and in addition there is provision for a car allowance and also that Government will make rules for the maintenance of the car, which may include all sorts of expenses for maintenance and repairs of the car. Now, Sir, in purchasing a car Government will spend about Rs. 12,000 to Rs. 13,000 and in addition Government will meet the cost of maintenance and repairs. From these I find, Sir, that a Minister while he will tour in that car will not be required to pay any extra amount for his touring because when framing rules about maintenance, Government may include therein the cost for actual consumption of petrol. If that is so, it will be better if the Hon'ble Ministers draw only the daily allowance as is done by officers when touring in staff cars. As these cars will be provided at Government cost and Government will make rules for maintenance of the cars, which may include the cost of petrol, no travelling allowance is required by the Hon'ble Ministers. I would therefore ask the House to consider this Bill in its true spirit. We would not have grudged if the Hon'ble Ministers wanted more money by way of salary. They may feel shy to accept more salary as they gave a pledge not to take more than Rs. 500, but we know, Sir, that money has been devaluated since then and it is not possible for a man to work whole-heartedly if he is not given sufficient money for maintenance of his family. If the Ministers are to work exclusively for the Province without any detraction they should get more money. We do not grudge that. But when we are providing them with motor cars and meeting the expenses of maintenance I would request them not to take travelling allowance while they will tour in Government cars.

With these few words, I request the hon. Members of the House to consider my Amendment in the proper spirit and accept it.

The Hon'ble the SPEAKER: Amendment moved :

"That at the end of clause 5 the following be added as a proviso :—

'Provided that the Ministers shall not be entitled to travelling allowances while on tour in a Government car on public business'."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, this Amendment seems to have been based on an erroneous impression and false assumption of the fact that the maintenance of a car includes supply of petrol, mobile oil, gear oil and other things necessary for running a car and also the pay of the driver and the cleaner. This two hundred rupees has been provided for these things. Of course if the idea of the hon. Member is that the Government should appoint a driver, cleaner and supply lubricants, etc., then there will be no occasion for drawing additional travelling allowance. Sir, we have seen during pool system of supplying cars to the Hon'ble Ministers that it was not working well and on many a occasion Hon'ble Ministers had to postpone their tour as the car goes out of order. Unless the car is placed under a particular officer it is not properly looked after. From the records of other public vehicles, we have seen that the consumption of petrol is so heavy that it is about 5 to 10 miles a gallon. So if a car is left with a particular officer, ultimately it is economical. This Rs. 200 is for engaging a driver, a cleaner and for the cost of petrol, mobile, etc., for moving in the headquarters. Under the rules if he goes out of headquarters he is not entitled to any travelling allowance within a radius of 20 miles of the headquarters. If the driver will be the cleaner he will be paid by Government and if the petrol and other lubricants, etc., are also provided by Government it will be more expensive. With a view not to increase but to minimise the expenditure we have made this provision in the Bill. In view of this I request my hon. Friend to withdraw his Amendment as it is our idea to economise public money as far as possible.

Maulavi MUHAMMAD ABUL KASHEM: Sir, whether Rs. 200 or Rs.250 will be given in addition to the Government taking up the maintenance and repair of the car ?

The Hon ble Srijut BISHNURAM MEDHI: Sir, once a car is provided he will get only Rs. 200 in consideration of cost of petrol, lubricants and pay of driver and cleaner, etc., for running in the headquarters but in case he goes to a distant place, say, to Goalpara or to Dibrugarh, unless he draws travelling allowance he cannot possibly meet the cost of petrol, etc. We are framing some rules after comparing the rules of the different Provinces and we shall adopt such rules which will be cheapest and most economical.

Maulavi ABDUL HAI: What are the items included under 'maintenance', Sir ?

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I am now speaking generally, but with regard to details as I have said we will compare the rules of different Provinces and come to a decision but in any case the driver and cleaner will be maintained by the person concerned ; petrol, mobile and lubricants will also have to be supplied by him and even ordinary petty repairs for running the car will not be charged from Government. At present, Sir, the pay of an ordinary transport driver is Rs. 90 plus free ration, the pay of a

handiman is Rs. 40 *plus* ration. Now what will remain out of Rs.200 after these two items of expenditure is deducted ?

***Maulavi MAHAMMAD ROUFIQUE:** Sir, may I know from the Hon'ble Minister whether this amount is going to cover the cost of repairs ?

The Hon'ble Srijut BISHNURAM MEDHI: This will include petty repairs. Big repairs in the Central Provinces are excluded from this. There the small repairs upto Rs. 10 is borne by the person concerned.

Mr. J. S. HARDMAN: Sir, when Government have framed these rules will they be pleased to place them before this House ?

The Hon'ble Srijut BISHNURAM MEDHI: I have no objection but I do not think it necessary.

Mr. J. S. HARDMAN: Sir, my question was not whether this was obligatory but whether Government would place them before the House ?

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I do not consider it necessary because before it would be placed before the House it will have to be given effect to. The House will sit probably in September next but effect of the rules will have to be given earlier.

Maulavi ABDUL HAI: Sir, will it not be desirable for the Government to take this House into confidence in the matter of these rules ?

The Hon'ble Srijut BISHNURAM MEDHI: The rules will be published.

Maulavi ABDUL HAI: Sir, these rules may be placed before the House so that Members may know what are the items included under the head 'maintenance'.

The Hon'ble the SPEAKER: The rules will be published in the Gazette and the hon. Members will have a chance of studying them and if they so like, they have a right to table amendments.

Maulavi ABDUL HAI: But, Sir, in the meantime the rules will be put into effect.

The Hon'ble the SPEAKER: But that is the only way, I think. What does the hon. Member propose to do ?

Maulavi MUHAMMAD ABUL KASHEM: Sir, on the assurance of the Hon'ble Finance Minister that he will try his best to economise expenditure and on his request I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment ?

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

The Hon'ble the SPEAKER: Amendment No. 2.

Maulavi MD. NAZMAL HAQUE: Sir, my *Amendment also refers to the same matter and so I do not like to move it.

The Hon'ble the SPEAKER: Then, I am putting the question.

The question is:

"That clause 5 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clauses 2 to 4 of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 6 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clause 1 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That the title and preamble of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I beg to move that the Assam Ministers' (Salaries and Allowances) Bill, 1948 be passed.

While moving this Motion I want to remove some wrong impression that is being felt both inside and outside this House that this Bill is introduced in order to increase the emoluments of Hon'ble Ministers. It will be found that if a house is provided to a Minister he will not get the house rent allowance of Rs.250. The fact is that if a house rent allowance of Rs.250 is given this allowance is liable to be taxed under the Central Income-tax Act, which comes to about Rs.50 per mensem. So there remains only Rs.200 as his house rent allowance after deducting Central Income-tax. Now if a house is allotted to him by Government he will have to pay this sum of Rs.250 per mensem to Government as house rent from his salary. From what I have stated it will appear that the Minister will be looser by Rs.50 in case a house is provided to him. I ask the hon. Members of this House as well as the people outside to consider this carefully and after doing so they would find justification for this provision of providing house to Hon'ble Minister in lieu of Rs.250.

There has already been criticism in the Press regarding this Bill for increase of emolument. In order to remove the wrong impression I should like to compare

Clause 5

*Maulavi MD. NAZMAL HAQUE to move:

That at the fourth line the "full stop" after the word "Government" be substituted by a "colon" and the following proviso be added:—"Provided that when a suitable conveyance is provided for his use a Minister shall not be entitled to a travelling allowance".

the position of this Province with that of other Provinces. The Ministers of United Provinces draw salaries at Rs.1,500 per month—the Premier and other Ministers draw the same amount of salary. Besides this they are supplied with a motor car and a furnished residence for which nothing is deducted from their salaries. The cost for their drivers and the handimen is also borne by Government. Coming to Bombay, Sir, there of course the pay of a Minister is Rs. 850. But over and above this a sum of Rs. 250 for house rent and a sum of Rs. 200 for car are drawn. Besides these, a sum of Rs.6,000 per annum as sumptuary allowance is drawn by each Minister. This means Rs.500 per month. *(A loud and prolonged laughter from all sides of the House.)* I am not, Sir, finding fault with other Provinces but I am only showing how smaller salaries our Ministers are drawing *(again laughter)*. Of course Ministers of other Provinces have got to receive and entertain a larger number of guests and friends and for that reason, I think, this kind of extra allowance is given to them. Formerly such sumptuary allowance was used to be given to the Governor alone. Now, coming to Madras I am to inform the hon. Members that a Minister there draws a salary of Rs.1,000, a house rent allowance of Rs.250 and a motor car allowance of Rs.250. Besides this car allowance the Ministers can draw mileage at annas 8 per mile. *(In Bombay they draw mileage at annas 12.)* As regards Central Provinces, a small Province, the Ministers draw salaries at Rs. 1,000 and conveyance allowance of Rs.250. Yet they can draw mileage at annas 8. The Ministers in Behar draw salaries of Rs.1,500. They are provided with cars by Government free of rent and they can draw mileage at annas 8 per mile.

***Maulavi MAHAMMAD ROUFIQUE:** I think, Sir, it will be better if the Hon'ble Minister publishes all these figures in a leaflet for the information of the public instead of taking the time of the House.

The Hon'ble Srijut BISHNURAM MEDHI: My hon. Friend need not be so anxious. I am only trying to remove the wrong impression that is in the minds of some hon. Members in this House as well as in the minds of some people outside.

Dr. EMRAN HUSAIN CHAUDHURY: We are only two or three Members. So the Hon'ble Minister need not take the trouble to enlighten us on these facts.

***Maulavi MAHAMMAD ROUFIQUE:** Sir, it will be better if the Hon'ble Minister publishes these facts in a leaflet to remove the impression in the minds of the people outside who criticise this Bill through the Press.

The Hon'ble Srijut BISHNURAM MEDHI: I am at least trying to remove the impression from the minds of the hon. Members of the House because they are opposed to some of the provision of this Bill.

Dr. EMRAN HUSAIN CHAUDHURY: Many thanks, Sir. *(Laughter.)*

The Hon'ble the SPEAKER: Motion moved :

"That the Assam Ministers' (Salaries and Allowances) Bill, 1948 be passed."

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BILL, 1948

I find that no hon. Members are taking part in the discussion. I am putting it as a question.

The question is:

"That the Assam Ministers' (Salaries and Allowances) Bill, 1948 be passed."

The question was adopted.

(At this stage the Hon'ble the Speaker vacated the Chair and Mr. Kamini Kumar Sen, Chairman, occupied it.)

The Assam Speaker's (Salary and Allowances) Bill, 1948

Babu KAMINI KUMAR SEN (Chairman): Item No. 10—consideration of the Assam Speaker's (Salary and Allowances) Bill, 1948, clause by clause.

There are three Amendments standing in the name of Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Chairman, Sir, we have listened to the speech made by the Hon'ble Finance Minister respecting the emoluments of the Hon'ble Ministers. In view of his long speech, I find it difficult to move my Amendments* so I do not propose to move them.

Babu KAMINI KUMAR SEN (Chairman): In that case the Hon'ble Minister may at once move his Motion that the Bill be passed.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Chairman, Sir, I beg to move that the Assam Speaker's (Salary and Allowances) Bill, 1948, be passed.

In moving this Motion I congratulate my hon. Friend Dr. Emran Husain Chaudhury for not moving his Amendments especially as this matter is in connection with the Hon'ble Speaker of the House. By passing this Bill it does not mean that the Hon'ble Speaker will be increasing his emoluments in any way, and since there is no amendment, I need not make any statement to calculate and show before the House that the emoluments of the Hon'ble Speaker are not to be increased.

Dr. EMRAN HUSAIN CHAUDHURY : On a point of information, Sir, I may tell the Hon'ble Minister that I had made up my mind not to move my Amendments even before he made his speech.

Babu KAMINI KUMAR SEN (Chairman): Motion moved:

"That the Assam Speaker's (Salary and Allowances) Bill, 1948, be passed."

*Amendments to the Assam Speaker's (Salary and Allowances) Bill, 1948,

Clause 2.

1. Dr. Emran Husain Chaudhury to move—
That the sub-clause 3 and the proviso thereto be deleted,

Clause 4.

2. Dr. Emran Husain Chaudhury to move—
That the clause 4 be deleted.

Clause 5.

3. Dr. Emran Husain Chaudhury to move—
That the clause 5 be deleted.

Mr. J. S. HARDMAN: Mr. Chairman, Sir, my support which has been tacit, and which was given to the previous Bill, has been under the understanding that the Ministers were increasing their salary and emoluments, and I am disappointed to find that there has been a reduction instead. I would however congratulate them and also the Hon'ble Speaker for their acts of self sacrifice.

Babu KAMINI KUMAR SEN (Chairman): If there is no hon. Member taking part, I will put the Motion as a question.

(After a pause.)

The question is :

"That the Assam Speaker's (Salary and Allowances) Bill, 1948 be passed."

The question was adopted.

The Assam Deputy Speaker's Salary Bill, 1948

Babu KAMINI KUMAR SEN (Chairman) : Item No. 11—consideration of the Assam Deputy Speaker's Salary Bill, 1948, clause by clause.

I think there is no amendment to this Bill, so the Hon'ble Minister may at once move the third reading of the Bill.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Chairman, Sir, I beg to move that the Assam Deputy Speaker's Salary Bill, 1948, be passed.

I think, in view of the fact that there is no amendment, I need not make any speech in support of this Motion, so I hope the House will accept the Bill.

Babu KAMINI KUMAR SEN (Chairman) : Motion moved :

"That the Assam Deputy Speaker's Salary Bill, 1948, be passed."

If there is no hon. Member taking part, I will put the Motion as a question.

The question is :

"That the Assam Deputy Speaker's Salary Bill, 1948 be passed".

The question was adopted.

The Assam Local Rates (Amendment) Bill, 1948

Babu KAMINI KUMAR SEN (Chairman) : Item 12—consideration of the Assam Local Rates (Amendment) Bill, 1948, clause by clause.

I think, there is no amendment, so the Hon'ble Minister may at once move his Motion.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Chairman, Sir, I beg to move that the Assam Local Rates (Amendment) Bill, 1948, be passed.

In moving this Motion, I congratulate the hon. House that there is not a single dissentient voice with regard to the passing of this Bill, and as there is no amendment, I commend my Motion for the acceptance of the House instead of taking the valuable time of the hon. Member by a long speech.

Babu KAMINI KUMAR SEN : Motion moved :

"That the Assam Local Rates (Amendment) Bill, 1948, be passed".

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

The question is :

"That the Assam Local Rates (Amendment) Bill, 1948, be passed",

The question was adopted.

The Assam Sales Motor Spirit and Lubricants Taxation (Amendment) Bill, 1948.

Babu KAMINI KUMAR SEN (Chairman) : Item No. 13—consideration of the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1948, clause by clause. As there is no amendment to this Bill, the Hon'ble Minister may straightway move that the Bill be passed.
(At this stage the Hon'ble Speaker reoccupied the Chair.)

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to move that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1948, be passed.

In moving this Motion, I need not make any speech. This Bill is only an enabling Bill authorising the Government to refund the amount about which we have promised on the last Session at the time of introduction of the Bill taxing diesel oil used in stationery engines.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1948, be passed".

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

The question is :

"That the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1948, be passed".

The question was adopted.

The Assam Municipal (Amendment) Bill, 1948

The Hon'ble the SPEAKER : Item No. 14—consideration of the Assam Municipal (Amendment) Bill, 1948, clause by clause.

I see there are two Amendments to the Bill, both standing in the name of Srijut Dandeswar Hazarika.

Srijut DANDESWAR HAZARIKA : Mr. Speaker, Sir, I do not propose to move my *Amendment (a), so I will move only (b).

Sir, I beg to move that in sub-clause (2) (a) of clause 2 after the word "position" in the third line the words "or site" be added.

The reason for this Amendment is very clear, because if the words "site" is added, the meaning will be more clear and the word will be more happily placed. I hope, the Hon'ble Minister in charge will please accept my Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That in sub-clause (2) (a) of clause 2, after the word 'position' in the third line the words 'or site' be added".

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Mr. Speaker, Sir, I agree with the hon. Member to substitute the word "site" for the word

Clause 2.

*Srijut Dandeswar Hazarika to move :

That in sub-clause (2) (a)

(a) after the word "factory" in the second line, a "comma" be inserted and the word "mill" be added thereafter.

"position". "Site" would be more appropriate than the word "position" but "position or site" may not suit. So if the hon. Mover agrees to replace the word "position" by the word "site" and also if the House agree to the small change, I have no objection to accepting the word "site" in place of "position". In that case the word "or" should not be there.

Sriji DANDESWAR HAZARIKA : Mr. Speaker, Sir, I am thankful to the Hon'ble Minister for his suggestion for substituting the word 'site' for the word 'position'. I have personally no objection and think it will be happier and more suitable and I hope the House will accept it.

Now, I beg to move that in the third line of sub-clause (2) (a) of clause 2, the word "position" should be substituted by the word "site".

The Hon'ble the SPEAKER : I think, this is an happier expression. So I allow the Amendment to be moved.

I put the question :

"That in the third line in sub-clause (2) (a) of clause 2, the word 'position' be substituted by the word 'site'."

The question was adopted.

The Hon'ble the SPEAKER : The question is :

That clause 2 of the Bill, as amended, stands part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That clause 1 of the Bill stands part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That the title and preamble of the Bill stand part of the Bill".

The question was adopted.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, I beg to move that the Assam Municipal (Amendment) Bill, 1948, as amended, be passed.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Municipal (Amendment) Bill, 1948, as amended, be passed."

(After a pause)

The Hon'ble the SPEAKER : The question is :

"That the Assam Municipal (Amendment) Bill, 1948, as amended, be passed."

The question was adopted.

The Assam Rural Panchayat Bill, 1948

The Hon'ble the SPEAKER : Item No. 16 (a)—consideration of the Assam Rural Panchayat Bill, 1948, clause by clause.

There are 32 Amendments. The first Amendment stands in the name of Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY : Sir, I beg to move that in the first line of sub-clause (3) of clause 1, for the words "in such area or areas and" the words "in the whole of the Province" be substituted, and the words "or dates" in the second line be deleted.

Sir, in this connection I beg to point out that my contention is not to prevent the passing of the Bill, although I know that large powers are being conferred on ignorant and irresponsible masses of villagers. This is autocracy or bureaucracy or whatever you would like to call it, but knowing as we fully do that corruption is rampant throughout the length and breadth of the country and people in responsible positions are sometimes found corrupt, I should hardly think of giving such powers to those who do not know how to use. Even in Municipalities and Local Boards members sometimes are found indulging in corrupt practices. Therefore, in view of this, such powers cannot be made over to village folk. I know that with the attainment of independence the people have become more conscious and are clamouring for more and more powers. That is natural. Such powers as contemplated in the Bill cannot be given to villagers consistent with the maintenance of law and order in the country. We know what liberty or independence means, but if despite our knowledge of the general ignorance of villagers, such powers are given to them, I am afraid, they will abuse them. As we have seen what happened in the case of Liaison Committees, Vigilance Committees and other committees as well. Therefore, I should like to point out to the House that in spite of our knowledge and consciousness of the significance of the term Independence, we should hardly be expected to make a farce of it by handing it over absolutely to those who cannot fully appreciate it, because it will be a license instead of liberty. Only the other day I happened to be reminded in the course of a talk with a friend of mine of a very important remark made by a great English politician philosopher, I mean, Edmund Burke, who in a certain context stated, "democracy is the most shameless thing in the world and as it is the most shameless it is also the most fearless". We all know that most of our villagers are not sufficiently educated or literate and they do not know how to govern themselves. I know what is the result of the Panchayat in some of the villages. Although I am not opposed to giving certain powers to the villagers, I am on principle against giving them license. Sir, my contention is that if Government are at all determined to bring into operation of the Bill, that is now before us, in that case it must not be restricted to a number of areas only. If at all they feel, that the villagers have a right to administer the villages themselves, in that case, I want that the Bill should be brought into force in the whole of the Province all at once. Government should not restrict the Bill or certain clauses of it to a number of villages only. There should be uniformity, not partiality for some and impartiality for others.

The Hon'ble the SPEAKER : Admendment moved :

That in the first line of sub-clause (3) of clause 1, for the words "in such area or areas and" the words "in the whole of the Province" be substituted, and the words "or dates" in the second line be deleted.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, I am not a little surprised with the argument that has been advanced by my hon. Friend, Dr. Emran Husain Chaudhury, in support of the Amendment that he has moved. It seems that the very argument that he has advanced goes against the Amendment he has moved. It appears that he has some misgivings about the capacity of the villagers to run their village administration honestly and efficiently. I agree, Sir, that honest and competent persons might not be available everywhere, but I hope nobody will deny that there are villages

where there are people who can efficiently conduct the Rural Panchayat. So in view of the fact that simultaneous effect should not be given at the first instance all throughout the Province and that start should be made with the villages where Panchayat can be run efficiently, these words have been intentionally put by the Select Committee. By deleting the words "area or areas" and substituting the same by the words "whole of the Province" the hon. Member intends to give effect to the Bill in the whole Province at the same time. But from what he has himself said it is evident that it is not desirable to do so in places where honest and fit persons are wanting and as such discretion should be left to the Government to select the areas where it should be enforced.

The Hon'ble Srijut GOPINATH BARDOLOI : Sir, I have very little to add to the arguments put forward by my hon. Friend, Mr. Sen, against the acceptance of this Amendment. The argument of the hon. Mover would amount to this : since the people are corrupt, therefore all the corruptions should be extended throughout the whole of the Province. (Dr. Emran Husain Chaudhury : I do not say that). But that is the sum total of the hon. Member's argument. The Government must be given the chance of trying it in good places and avoiding it, if possible, in bad places in the beginning. That is actually the object of the sub-clause here. "It shall come into force in such area or areas and on such date or dates as the Provincial Government, may by notification in the official gazette direct". I hope he has been able to understand the implication of his Amendment and he will please withdraw it.

***Dr. EMRAN HUSAIN CHAUDHURY :** Mr. Speaker, Sir, I have heard both Mr. Sen and the Hon'ble Premier. Now I have said my say and what I have said has been recorded. I must not be misunderstood that I mean all areas are corrupt and all Local Board Members are corrupt. Any way, if the Government is satisfied and if the House is also satisfied, I may be permitted to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment ?

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

The Hon'ble the SPEAKER : The question is :

"That clauses 1 to 9 of the Bill, stand part of the Bill"

The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY : Sir, I beg to move :

"That for the words 'as prescribed' occurring in the third and fourth lines of clause 10, the words 'in consultation with the President of the Primary Panchayat' be substituted.

It appears that more powers than are necessary are being given to the Secretary. Clause 10 says, "Every dispute as to the age or residence of a person for the purpose of section 5 shall be decided by the Panchayat Secretary as prescribed subject to the provisions of section 9 (3)". My point of contention is that so large powers cannot be given to the Secretary. Whatever is done in this connection should be done in consultation with the President of the Primary Panchayat.

The Hon'ble the SPEAKER : Amendment moved :

"That for the words 'as prescribed' occurring in the third and fourth lines of clause 10, the words 'in consultation with the President of the Primary Panchayat' be substituted".

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, here also I could not follow the intention of the hon. Member. He objects to this power being given to the Secretary. I do not exactly follow what he means. Perhaps he thinks that he would be curtailing the power of the Secretary by deleting the words "as prescribed" and by insisting for consultation with the President of the Primary Panchayat. But, Sir, I think if his Amendment is accepted, the Secretary will have more power than is contemplated by the existing clause. If the Government prescribes by rules how the matter is to be decided, Secretary will be bound by that. It is not that by the clause as it stands we are going to give more power to the Secretary. So I do not think he should have any apprehension in that regard. When Government would prescribe rules for the purpose, Secretary will only administer those rules. While in absence of any such rules he might act arbitrarily even if he has to consult the President.

The Hon'ble Srijut GOPINATH BARDOLOI : I think my Friend, Mr. Sen, has exactly replied to the Motion put forward by my Friend, Dr. Emran Husain Chaudhury. It seems to me that his Amendment in effect would give more chances to the people in the village to quarrel among themselves, which it is the object of this Bill to avoid. If he just takes care to see the provision of clause 9(3), he would find that these objections are open to appeal to the Deputy Commissioner or Subdivisional Officer, as the case may be. I think the provision as it stands gives adequate safeguard for enquiry into the matters of registration, etc. I would, therefore, request the hon. Member to withdraw this Amendment also.

Dr. EMRAN HUSAIN CHAUDHURY : Yes, Sir, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment ?

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

The Hon'ble the SPEAKER : The question is :

"That clauses 10 to 12 of the Bill stand part of the Bill".

The question was adopted.

Maulavi MD. NAZMAL HAQUE : Mr. Speaker, Sir, I beg to move :

"That in the eighth line of sub-clause (1) of clause 13, for the words 'twenty or more' the words 'one-fourth of the' be substituted".

Sir, we do not know what would be the number of the Primary Panchayat Members. The number may be more or less. But if we fix the number at twenty it will be against the principles of democracy, because in some cases the number of the Primary Panchayat members may be very large and only twenty members will compel the President to call a meeting. So my Amendment suggests that some proportion must be fixed say, one-fourth of the total number of members.

If one-fourth of the members make a request that a meeting should be held, the President will call a meeting.

The Hon'ble the SPEAKER: Amendment moved:

"That in the eighth line of sub-clause (1) of clause 13, for the words 'twenty or more' the words 'one-fourth of the' be substituted".

The Honble Srijut GOPINATH BARDOLOI: It will be seen, Sir, that while the Amendment does not propose any substantial change it makes convening of a meeting rather difficult. These small Panchayats should have the opportunity of meeting as often and as quickly as is practicable; this has been provided by this clause. I do not think, Sir, that the Amendment proposed has much reason to stand upon. I therefore oppose this Amendment.

Maulavi MD. NAZMAL HAQUE: I beg leave of the House to withdraw my Amendment, Sir.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

Maulavi MD. NAZMAL HAQUE: Mr. Speaker, Sir, I beg to move that in the fifth line of sub-clause (2) of clause 13, for the words "and preside over the meeting" the words "to be presided over by a member to be elected for the purpose by the members present in the meeting" be substituted.

Sir, here the provision is that if the President of a Primary Panchayat fails to call a meeting, the President of the Panchayat may request the Secretary to call and preside over the meeting. Sir, the Secretary is an official, and as such, to call upon him to preside over the meeting is a curtailment of the rights of the members present. My Amendment seeks that the members present will elect the President and the meeting will be conducted by him.

The Hon'ble the SPEAKER: Amendment moved:

"That in the fifth line of sub-clause (2) of clause 13, for the words 'and preside over the meeting' the words 'to be presided over by a member to be elected for the purpose by the members present in the meeting' be substituted".

Maulavi ABDUL HAI: Mr. Speaker, Sir, I support the Amendment that has been brought forward by my hon. Friend, Mr. Haque. Here the provision is that the President of the Panchayat shall call upon the President of the Primary Panchayat to convene a meeting, and if the latter fails then the President of the Panchayat shall call upon the Secretary of the Primary Panchayat to call and *preside over* the meeting. Why should we give the Secretary such power by enactment? Let the members present elect their President. I therefore think there will be no objection to accept this Amendment.

Babu KAMINI KUMAR SEN: What will be the position if the President himself is present in the meeting?

Maulavi ABDUL HAI: But why should Secretary preside over the meeting? Let the members present elect their President.

Babu KAMINI KUMAR SEN: Sir, the provision is, "The President shall call a meeting on the request of the President of the Panchayat to which his Primary Panchayat is attached. If he fails to do so, the President of the Panchayat may request the Secretary of the Primary Panchayat to call and preside over the meeting". Unless this provision is made, if the meeting is called and the President, who refused to call the meeting, is himself present he will have to preside.

Maulavi ABDUL HAI: In his absence?

Babu KAMINI KUMAR SEN: He might be present, and if the members elect some other President, that will be anomalous. But what is the harm, Sir, if the Secretary presides over the meeting? He will have no voting right. It is only when the President himself has refused to call a meeting, and a meeting is called by the Secretary at the instance of the President of the Panchayat, it is provided that the Secretary will preside.

Maulavi ABDUL HAI: The President of the Panchayat will ask the Secretary to call a meeting only when the President of the Primary Panchayat refuses to do so. But why should the power of presiding over the meeting be given to the Secretary? Let this be left to the members present to decide.

Srijut GAURI KANTA TALUKDAR: The Secretary is not a member of the Primary Panchayat and as such, he will be an independent person. He will therefore be the best person to preside over a meeting in such circumstances.

The Hon'ble Srijut GOPINATH BARDOLOI: I think, Sir, that if the office and the function of the Secretary here were properly understood we should have been better able to understand the position. The Secretary will not be a person who would necessarily be attached to party politics in the village. As a matter of fact, it has been proposed by the Bill that he should be a man completely detached from the village institutions, Panchayat and all that. Therefore, the members of the Select Committee thought that in such circumstances one, who is detached from village functions, should preside. This is the object of this provision. I think, Sir, in view of the explanation that I have given, the hon. Mover will see his way to withdraw his Amendment.

Maulavi MD. NAZMAL HAQUE: Though I am not satisfied with the reply, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER: Amendment No.5 is same as No.4. We now come to amendment No.6.

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Speaker, Sir, I beg to move that in the second line of Sub-clause (3) of clause 13, for the word "vernacular" the word "Assamese" be substituted.

Sir, only the other day we had a discussion on the floor of this House that Assamese should be the *lingua franca* of Assam, and only a few members objected to that. We are all for Assamese with the exception of a few members whose mother tongue is Bengali. Hence Assamese should be imposed on those people

who cannot speak Assamese. The time for force has come. The slogan is Assam for the Assamese. Since you are going to thrust this Bill on the villagers, why should not you thrust Assamese on those, who do not know it? One must adopt the practice to speak it at the time when a meeting is conducted. That is why I want "Assamese" to be substituted for the word "vernacular", so that Assamese may become more popular in the Province.

The Hon'ble the SPEAKER: Amendment moved:

"That in the second line of sub-clause (3) of clause 13, for the word "vernacular" the word "Assamese" be substituted.

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, I think my Friend Dr. Emran Husain Chaudhury, has forgotten the argument he advanced in moving his first Motion. At that time he was in favour of extending the operation of the Act to the whole of the Province. He is well aware, Sir, that there are many places where Assamese is not even understood. If he now says that the business of the meetings will have to be transacted in Assamese that means in a way that this Act should not be introduced in all places.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, we have already said that the Act will be extended to the whole of the Province and that the scheme envisages opening of centres throughout the whole Province. The hon. Mover very well knows that there are many places where people cannot carry on their business in Assamese. Therefore, if we have to extend the operation of this Bill to such areas, we shall have to accept vernacular as the medium for recording of proceedings.

Srijut KARKA DALAY MIRI: সভাপতি মহোদয় আশাৰ প্ৰধান মন্ত্ৰীয়ে কৈছে যে বহুত ঠাইত

The Hon'ble the SPEAKER: মন্ত্ৰী ডাঙৰীয়াই উত্তৰ দিবলৈ উঠাৰ আগতে আপোনাৰ কথা কোৱা অধিকাৰ আছে। কিন্তু মন্ত্ৰী ডাঙৰীয়াই কোৱাৰ পিচত আপুনি আক কব নোৱাৰে।

Dr. EMRAN HUSAIN CHAUDHURY: কবলৈ দিয়ক। তেখেত ট্ৰাইবেল মানুহ তেখেতে কিবা কব খুজিছে কওক।

The Hon'ble the SPEAKER: এনেকুৱা এটা সংশোধনী প্ৰস্তাৱ পিচলৈ আছে। যদি ইচ্ছা কৰে আপুনি তেতিয়া কব পাৰে।

What does the hon. Member propose to do?

Dr. EMRAN HUSAIN CHAUDHURY: If at all I have to withdraw, Sir, I withdraw it under protest. Sir, from to-day's speech I find that the Hon'ble Premier is slightly anti-Assamese.

✓ Assamese must be imposed on all people living in Assam. (Voice—What about Khasis?)

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER: The question is:
"That clauses 13 to 18 stand part of the Bill".

The question was adopted.

Maulavi MD. NAZMAL HAQUE: Mr. Speaker, Sir, I beg to move that for the sub-clause (1) of clause 19, the following be substituted: "The Panchayat besides President shall elect not less than five and not more than nine other members representing different interests wherever possible. These members will form a Panchayat Cabinet of Ministers (Mantri Sabha)".

Sir, in clause 19 we find the President of a Panchayat after he has been elected as such shall select not less than five and not more than nine members. Here the selection has been given to the President. Now if the President will select his Ministers and if the Ministers are responsible to the President, the President actually becomes an autocrat in miniature. In the Panchayat this is the highest executive body and if the whole executive function is given to a particular person, it is nothing but autocracy. The Ministers should be elected by the Panchayat and the Mantri Sabha should be responsible to the Panchayat and not to the President.

The Hon'ble the SPEAKER: Amendment moved:

That for the sub-clause (1) of clause 19, the following be substituted: "The Panchayat besides President shall elect not less than five and not more than nine other members representing different interests wherever possible. These members will form a Panchayat Cabinet of Ministers (Mantri Sabha)".

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I am at one with my Friend, the hon. Mr. Nazmal Haque, with regard to the Amendment that the Panchayat shall elect a Cabinet of not less than five and not more than nine other members. Here again, we find that autocratic powers are given to the President to select his own men. The Panchayat is a democratic body and villages should be administered democratically and hence there should be a Cabinet elected by the Panchayat. So I am all for the Amendment and I hope the House will accept it.

Babu KAMINI KUMAR SEN: I am afraid, my Friends have totally misunderstood the position of this Cabinet. It is just like the one we have in our Provincial Legislature. The executive authority of the Panchayat will be carried on by this Mantri Sabha and the President. If the people of the Mantri Sabha are not his own men, there will be constant friction. So the idea is that the President will select the Ministers who will be responsible for executing the decision of the Panchayat. If they fail, the whole Cabinet resigns. The whole idea is that of joint responsibility. If the Amendment proposed is accepted, then there might be some in the Mantri Sabha who may be antagonistic to the President and in that case there is bound to be friction. It cannot run smoothly. This provision is not made for giving any autocratic powers to the President. He is to carry out the mandate of the Panchayat. If, however, he acts arbitrarily by a vote of no-confidence against the President, his whole Cabinet can be removed.

Maulavi ABDUL HAI: Where is the provision that if the President resigns the whole Mantri Sabha resigns?

Babu KAMI KUMAR SEN: They must resign.

The Honble Srijut GOPINATH BARDOLOI: There is very little for me to say, Sir, after what hon. Mr. Sen has said. If you give a body

certain powers, they should be given the powers also to form themselves into a homogenous body with the same outlook over things. But what the Bill provides is that at the same time the President is to see that all interests are represented. Therefore, I think, this is a very wholesome provision and should be accepted by the House as such.

The Hon'ble the SPEAKER: What does the hon. Member propose to do ?

Maulavi MD. NAZMAL HAQUE: Sir, though not satisfied, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment ?

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

Adjournment

The Assembly was then adjourned for lunch till 1 p. m.

After lunch

The Hon'ble the SPEAKER: I think we can continue Clause 19. The Second Amendment that is, Amendment No. 8, stands in the name of Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY: I am not moving it as both Nos. 7 and 8 are identical.

Maulavi ABDUL HAI: On a point of information, Sir. May I ask whether there is any provision in the Bill to the effect that when the President of a Panchayat resigns his whole Cabinet Panchayat also resigns. If there is no such provision, will Government make one ?

Babu KAMINI KUMAR SEN: When the Panchayat is responsible to the President it can resign at his pleasure, Sir.

Maulavi ABDUL HAI: There should be some such sort of provision in the Bill that when the President resigns his whole Panchayat also resigns as the whole Panchayat has a joint responsibility.

The Hon'ble Srijut GOPINATH BARDOLOI: The main point is that this is a constitutional language which will be found almost in all the provisions where arrangements of this kind have got to be made. The main question of course may be that for investing the responsibility of the President of a Cabinet Constitution, there is a third party, I mean, a Governor. Excepting for that, there can be no objection either to the language or to the meaning which underlie that language. Here it will be seen that the President is supposed to be a person who will be the mouthpiece of the Cabinet, which will also be responsible for his action. Therefore if any action is to be done it will go in his name as he will be the head of the Cabinet. Therefore, the Cabinet, although it is said to be holding office at the pleasure of the President, it does mean no more than the charge by them of joint responsibility for which the President is primarily responsible.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I beg to move that in the second line of sub-clause (4) of clause 19, for the word "President" the word "Panchayat" be substituted and for the word "his" the word "its" be substituted.

Here, according to the provision a Panchayat shall be responsible to the President and it will hold office at his pleasure; but it is not so according to the democratic principles of a democratic Constitution. The responsibility should rest with the Panchayat for its action and not with the President. That is my contention.

The Hon'ble the SPEAKER: Amendment moved:

That in the second line of sub-clause (4) of clause 19, for the word "President" the word "Panchayat" be substituted and for the word "his" the word "its" be substituted.

The Hon'ble Srijut GOINATH BARDOLOI: I have already replied on a similar point. The President will represent the Panchayat. I do not think there is any reason for changing the present sub-clause.

The Hon'ble the SPEAKER: Does the hon. Member want to press his Amendment?

Dr. EMRAN HUSAIN CHAUDHURY: On hearing from the Hon'ble Premier I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER: The question is:

"That clause 19 to 21 of the Bill stand part of the Bill"

The question was adopted.

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, I have certain Amendments to make with regard to clause 22, which I propose to move to-day. I think copies of my Amendments have already been printed and circulated to the hon. Members, may be allowed, Sir, to move my Amendments.

The Hon'ble the SPEAKER: Has any hon. Member any objection to the hon. Mover to move his Amendments?

(Voices—No, No.)

I will allow the hon. Member to move his Amendments.

Srijut PURNA CHANDRA SARMA: I beg, Sir, to move that in Sub-clause (2) of clause 22, after the word "Cabinet" the words "or Executive Committee as the case may be" be added and after the word "Panchayat" the words "or Primary Panchayat as the case may be" be added.

My point in moving this Amendment, Sir, is that the powers given to the Rural Panchayat, should also be given to the Primary Panchayat and I hope the Government as well as the House will accept it.

The Hon'ble the SPEAKER: Amendment moved:

"That, in Sub-clause (2) of Clause 22, after the word 'Cabinet' the words 'or Executive Committee as the case may be' be added and after the word 'Panchayat' the words 'or Primary Panchayat as the case may be' be added."

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, we have to accept this Amendment as I think it will fill up a lacuna in the Bill which was yet there when the same was reported by the Select Committee. The point that is sought for clarification in this Amendment is that, while there is provision for the removal of the Vice-President and the Members of the Cabinet on certain grounds in the Rural Panchayat, similar provisions are not to be found in respect of a Vice President and the Executive Committee of the Primary Panchayat. So what is proposed to be done here is that the disqualifications and conditions of removal which appertain to the members of the Cabinet and the Vice-President of the Rural Panchayat should also appertain to Vice-President and the Members of the Executive Committee of the Primary Panchayats and they should be liable to be removed for the same reasons. The Amendments in other sub-clause which have been proposed, are only consequential on this Amendment now moved by the hon. Mover. We accept it. We also thank the hon. Mover for the opportunity he has given to Government to fill up the lacuna that was there.

The Hon'ble the SPEAKER: The question is:

"That, in sub-clause (2) of Clause 22, after the word "Cabinet" the words "or Executive Committee as the case may be" be added and after the word "Panchayat" the words "or Primary Panchayat as the case may be" be added."

The question was adopted.

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, I beg to move that, in sub-clause (3) of clause 22, after the words "President of a Panchayat" the words "or Primary Panchayat, as the case may be" be added and after the words "member of a Panchayat" the words "or member of a Primary Panchayat Executive Committee, as the case may be" be added and after the word "Cabinet" the words "or Executive Committee, as the case may be" be added.

This also is consequential on the previous one and I hope the Government will accept it.

The Hon'ble the SPEAKER: Amendment moved:

That, in sub-clause (3) of clause 22, after the words "President of a Panchayat" the words "or Primary Panchayat, as the case may be" be added and after the words "member of a Panchayat" the words "or member of a Primary Panchayat Executive Committee, as the case may be" be added and after the word "Cabinet" the words "or Executive Committee, as the case may be" be added.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, as I have already said, this is also more or less consequential on the acceptance by this House of the hon'ble Member's previous Amendment, I am, therefore glad to accept this Amendment.

The Hon'ble the SPEAKER: The question is:

"That in sub-clause (3) of clause 22, after the words 'President of a Panchayat' the words 'or Primary Panchayat, as the case may be' be added and after the words 'member of a Panchayat' the words 'or member of a Primary Panchayat Executive Committee, as the case may be' be added and after the word 'Cabinet' the words 'or Executive Committee, as the case may be' be added."

The question was adopted.

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, I beg to move that, in sub-clause (3) (i) of clause 22, after the word 'Panchayat' the words 'or Primary Panchayat Executive Committee as the case may be' be added.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (3) (i) of clause 22, after the word 'Panchayat' the words 'or Primary Panchayat Executive Committee as the case may be' be added."

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, Government accept this Amendment.

The Hon'ble the SPEAKER: The question is:

"That in sub-clause (3) (i) of clause 22, after the word 'Panchayat' the words 'or Primary Panchayat Executive Committee as the case may be' be added."

The question was adopted.

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, I beg to move that, in sub-clause (3) (ii) of clause 22, after the words "Panchayat" the words "or Primary Panchayat, as the case may be" be added.

This is also consequential on the previous Amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That, in sub-clause (3) (ii) of clause 22, after the word 'Panchayat' the words 'or Primary Panchayat, as the case may be' be added."

The Hon'ble Srijut GOPINATH BARDOLOI: Government agree to accept this Amendment, Sir.

The Hon'ble the SPEAKER: The question is:

"That in sub-clause (3) (ii) of clause 22, after the word 'Panchayat' the words 'or Primary Panchayat, as the case may be' be added."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That Clause 22, as amended, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That Clause 23 of the Bill stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: Clause 24. There is one Amendment in the name of Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY: It is consequential, Sir, as it is accepted in another previous clause that the word "vernacular" will be substituted by "Assamese.".....

The Hon'ble the SPEAKER: That means instead of "vernacular" you want to put "Assamese.?"

Dr. EMRAN HUSAIN CHAUDHURY: Yes, in a similar Amendment it has been accepted.

The Hon'ble the SPEAKER: What does Dr. Emran Husain Chaudhury want to do with regard to his Amendment No.10 under Clause 24?

Dr. EMRAN HUSAIN CHAUDHURY: I do not want to move the Amendment.

The Hon'ble the SPEAKER: The question is:
 "That Clause 24 of the Bill stands part of the Bill.
 The question was adopted.
 Then we take up clause 25.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I beg to move that in the first line of clause 25, for the word "will" the word "shall" be substituted. In the original clause it is stated, "All Resolutions of the Panchayat shall be carried out by the President in whom the entire executive power of the Panchayat shall be vested and he shall be directly responsible for the due performance of the duties imposed upon the Panchayat under this Act". The Select Committee has inserted the word "will" in place of the word "shall". Sir, as far as I know this word "shall" is preferable to "will" as it is binding on the President. The President who is bound by the clause to do certain things must also be bound to carry out resolutions. The word "will" gives some discretion to the President. No such discretionary power should be given to the President. Hence I maintain "shall" should replace "will" as under the original clause.

The Hon'ble the SPEAKER: Amendment moved:
 "That in the first line of Clause 25, for the word "will" the word "shall" be substituted.

Babu KAMINI KUMAR SEN: Mr Speaker, Sir, my Friend, Dr. Emran Husain Chaudhury has noticed only this change that has been made by the Select Committee but he has overlooked the other Amendment that has been made in the very first word. In the original Bill the clause reads like this, "All Resolutions of the Panchayat shall be carried out by the President in whom the entire executive power of the Panchayat shall be vested and he shall be directly responsible for the due performance of the duties imposed upon the Panchayat under this Act". But the Select Committee thought it desirable to give some discretion to the President and therefore they not only changed the word "shall" by the word "will" but have also omitted the word 'all' in the first line. If the wording in the original Bill was retained, the President would have been bound to give effect to all the resolutions, irrespective of his responsibility as stated in the latter portion of this clause which says that "the entire executive power of the Panchayat shall be vested in him and he shall be directly responsible for the due performance of the duties imposed upon the Panchayat under this Act". Sir, in many cases there may be resolutions passed by the Panchayat which might be irregular or illegal or which might not be enforceable. In this connection, I would also like to refer to clause 124. It runs thus:—"The Deputy Commissioner or Subdivisional Officer, as the case may be, may, by order in writing, on information received or on his own initiative suspend or prohibit the execution of any resolution of a Panchayat or of any order or notice issued by it or its President or cancel, such order, notice, or resolution and may prohibit the doing of any act which is about to be done or is being done in pursuance, or under colour, of this Act if in the

opinion of the said Officer such act, order, notice or resolution is manifestly perverse or *ultra vires* of the Panchayat or the execution of such order, notice, act or resolution is likely to cause obstruction, injury or annoyance to the public or danger to human life, health or safety or is likely to lead to a riot or an affray or is otherwise against public interest". Sir, if any resolution contemplated by clause 124 is passed the Select Committee thought that some discretion should be left to the President so that he might, without executing the same, refer to the Deputy Commissioner or Subdivisional Officer as the case may be. Of course, it might be said that the President ought to be bound to give effect to all the resolutions. But, Sir, I think all will agree that he should not be compelled atleast to give effect to resolutions that are not enforceable or that are enumerated in clause 124. On the other hand, if he acts in arbitrarily or defies the Panchayat without sufficient reason he can be removed by a vote of no-confidence. So, I see no objection in giving the President some discretion to carry out the resolutions. This is why the mandatory word "shall" has been replaced by the word 'will' in the Select Committee.

Dr. EMRAN HUSAIN CHAUDHURY: Who will decide whether a resolution is irregular or illegal?

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, I find Mr. Sen's argument not at all convincing. He said that some discretion should be left to the President because it may not be possible for the President to give effect to all resolutions passed by the Panchayat and he wanted to strengthen his case by citing clause 124, but clause 124 has exactly the opposite effect in view of the fact that clause 124 which gives power to refer the case to the Deputy Commissioner or the Subdivisional Officer to interfere with any resolution passed by the Panchayat which in his view may not be proper in the interest of public.

Babu KAMINI KUMAR SEN: The hon. Member has not taken note of the words, "on information received".

Maulavi MAHAMMAD ROUFIQUE: Whatever may be the case, the President has been given the power and would find some loophole if the word "shall" is not there. Therefore, to make it of imperative character the word "shall" should be retained and I support the Amendment of my hon. Friend, Dr. Chaudhury.

Babu KAMINI KUMAR SEN: I think, there is a similar provision in the Local Self-Government Act.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I am afraid my Friend, Mr. Roufique, could not follow the argument. He fears that some of the resolutions of the Panchayat will be carried at once by the President but under clause 124 the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall be in a position to take action in such matters.

So when any resolution which in the opinion of the President will appear to be *ultra vires*, he will refer it to the Deputy Commissioner and with his approval the President will carry out the resolution. So the President will have some power in the matter and therefore it should be left as decided by the Select Committee.

Dr. EMRAN HUSAIN CHAUDHURY: There is nowhere in the Bill that these resolutions will be carried out with the approval of the Deputy Commissioner.

Maulavi MUHAMMAD ABUL KASHEM : It is not necessary that all the resolutions are to be referred to the Deputy Commissioner for his approval. If all are to be carried out with the previous approval of the Deputy Commissioner, then the Deputy Commissioner will have no time to attend to other duties. It is only in doubtful cases that the matter is to be brought before the Deputy Commissioner and there is provision in the Bill. All the more it is reasonable on the grounds given by Dr. Chaudhury that there should be some discretion of the President.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, if the President has to execute all resolutions he might on occasions, contravene the provision made in the latter part of this clause, which says that the President "shall be directly responsible for the due performance of the duties imposed upon the Panchayat under this Act." If he gives effect to a resolution, knowing it to be illegal or irregular or that it might cause annoyance or injury to the public, he would be guilty of not making "due performance of the duties imposed upon the Panchayat under this Act."

Mr. J. S. HARDMAN : Mr. Speaker Sir, my hon. Friend, Dr. Emran Husain Chaudhury, has raised a very interesting point. It is interesting to me because it makes very little difference to the main purpose of the Bill whether we retain the word "will" or whether we insert the word "shall" as proposed by Dr. Chaudhury. But there is a legal convention that the word "shall" should be used wherever it occurs in cases requiring mandatory execution of orders. On the contrary the word "will" does not imply any discretion to the authority responsible for execution of such orders. So if we have the clause as it is, it does not properly carry out the intention which, I understand from the hon. Mr. Sen, was the intention of the Select Committee. If they intended that there should be a discretion with the President then they have incorrectly drafted the clause. As I have said legal convention requires the use of the word "shall" as it has been used in so many provisions of this Bill and in many other Bills. It will make no difference in the actual operation of the Act whether we retain the word "will" or insert the word "shall." But if we insert the word "shall" we shall be following the convention. If on the other hand, it is the intention to give a discretion to the President, it is necessary to redraft the Bill because it does not entitle the President to choose between resolutions, which are to be enforced, and which are to be rejected.

The Hon'ble Srijut GOPINATH BARDOLOI : I think the whole controversy resolves itself into the word "shall" or "will". It is true that the word "will" also conveys a compelling force on persons on whom certain actions are enjoined. But when it is read in the perspective of other clauses in this Bill, it will be found that the word "will" would be considered to have been appropriately introduced to obviate any action which may not be possible for the President to carry out. My hon. Friend, Mr. Sen, as well as Maulavi Abul Kashem have pointed out what led the Members of the Select Committee in choosing this particular word. I do not profess to be a great authority on English language. But in context with other clauses of the Bill, it will be found that the word "shall" has been used for a mandatory purpose. Therefore the use of the word "shall" will carry a different purpose than what is contemplated by the Select Committee, in that some latitude will remain with the President. This has been pointed out very ably by my hon. Friend, Mr. Sen. So I do not want to take the time of the House by dilating on the subject. I therefore think that this Amendment should be withdrawn.

If we could find a better method of expression we could possibly attempt that later on, but I feel at present the word "will" serves the intention of this Bill. With these words I will ask the hon. Member to withdraw his Amendment.

***Dr. EMRAN HUSAIN CHAUDHURY :** Sir, I have not been quite satisfied with the replies given by both Mr. Sen and the Hon'ble Premier. At any rate, I am bound under the conditions to beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER : The question is :
"That clauses 25 to 30 stand part of the Bill."
The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY : Mr. Speaker, Sir, I beg to move that the sub-clause (27) of clause 31, be deleted.

The main clause says, "Subject to such rules as may be prescribed in this behalf a Panchayat, within the limits of the Fund at its disposal, may provide for the requirements of the area under its jurisdiction in respect of the following matters" and one of them is contained in sub-clause (27), namely "prohibiting and controlling fragmentation and subdivision of holdings". Sir, the operation of this sub-clause will involve interference with laws of inheritance both of the Hindus and the Muslims and unless these laws of inheritance are amended in the meantime, I cannot think such powers would be given to the Panchayat. I know that holdings are not economical; they are still uneconomic; and that fragmentation should be stopped. But what is provided are the clear interferences with the laws of inheritance of the Hindus and the Muslims. Unless the laws are meanwhile amended by the Central Legislature, I do not think the village Panchayat should be given so much power. That is the reason of my moving the Amendment which I commend to the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :
"That the sub-clause (27) of clause 31 be deleted."

Babu KAMINI KUMAR SEN : I admit that this provision is rather drastic. In giving the drastic power to the Panchayat, the Committee considered very carefully and made adequate safeguard in the Bill so that the power may not be misused. Clause 36 as amended by the Select Committee runs thus—

"36. Notwithstanding anything contained in any existing law or custom, the Panchayat with a view to prevent fragmentation of agricultural holdings and to consolidate the same for the purpose of better cultivation thereon, may, after calling a meeting of the people affected and after reaching a decision by a two-thirds majority vote in the manner prescribed, direct, etc. It will appear that sufficient safeguard has been kept in order to exercise the power conferred by clause 36. So there should not be any misgiving that it will be misused. A meeting will have to be called of all the persons affected and a resolution will have to be passed by two-thirds majority. So in view of the fact that there is enough safeguard provided in clause 36, I do not think that the sub-clause should be deleted.

Maulavi ABDUL HAI: Mr. Speaker, Sir, as regards the argument advanced by Mr. Sen, I see that there is some check in clause 36, but it is going to interfere with the personal law of the different communities who will be governed by this Bill when passed into law and also curtail the right which they have got according to their personal law. I can cite an instance. This is as regards the Muslim law. Suppose there is a widow and she has got two step-sons. She cannot live with her step-sons and she wants separation, but the property is not very large. At the same time she cannot remain with her step-sons who are not sympathetic towards her. What can be done? So protection given in clause 36 is not sufficient. The widow has got a right in her personal law that she should get that protection. I think this sub-clause may properly be omitted when that interferes with personal law. Though fragmentation is harmful, the latter portion which the Committee has added that the other sharers not settled with the land shall be entitled to a share of the produce as determined by the Panchayat until they are paid the compensation for the land as fixed by the Panchayat. That imposes a provision that the widow shall not be debarred.....

The Hon'ble the SPEAKER: There is a provision for compensation.

The Hon'ble Srijut GOPINATH BARDOLOI: This matter was closely examined by the Select Committee and the Select Committee after due consideration came to the conclusion that the clause as it is, should stand. My hon. Friend, the Mover of the Amendment, has already admitted that fragmentation or subdivision of holdings is an evil, and if that is so, to give the Panchayat limited power as is proposed in this clause, cannot be said to be a wrong thing. My hon. Friend, Mr. Hai, has tried to fall on personal law. If personal law of the Muslims is taken into consideration, I think, it is known to most of us that people living in the neighbourhood, people having certain rights over the land, people who are co-sharers have the right—called “hok-sapha” or right of pre-emption. That being so, here at least, in this clause 36 which describes the condition under which such land shall be prevented from fragmentation will amply safeguard the interests of co-sharers. Therefore, I agree with my Friend, Mr. Kashem, that no harm is proposed in that clause, where not only the guarantee of two-thirds majority is given, but where the guarantee to the sharers is full and adequate. In view of this, I would request the hon. Mover to withdraw his Motion.

Dr. EMRAN HUSAIN CHAUDHURY: I must record my protest that a dangerous provision is made in the Bill. It will be giving power to the Panchayat frequently to interfere with the rights of personal law of the Muslims. Any way, I beg leave of the House to withdraw the Motion and that under protest.

The Hon'ble the SPEAKER: Has the hon. Member, the leave of the House to withdraw his Amendment?

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

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Speaker, Sir, I beg to move that in sub-clause (33) of clause 31, the words “legal and” be deleted. Here, Sir, legal and persuasive measures are provided for the restraint of child marriage. There is already a law known as the Sarda Act under which child marriage is prohibited and in view of the existence of that law I do not think this legal power should be given to the Panchayat. It is admitted on all hands that child marriage is injurious to the health of a nation or country, and in view of the existence already of the law known

as the Sarda Act restraining child marriage, this legal power need not be given to the Panchayat. With these words, I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause (33) of clause 31, the words "legal and" be deleted.

Srijut GAURI KANTA TALUKDAR: মাননীয় সভাপতি ডাঙৰীয়া, মই বিশ্বাস কৰোঁ আমাৰ বন্ধু ইমবান্ হুছেইন ডাঙৰীয়াই বাল্য বিবাহ সমৰ্থন নকৰে। তেখেতে কব খোজে যে পঞ্চায়ত বিলাকক অকল বুজনিৰ দ্বাৰা বাল্য বিবাহ বন্ধ কৰিবলৈ দিব লাগে। তাৰ কাৰণে আইনৰ সাহায্য লবলৈ কোনো নতে ক্ষমতা দিব নালাগে। এই কথাৰ তাৎপৰ্য্য মই বুজিব পৰা নাই। যদি সচাকৈয়ে আমি বাল্য বিবাহ বন্ধ কৰিবলৈ ইচ্ছা কৰো তেনেহলে আমাৰ গাঁৱত যি বোৰ পঞ্চায়ত গঠিত হব আৰু যি বিলাকৰ হাতত আমি ইমান গুৰুত্বপূৰ্ণ ক্ষমতা অৰ্পণ কৰিবলৈ ওলাইছোঁ সেই বিলাক আইনৰ জৰিয়তে বাল্য বিবাহ বন্ধ কৰাৰ কাৰণে যিখিনি ক্ষমতা দিব লাগে—তাকো নিশ্চয় দিব লাগিব, নিদিয়াৰ কোনো যুক্তিযুক্ত কাৰণ দেখা নাযায়। আমি দেখিছো ছাবদা আইন পাছ হোৱাৰ বহু বছৰ হোৱা সত্ত্বেও বাল্য বিবাহ আশানুৰূপে বন্ধ হোৱা নাই। এই আইনে চহৰত সামান্যৰূপে অলপ কাম কৰিছে সঁচা কিন্তু গাঁৱত এই আইনে বিশেষ কোনো ফল দেখুৱাব পৰা নাই। আজিও গাঁৱত বিনা বাধায় বাল্য বিবাহ চলি আছে। যদি পঞ্চায়ত বিলাকক এই ক্ষমতা দিয়া নহয় তেন্তে অকল বুজনিৰ দ্বাৰা পঞ্চায়ত বিলাকে বাল্য বিবাহ বন্ধ কৰা টান হব। সেই কাৰণে মই ভাবো অনুবোধৰ দ্বাৰা কৃতকাৰ্য্য হব নোৱাৰিলে হুৰ্দ। আইনৰ আশ্রয় লৈ গাঁৱত বাল্য বিবাহৰ প্ৰচলন বন্ধ কৰিবলৈ পঞ্চায়ত বিলাকক ক্ষমতা আৰু সুযোগ দিব লাগে। মই আশা কৰো আমাৰ মাননীয় বন্ধু ইমবান্ হুছেইন চৌধুৰী ডাঙৰীয়াই তেখেতৰ এই সংশোধনী প্ৰস্তাৱ উঠাই লব।

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, as has already been explained by my hon. Friend, Srijut Talukdar, that though the Sarda Act is in force, the difficulty is, particularly in villages, that there is a provision in that Act that anybody trying to set the law in motion will have to make a deposit of, I think, Rs.100. Besides that there are other reasons for which people are reluctant to go to the Court and unless this power is given to the Rural Panchayat, the Sarda Act will remain a dead letter mostly in villages. My hon. Friend, Dr. Chaudhury is under the impression that some legal power is being given to the Panchayat, but that is not so. All we intend is that the Rural Panchayat should set the law in motion in case there is child marriage. They may make the deposit and take other steps necessary.

The Hon'ble Srijut GOPINATH BARDOLOI: I am sure, Sir, my hon. Friend, Dr. Chaudhury, has misunderstood the provision of this sub-clause. All that it means is that such legal powers as are exercisable by any person may be exercisable by the Panchayat also. He should therefore strongly support this clause and not move an Amendment.

The Hon'ble the SPEAKER: There should be somebody to enforce the Sarda Act, and that may very appropriately be the Panchayat.

Dr. EMRAN HUSAIN CHAUDHURY: I find, Sir, that the whole House is against me, and I have been left alone. I am therefore bound to beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER : The question is :

"That clauses 31 to 35 stand part of the Bill."

The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY : Mr. Speaker, Sir, I beg to move that the last line of sub-clause (2) of clause 36, beginning with the words "No appeal" and ending with the word "section" be deleted.

The significance of this sentence, *viz.*, "No appeal shall lie against any order under this section", will be apparent only when I read out sub-clause (2) of clause 36 : "(2) If there are two or more sharers and there is no adequate land for all of them, the Panchayat, in the absence of any agreement among them either to keep the property in common or to take money value from some one, may provide as many sharers as possible and realise compensation on behalf of the rest from the sharers settled with the land and when realised, pay the amount to the person entitled. The other sharers not settled with land shall be entitled to a share of the produce, as determined by the Panchayat, until they are paid the compensation for the land as fixed by the Panchayat. The Panchayat shall take into consideration the financial position of the sharer with whom the land is settled in awarding him time to pay the compensation money". Here again, all that I want to bring to the notice of the House is that terrible powers are being given to the Panchayat inasmuch as no appeal shall lie against any order under this section. It cannot be presumed, Sir, that the members of the Panchayat are infallible and will always do things which are judicious and in accordance with the law of the country. Clause 36 was cited by my hon. Friend, Mr. Sen, while refuting my arguments for deleting sub-clause (27) of clause 31, *viz.*, "prohibiting and controlling fragmentation and subdivision of holdings". He stated in course of his speech that he thought that two-thirds majority would not adopt an illegal or harmful resolution. But this is only a pious wish, Sir. It appears that Bolshevik powers are being given to the Panchayats under this Bill. This is Bolshevising villages. Some appeal must lie against certain incorrect decisions taken by the Panchayat. I hope the House will agree with me at least in so far as this Motion of mine is concerned in their own interests and in the interests of those living in the villages, and for the matter of that, in the interest of the country as a whole. They are all for maintenance of law and order, but if such a provision remains, instead of law and order there will be chaos against which Government as well as the Opposition are fighting.

The Hon'ble the SPEAKER : Amendment moved :

"That the last line of sub-clause (2) of clause 36, beginning with the words "No appeal" and ending with the word "section" be deleted.

Srijut NILMANI PHOOKAN : Sir, I find in the clause that no land within its jurisdiction may be transferred by any one so as to create a fragment of less than 12 Bighas. Sir, I am a believer in economic holding. Fragmentation even beyond 12 Bighas should be objected to and I do not think my Friend in the Opposition is correct in saying that there would be hardship for the absence of any provision for appeal regarding this clause. But I should think otherwise. There should be no appeal not only in this case, but against any economic holding and I am looking forward eagerly for the day when our Hon'ble Revenue Minister will bring forward that Bill.

Mr. P. M. SARWAN: Sir, I think, I have followed the arguments of my hon. Friend, Dr. Emran Husain Chaudhury, and I must say that he has been alarmed by the thought that this Assam Rural Panchayat Bill, 1948 is going to Bolshevisise the Province of Assam. Nothing of that sort will happen. What this Bill seeks to do is to bring some sort of Swaraj to the rural population. We should learn something about the way in which the democratic institutions are run so that we may enable ourselves for self rule. When my Friend talks of Bolshevising or giving too much powers to the rural population, I am taken completely aback. I thought upto this moment that he was trying to educate people towards democratic ways so that we may have a larger number of citizens of India educated particularly in the democratic institutions of the country. There are many limitations imposed on the village Panchayats, and Rural Panchayats and they are to my mind too many. I am completely in accord with the intentions of the Assam Rural Panchayat Bill and I am sure that the people of Assam will be most grateful to the Government and the Congress Party for bringing in such a Bill. This Bill will be accepted by the people of Assam I am sure and the number of people thinking in the line of Dr. Emran Husain Chaudhury will be a hopeless minority (*Laughter*). So I do not think that any attention should be paid to this Amendment of my hon. Friend.

Mr. J. S. HARDMAN: Mr. Speaker, Sir, I would like to commend to the sympathetic notice of the Hon'ble Prime Minister and this House the Motion which has been moved by my Friend, Dr. Emran Husain Chaudhury. The question of fragmentation affects only the very poor. We are considering the division of their small assets. It is in the case of persons whose holdings fall below 12 Bighas and although it may be inconsiderable to us here, it may be a very great deal to them. We are dividing whatever they may be possessed with; all their wealth and assets are to come before the Panchayat and are to be allocated. We are not sure, Sir, that the members of the Panchayat will be endowed with the legal knowledge and training necessary for fair decision in cases of this kind. We are not anxious to encourage the habit of litigation among the people—we have no desire to make lawyers' practices flourish but, Sir, I do ask that there should be some consideration given to the poor. You will notice that in another part of the Bill Government have acted fairly and wisely. They have provided for intervention where there is a miscarriage of justice. We commend that, Sir, and we consider that the same provision should be applicable to this case also. I am referring to clause 112. In criminal cases no appeal lies, but the Sessions Judge or Additional Judge may with the approval of the Provincial Government exercise certain powers where there is want of jurisdiction, corruption, partiality and misconduct. Government, therefore, accepts that in the trial of comparatively small criminal cases this may arise. We contend, Sir, that when the Panchayats are trying cases of a comparatively greater magnitude, Government should be prepared to make some provision to provide against miscarriages of justice. I am not anxious, as I said before, to encourage litigation; we do not want villagers to get into the habit of contesting suits, but there should be some safeguard against abuse of power. If there is a bad decision, there is no remedy whatever in law. By this provision you are depriving a person of any legal remedy in a matter which I contend is of vital importance to the poor. I would appeal again to the Hon'ble Prime Minister to give this matter his earnest consideration.

The Hon'ble Srijit GOPINATH BARDOLOI: Sir, I desire to point out that the word "appeal" has been used here only in a technical and legal sense—in the sense that it should not go to any formal court for the purpose of intervention. Sufficient safeguard has otherwise been provided by which any

resolution of a Panchayat can be suspended or prevented from coming into operation, and so many other things. If the hon. Member, I particularly mean Mr. Hardman, had looked into the power of control that has been given from clauses 120 to 124—as a matter of fact the whole of the Chapter, he would find that sufficient powers have been given to the Deputy Commissioner or the Subdivisional Officer, as the case may be, either of their own initiative and in some cases by direction from Government—to take action wherever anything is done by the Panchayats against justice or even when any injustice is proposed to be done to anybody. I want in this connection to explain to the House the outlook which we have in our mind about supervision and control. In respect of judicial jurisdictions they have been divided into two categories: Criminal trial and matters relating to it and jurisdiction in relation to civil matters. For each of these categories, in which intervention and control are necessary, we have provided against cases of miscarriage of justice, corruption, etc.

As regards the Amendment that has been referred to by my hon. Friend, Mr. Hardman, I may say that they refer to a very wide field of administrative activity for which the Panchayat will exercise and in respect of them the whole chapter refers to control and supervision of the activities of the Panchayat. Therefore, while litigation is proposed to be prevented, sufficient guarantee has been provided in the Bill against any kind of injury or wrong that might be done by a Panchayat.

From what I have said, Sir, I hope the hon. Member will see his way to withdraw his Motion.

Maulavi MUHAMMAD ABUL KASHEM: I think, Sir, the Deputy Commissioner and the Subdivisional Officer have no jurisdiction of interference over the decisions of the Panchayats in their Districts on this particular issue.

The Hon'ble Srijut GOPINATH BARDOLOI: It is true, but in this connection I may point out that clause 120 means an interference by way of help or advice and in some cases under clause 124 Government through their officers will take notice of actions of the Panchayats which might be detrimental to the interest of individuals or to the Panchayat itself.

Babu KAMINI KUMAR SEN: It seems, Sir, that my hon. Friend is very much perturbed over the power that is being given by this clause particularly on the ground that there is no provision for appeal. Now what is the extent of the power that is being given? It is mainly to stop the fragmentation of holdings. Everybody admits that fragmentation of holdings should not be allowed. Now with regard to the exercise of that power sufficient safeguard has already been provided. Two-thirds majority of the persons affected must agree before the question of any fragmentation of the holdings is allowed to be taken up by a Panchayat Board. This is the main clause and other Sub-clauses merely prescribe the cases where that power is to be exercised. It is only in sub-clause (2) where it is stated that "If there are two or more sharers and there is no adequate land for all of them, the Panchayat, in the absence of any agreement among them either to keep the property in common or to take money value from some one, may provide as many sharers as possible and realise compensation on behalf of the rest from the sharers settled with the land....." that any injustice can be apprehended. But, Sir, I think in a small matter like determination of compensation we can safely rely on the good sense of an elected Panchayat and there should not be so much apprehension of injustice on that account.

Dr. EMRAN HUSAIN CHAUDHURY: There must lie appeal against any such decision by the Panchayat, as there is provision for appeal against even a sentence of death.

Babu KAMINI KUMAR SEN: Not even a fine is contemplated in this clause.

The Hon'ble the SPEAKER: I think, sufficient safeguard is proposed to be given.

Dr. EMRAN HUSAIN CHAUDHURY: There are no sufficient safeguard, Sir. When a decision is taken by the Panchayat against a party, we cannot presume that that decision can always be correct.

The Hon'ble Srijut GOPINATH BARDOLOI: I have already explained that this fragmentation of holdings contemplated under this Section would not involve interference which have allowed in the cases of civil disputes, criminal actions.

The Hon'ble the SPEAKER: What does the hon. Member want to do? Does he want to press the Motion?

Dr. EMRAN HUSAIN CHAUDHURY: Although, Sir, I am not at all satisfied with the explanation given and since the Treasury Benches are against my Motion I have no other option but to withdraw my Motion and that too most reluctantly. I am retreating step by step, Sir. I beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

Dr. EMRAN HUSAIN CHAUDHURY: I do not propose to move my Amendment No.13(2), Sir.

The Hon'ble the SPEAKER: The question is:

"That clauses 36—43 stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: Clause No. 44.

Srijut BHADRA KANTA GOGOI: Mr. Speaker, Sir, I beg to move that in the third line of sub-clause (1) of clause 44, the word "squirrels" be deleted. মাননীয় সভাপতি মহোদয়, আজি ভাৰতবৰ্ষই ৪০ বছৰ মহাত্মাগান্ধীৰ অহিংসা ধৰ্মত দীক্ষিত হৈ বৃটিশ গৱৰ্ণমেণ্টকো খেদি দিবলৈ সক্ষম হৈছে আৰু আসামৰ এই কংগ্ৰেছপাৰ্টিয়ে আজি গৱৰ্ণমেণ্ট চলাইছে আৰু লগে লগে অহিংস উপায়েৰে সকলো বিলাক কাম চলাব বুলি দৃঢ় প্ৰতিজ্ঞ হৈ আগ বাঢ়িছে। আজি, যি কেৰেক্টুৱাৰ বাহ পাতেই ভেটি, তেনেকুৱা এটা নিৰীহ ধুনীয়া জন্তুক এই অহিংসপন্থী গৱৰ্ণমেণ্টৰ তৰফৰ পৰা ধ্বংস কৰিবলৈ আইন কৰিবলৈ যোৱাটো কিমান যুক্তিযুক্ত হৈছে কব নোৱাৰো।

The Hon'ble Srijut GOPINATH BARDOLOI: বংস কবিবলৈ নহয়, scare away কবিবলৈহে।

Srijut BHADRA KANTA GOGOI: তেনেহলে বোধকৰো আজি এই ধুনীয়া জন্তটিক বক্ষা কবিবলৈ আমাৰ লগতে পৰিষদৰ সকলো সভাই আগ বাঢ়িব।

যোৱা বছৰৰ পৰাই মাননীয় সদস্য শ্ৰীযুত তালুকদাৰ ডাঙৰীয়াই (*laughter*) এই জন্তটিক মাৰিবৰ নিমিত্তে চেষ্টা কৰি আহিছে। সেই সময়ত প্ৰধানমন্ত্ৰী ডাঙৰীয়াই আৰু মাননীয় সভাপতি ডাঙৰীয়াই বাটলু গুটিৰে খেদাব লাগে বুলি অনেক ভাল বুদ্ধি দিছিল। আগতে এই কথাটো আইনখনত নাছিল, কিন্তু বোধকৰো Select Committee ত কোনো প্ৰকাৰে কেৰ্কেটুৱা শব্দটো আকৌ সুমুৱাই দিলে (*laughter*)। এই ধুনীয়া জন্তটি খেদাই কলৈ পঠিয়াব খুজিছে কব নোৱাৰো কিন্তু যাতে প্ৰকৃতিৰ সৃজিত সৌন্দৰ্য এই জন্তটি নষ্ট নকৰে তাৰ কাৰণে এই Amendment টো দাঙি ধৰিলো।

The Hon'ble the SPEAKER: Amendment moved:
“That in the third line of Sub-clause (1) of clause 44, the word ‘squirrels’ be deleted”.

Srijut GAURI KANTA TALUKDAR: মাননীয় সভাপতি ডাঙৰীয়া, আমাৰ কেই গৰাকীমান মাননীয় সভ্যৰ অন্তৰত কেৰ্কেটুৱাৰ প্ৰতি প্ৰেম যে ইমান পুৰল হৈছে তাক বাস্তবিকতে মই আগেয়ে জনা নাছিলো (*laughter*)। কেৰ্কেটুৱা খেদিবলৈ নাইবা আৱশ্যক হলে মাৰিবলৈ পঞ্চায়তক ক্ষমতা দিয়া চৰকাৰী প্ৰস্তাৱৰ বিৰুদ্ধে আজি তিনি জন কংগ্ৰেছী সভ্যই (*voices*—আৰু সভ্য আছে) এই সংশোধনী প্ৰস্তাৱ দাঙি ধৰি সেই প্ৰেমৰ পৰিচয় দিছে। যদি ইয়াৰ দ্বাৰা তেখেত সকলে বসিকতা কৰিব খুজিছে তেন্তে ই অতি বিকট বসিকতা বুলিব লাগিব—কিয়নো এইখন আইন পৰিষদ। বিলৰ ৪৪(১) দফাত পঞ্চায়তক বান্দৰ, কেৰ্কেটুৱা, চৰাই, ফৰিং আৰু অন্যান্য শহ নষ্ট কৰা জীৱ খেদাব নাইবা আৱশ্যক হলে বধ কৰাৰ ক্ষমতা দিয়া হৈছে। মাননীয় সদস্য কেইজনে আনবোৰ জীৱৰ প্ৰতি প্ৰেম নেদেখুৱাই এই সংশোধনী প্ৰস্তাৱৰ দ্বাৰা এই লিটিব পৰা কেৰ্কেটুৱা বাদ দিবলৈ অনুৰোধ কৰিছে; কিন্তু বামচন্দ্ৰৰ সৈৱক হনুমানৰ বংশধৰ, বিলাকক খেদিবলৈ আৰু আৱশ্যক হলে বধিবলৈ অকাতৰে সন্মতি দিছে (*laughter*)।

The Hon'ble Srijut BISHNU RAM MEDHI: মৰা নাই।

Srijut GAURI KANTA TALUKDAR: বিলখনত মাৰিবলৈ ক্ষমতা দিয়া হৈছে হনুমানৰ বংশধৰ সকলে নো কিহৰ কাৰণে বন্ধুসকলৰ প্ৰেমৰ ভাগ নাপালে তাৰ কাৰণ বুজিব পৰা নাই। তাৰ পিচত শস্য নষ্ট কৰা চৰাই আৰু ফৰিং বিলাকো দেখোন সুন্দৰ সুন্দৰ জীৱ। সিহঁতক মাৰিবলৈ বন্ধুসকলৰ আপত্তি নাই কিয় তাকো বুজা নাযায়।

বন্ধু কেইজন চহৰবাসী হোৱাহেতেন মই আচৰিত নহলোহেতেন—কিয়নো চহৰত কেৰ্কেটুৱাৰ উপদ্ৰৱ বহুতে বুজিব নোৱাৰিব পাৰে।

The Hon'ble the SPEAKER: চহৰত কেৰ্কেটুৱা নাই নেকি?

Srijut GAURI KANTA TALUKDAR: কোনো কোনো চহৰত নথকা নহয়।

The Hon'ble Srijut BISHNURAM MEDHI: গুৱাহাটী চহৰত কিন্তু আছে।

Srijut GAURI KANTA TALUKDAR: মই কবখোজো যে কেৰ্কেটুৱাৰ প্ৰতি এই প্ৰেম দেখুৱাৰ আগেয়ে বসিকতা এৰি বন্ধুকেইজনে গাৱঁলৈ গৈ কেৰ্কেটুৱাৰ উপদ্ৰৱ

এবাব উপলব্ধি কৰি আহক—তেতিয়া এনে গুৰুত্বপূৰ্ণ কথাটো বসিকতা কৰা কিমানদূৰ সমীচীন বুজি পাব। সিদিনা মাননীয় কৃষি মন্ত্ৰীৰ মুখৰ পৰা শুনিছো তেখেতৰ নিজৰ বাৰীতে হেনো কেৰ্কেটুৱা বোৰে তামোল পান ধ্বংস কৰিব লাগিছে।

Srijut SARAT CHANDRA SINHA: কেৰ্কেটুৱাই পান খাই নে কি?

Srijut GAURI KANTA TALUKDAR: মই জানো বহু গাঁৱত বাৰীত ২০০-৩০০ জোপা তামোল গছ থকা স্বত্বেও কেৰ্কেটুৱাৰ উপদ্রৱৰ কাৰণে মানুহে তামোল কিনি খাব লগা হৈছে। সদস্য সকলে বিশ্বাস কৰেনে নকৰে কব নোৱাৰো, আগেয়ে কেৰ্কেটুৱাই নাৰিকল খোৱা নাছিল যদিও এতিয়া নাৰিকলৰ ওপৰতো ইয়াৰ আক্ৰমণ বিস্তাৰ কৰিছে। পূৰ্বত নাৰিকলো ইয়াৰ হাতৰ পৰা বক্ষা নপৰা হৈছে। তাক নিজ চকুৰে নেদেখাহলে ময়ো বিশ্বাস কৰিবলৈ টান পালোঁহেতেন।

The Hon'ble Srijut BISHNURAM MEDHI: গাঁৱত কিয়, গুৱাহাটীতো খাইছে।

Srijut GAURI KANTA TALUKDAR: শুকান নাৰিকলৰ ওপৰত ইয়াৰ এনে-কুৱা উৎপাতৰ কাৰণে গাঁৱলীয়া মানুহে কেৰ্কেটুৱাক মিস্ত্ৰী নাম দিছে। মিস্ত্ৰীয়ে যেনেকৈ কৰত চলাই শব্দ কৰি কাঠ কালে তেনেকৈ কেৰ্কেটুৱাই নাৰিকল গছত উঠি শুকান নাৰিকলৰ ওপৰত দাঁত চলায়। তেতিয়া গাঁৱৰ মানুহে নাৰিকলৰ গছত মিস্ত্ৰী উঠিছে বুলি কয়। মই দেখি দুখ পাইছোঁ—গাঁৱৰ মানুহৰ ঘোৰ অনিষ্টকাৰী কেৰ্কেটুৱাৰ উপদ্রৱৰ প্ৰতিকাৰৰ অৰ্থে গৱৰ্ণমেণ্টৰ ওচৰলৈ কোনো পুস্তাৰ আনিলে কোনো কোনো সদস্যই বসিকতা কৰিবলৈ গৈ এনে গুৰুত্বপূৰ্ণ কথা লঘু কৰিবলৈ ইতস্ততঃ নকৰে। মই ভাবোঁ বসিকতাৰো এটা সীমা থকা উচিত।

মই কব খোজো এনে আচৰণ কৰাৰ আগতে তেওঁলোকৰ সমষ্টিৰ দুখীয়া ৰাইজৰ দুখ কষ্টৰ বিষয়ে এবাৰ ভাবি চাব তাকে কৰিলে বোধকৰোঁ এনেদৰে গুৰু কথা লঘু কৰিবলৈ তেওঁলোকৰ প্ৰবৃত্তি নহব। মই জানো গৱৰ্ণমেণ্টে এই সংশোধনী পুস্তাৰ সমখন নকৰিব—তথাপি বন্ধুসকলে এইখিনি কথা দকৈ ভাবি চাব বুলি আশা কৰি ইয়াৰ প্ৰতিবাদ স্বৰূপে এই কেইটা কথা নকৈ নোৱাৰিলোঁ।

Srijut BELIRAM DAS: মাননীয় সভাপতি ডাঙৰীয়া, মই মাননীয় তালুকদাৰ ডাঙৰীয়াৰ পুস্তাৰৰ বিৰোধিতা কৰিছো আৰু গগৈ দেৱৰ পুস্তাৰ সমৰ্থন কৰিছো। কাৰণ তেখেতে কৈছে যে তামোল খোৱাৰ কাৰণে কেৰ্কেটুৱাৰ অপৰাধ লাগিছে সেই কাৰণে কেৰ্কেটুৱাক মাৰিব লাগে। ভগৱানে কেৰ্কেটুৱাকো সৃষ্টি কৰিছে, মানুহকো সৃষ্টি কৰিছে। যদিহে তামোল খাবলৈ মানুহৰ অধিকাৰ আছে তেন্তে কেৰ্কেটুৱাৰো আছে (laughter)। তেনেস্থলত কেৰ্কেটুৱাক মাৰিবলৈ ঘড়যন্ত্ৰ কৰাটো নিতান্ত অন্যায় হৈছে। প্ৰধান মন্ত্ৰী ডাঙৰীয়াই কৈ গৈছে যে কেৰ্কেটুৱাক মাৰিবলৈ আইন কৰা নাই—খেদি পঠিয়াবলৈহে আইন কৰা হৈছে। Foot note ত লিখা আছে যে “Excepting elephant other classes of pests may be killed or destroyed”, কাজেই মাৰিবও পাৰিব। মাৰিব নোৱাৰিলে খেদি পঠিয়াব ও পাৰিব। মই কওঁ যে আমি কিমান দিন চেষ্টা কৰি স্বাধীন হৈছো; আমি স্বাধীনতা পাই এই কেৰ্কেটুৱাৰ স্বাধীনতা অপহৰণ কৰাটো বৰ অন্যায় বুলি মই ভাবোঁ (laughter)। তালুকদাৰ ডাঙৰীয়াই কৈছে যে বান্দৰক বক্ষা কৰিবলৈ সংশোধনী পুস্তাৰ দিয়া নাই কিন্তু কেৰ্কেটুৱাক বক্ষা কৰিবলৈ দিছে। সংস্কৃতত লিখা আছে যে “আনকুলাং ক্ষুদ্ৰ” (laughter) অৰ্থাৎ নেউলকে আদিকৰি জন্তুবোৰক ক্ষুদ্ৰ জন্তু বোলা হয়। ডাঙৰ জন্তুক মাৰিলেও নেউলৰ নিচিনা ক্ষুদ্ৰ নিৰীহ প্ৰাণীটোক বধ কৰিবলৈ ঘড়যন্ত্ৰ কৰা উচিত নহব। সেই কাৰণে মই গগৈ ডাঙৰীয়াৰ পুস্তাৰটো সমৰ্থন কৰিছো।

Dr. EMRAN HUSAIN CHAUDHURY: I support whole heartedly the Amendment moved by the hon. Member. আমাৰ বন্ধুসকলে এতিয়া যিখিনি কথা কলে মই সেইখিনি কথা সম্পূৰ্ণৰূপে সমৰ্থন কৰোঁ। আৰু তালুকদাৰ ডাঙৰীয়াই যি খিনি কথা কলে তাৰ মই দুগুণে প্ৰতিবাদ কৰোঁ। এই কাৰণে যে কেৰ্কেটুৱা এটা ইমান সুন্দৰ জন্তু যে কেৰ্কেটুৱা মৰা মহা পাপ। এনেকুৱা কেৰ্কেটুৱা যদি মৰা হয় তেন্তে আমি সকলোৱেই revolt কৰিম। যেতিয়া বাবেণে গীতাক হৰণ কৰি নিছিল তেতিয়া কেৰ্কেটুৱাই গীতাক উদ্ধাৰ কৰিবলৈ বামচন্দ্ৰক সহায় কৰিছিল। তেনেকুৱা কেৰ্কেটুৱাক কিয় মাৰিব? আমি তামোল খাওঁ আৰু কেৰ্কেটুৱায়ে তামোল খায় অৱশ্যে আমি টেক্স দিওঁ কিন্তু কেৰ্কেটুৱাই নিদিয়। (laughter)। আশা কৰো সকলো মাননীয় সভাই এই Amendment তো সমৰ্থন কৰিব। যদি কোনোবাই নকৰে তেন্তে আমি তেখেতৰ বিপক্ষে যাম (laughter)।

Srijut SARAT CHANDRA SINHA: মাননীয় সভাপতি ডাঙৰীয়া, মই গগৈ দেৱৰ সংশোধনী প্ৰস্তাৱটো সমৰ্থন কৰোঁ। কেৰ্কেটুৱাৰ নিচিনা এটি ক্ষুদ্ৰ প্ৰাণীৰ ধ্বংস কৰিবৰ কাৰণে আজি বহু দিনৰ পৰা এটা বৃহৎ ষড়যন্ত্ৰ চলি আহিছে (laughter) এই ষড়যন্ত্ৰ চূড়ান্ত ভাৱে পৰিণত হৈছিল—যেতিয়া তালুকদাৰ ডাঙৰীয়াই কেৰ্কেটুৱাক মাৰিবৰ কাৰণে গৱৰ্ণমেণ্টক অনুপ্ৰাণিত কৰিবলৈ এই পৰিষদত এটা প্ৰস্তাৱ উত্থাপন কৰিছিল। অৱশ্যে তেখেতে সেই প্ৰস্তাৱ উঠাই লবলৈ বাধ্য হৈছিল, কিয়নো, পৰিষদৰ সৰহ ভাগ সদস্যই সেই প্ৰস্তাৱ সমৰ্থন কৰা নাছিল। কিন্তু Select Committeeৰ কোনোবা সদস্যক ফুচুলাই পঞ্চায়ত বিলত কেৰ্কেটুৱা মৰাৰ ব্যৱস্থা সুমুৱাই দি পঞ্চায়ত সকলক কেৰ্কেটুৱা মাৰিবলৈ অধিকাৰ দিয়া তালুকদাৰ ডাঙৰীয়াৰ পক্ষে নিতান্ত অন্যায় হৈছে। কেৰ্কেটুৱা এটি বিচিত্ৰ সুন্দৰ জীৱ। বামাৱণৰ লগত কেৰ্কেটুৱাৰ সন্ধা আছে। আনকি বামচন্দ্ৰই সাগৰ পাৰ হৰণৰ সময়ত কেৰ্কেটুৱাই যথেষ্ট সহায়ো কৰিছিল। যাৰ লগত এনেকুৱা কথা জড়িত আছে তাক মাৰিবলৈ তালুকদাৰ ডাঙৰীয়াৰ এনেকুৱা বহুত প্ৰাণী আছে যি বিলাকে অনিষ্ট কৰে। কিন্তু তালুকদাৰ ডাঙৰীয়াই সেই বিলাক পাইছে। কেৰ্কেটুৱাৰ নিচিনা প্ৰাণীক মাৰিবলৈ তেখেতে পৰিষদত এনেকুৱা ব্যৱস্থাৰ আশ্ৰয় লব বুলি আমি আশা নকৰিছিলো। এই কথা কৈ মই গগৈ দেৱৰ প্ৰস্তাৱটো সমৰ্থন কৰিলো।

Srijut HALADHAR BHUYAN: সভাপতি মহোদয়, কেৰ্কেটুৱাৰ জীৱন ধন্য। আজিও আসামৰ মানুহৰ—আন কি গোটেই ভাৰতবৰ্ষৰ মানুহৰ ঘৰেঘৰে তাৰ নাম জ্বলি আছে। আজি কুৰি শতিকাৰ Legislative Assembly তো এই কেৰ্কেটুৱাই সকলোৰে মন আকৰ্ষণ কৰিছে। মস্কোৰ ঘণ্টা কোনে তৈয়াৰ কৰিছিল তাৰ নাম মানুহে পাহৰি গল। কিন্তু সামান্য এটা কেৰ্কেটুৱাই গীতাক উদ্ধাৰ কৰাত এটা মহৎ কাৰ্য্যত সহায় কৰি চিৰ বিখ্যাত হৈ পৰিল। গগৈ দেৱৰ এই প্ৰস্তাৱ অহিংসাৰ কালৰ পৰা চালে সমৰ্থন কৰিব পাৰি, কিন্তু ভাল মানুহেও বেয়া কাম কৰিলে তাক শাস্তি নিশ্চয় দিব লাগিব। অতি মৰমৰ সহোদৰ ভাই হলেও শ্ৰীৰাম চন্দ্ৰই লক্ষণক বজৰ্জন কৰিছিল। গতিকে select committee এ কেৰ্কেটুৱা শব্দ সুমুৱাই দিয়াটো সম্পূৰ্ণৰূপে ভাল কাম কৰা হৈছে আৰু কেৰ্কেটুৱা যে অনিষ্টকাৰী প্ৰাণী তাকো প্ৰমাণ কৰিছে। সেই কাৰণে মই আশা কৰোঁ এই সংশোধনী প্ৰস্তাৱ House এ গ্ৰহণ নকৰিব।

The Hon'ble Srijut GOPINATH BARDOLOI: এই প্ৰস্তাৱটো মই অতি সজোৰে আপত্তি কৰো আৰু এই প্ৰস্তাৱ সম্বন্ধে কওঁতে মই আনুবোধ কৰিম যেন এই প্ৰস্তাৱটো উঠাই লোৱা হয়। কাৰণ, এই প্ৰস্তাৱত ধৰি লোৱা হৈছে যে আমি কেৰ্কেটুৱা বিলাকক মাৰিবলৈ ওলাইছো। তালুকদাৰ ডাঙৰীয়াই অৱশ্য কৈছে যে মাৰিবলৈ বিধান কৰা হলে ভাল আছিল কিন্তু আমি তেনেকুৱা বিধান কৰা নাই। যি সকলে কেৰ্কেটুৱাক মাৰিব বিচাৰিছে মই কওঁ যে Note is no part of the Act.

Srijut SARAT CHANDRA SINHA: On a point of information, Sir, Note ত তেনেহলে কিয় may be killed or destroyed বুলি কোৱা হৈছে ?

The Hon'ble Srijut GOPINATH BARDOLOI: এনেয়ে যদি কোনোবাই মাৰিব খোজে তেন্তে মাৰিব পাৰে, কিন্তু note ৰ কাৰণে নহয়। সেই কাৰণে গৱৰ্ণমেণ্টৰ উদ্দেশ্য নহয় আৰু এই Bill যি সকলে দাঙি ধৰিছে তেখেত সকলৰ ইচ্ছা নহয় যে কেৰ্কেটুৱাক মৰা হব। এই কথাত মই তালুকদাৰ ডাঙৰীয়াৰ লগত অমত।

Srijut GAURI KANTA TALUKDAR: তেনেহলে এই foot note ৰ কোনো মূল্য নাই। ইয়াক দিয়াৰ উদ্দেশ্য কি ?

The Hon'ble Srijut GOPINATH BARDOLOI: মই কৈছো যে এই note নেলেখা হলেও মাৰিব পাৰিলেহেতেন।

Srijut GAURI KANTA TALUKDAR: Whether it will be the function of the Panchayat to do all these things or not ?

The Hon'ble Srijut GOPINATH BARDOLOI: মই কৈছো যে এজন ব্যক্তিৰ যদি য'ৰাৰ ক্ষমতা থাকে তেন্তে এখন পঞ্চায়তেও তেনে কৰিব পাৰিব। এইটো স্বতঃসিদ্ধ কথা যে note কোনো দ্ৰি আইনৰ অংশ নহয়। Note এ আইন খন বুজাব পাৰে, সি যিয়েই নহওক, কেৰ্কেটুৱা যে অনিষ্টকাৰী জীৱ সেইটো এই পৰিঘদে মানি লৈছে আৰু বোধকৰো তালুকদাৰ ডাঙৰীয়াৰ অনুগ্রহত কেৰ্কেটুৱাই সেই বদনাম পাইছে (*laughter*)। কেৰ্কেটুৱাৰ কথা যদিও আগৰ পাণ্ডুলিপিত উল্লেখ নাছিল, Select Committee এ সেইটো পাণ্ডুলিপিত ভুক্ত কৰা উচিত বুলি বিবেচনা কৰিছিল। সেই কাৰণে গোটেই পৰিঘদে যিটো বিচাৰিছে তাকেই কৰা হৈছে। আনপিনে অহিংস ধৰ্মকে পৰিত্যাগ কৰা হোৱা নাই। সেই কাৰণে মই আশা কৰো এই সংশোধনী প্ৰস্তাৱ উঠাই লোৱা হব।

Srijut BHADRA KANTA GOGOI: মাননীয় সভাপতি মহোদয়, এনেকুৱা ধুনীয়া জন্তু মাৰিবলৈ দিবলৈ মোৰ সত্ নাযায়, গতিকে এই প্ৰস্তাৱ সমাধিত হ'ব বুলি মই ভাবিছো। গতিকে প্ৰস্তাৱটো মই দাঙিহে ধৰিছো।

Srijut PURNA CHANDRA SARMA: উঠাই লৈছে ?

Srijut BHADRA KANTA GOGOI: উঠাই নাই লোৱা।

The Hon'ble the SPEAKER: The question is:

"That in the third line of sub-clause (1) of clause 44, the word 'squirrels' be deleted."

The question was negatived.

The Hon'ble the SPEAKER: The question is:

"That clause 44 of the Assam Rural Panchayat Bill, 1948 stands part of the Bill."

The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I beg to move that in the third line of sub-clause (2) of clause 45, for the words "two hundred" the word "fifty" be substituted,

This sub-clause (2) can be properly appreciated when we read it along with clause 45(1) which runs thus: "Notwithstanding anything contained in the Child Marriage Restraint Act, 1929, a Panchayat shall have power to take steps for preventing the performance of any marriage between a couple either of whom are not of the legal age by duly serving a notice on the parents or guardians of either party residing within the limits of the Panchayat directing that the marriage shall not be performed".

Sir, should any party fail to comply with the above notice, a fine not exceeding Rs.200 shall be levied upon him. This fine of Rs 200 is too much for the proverbially poor masses. I have moved this Amendment with special regard to the poverty in which the people in the rural area are steeped. So I urge that this should be reduced from Rs. 200 to Rs. 50.

The Hon'ble the SPEAKER : Amendment moved :

That in the third line of sub-clause (2) of clause 45, for the words "two hundred" the word "fifty" be substituted.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, I do not know how the question of poverty comes in here. The hon. Member himself will agree that there should be no child marriage and the Panchayat should have power to prevent this. So if any villager refuse to abide by the notice given by the Panchayat, I do not think there should be any mercy for him. That would be encouraging the rich people. The rich people can easily pay Rs. 50 and disobey the decision of the Panchayat. In my opinion, Sir, there should be exemplary punishment for that.

Dr. EMRAN HUSAIN CHAUDHURY : You had in your mind the case of the rich people. But what about the poor ?

Babu KAMINI KUMAR SEN : The poor is not expected to disobey the Panchayat.

The Hon'ble Srijut GOPINATH BARDOLOI : This is a punishment to the maximum.

Srijut NILMANI PHOOKAN : Sir, I rise to oppose this Motion on a different ground. Many a bridegroom are given money by poor people and in the case of necessity the father might offer Rs. 50 so that a groom may marry his daughter and that Rs. 50 he will pay as penalty and marry a child wife. So Rs. 200 is just the amount, rather it is not too much, because we want to check child marriage. Those who can have child marriage could easily pay Rs. 50. People will be willing to pay Rs. 500 even if they could get grooms. It is strange that Dr. Husain should have tried to make it much easy for the people in the Panchayat area to get along with the child marriage. We should all see that this child marriage is stopped. Therefore I am glad to be able to oppose this Amendment.

The Hon'ble Srijut GOPINATH BARDOLOI : I have already said, Sir, that this fine is the maximum and it is expected that the Panchayat will be able to discriminate between the rich and the poor in imposing the fine. With these words, I request the hon. Member to withdraw his Amendment.

Dr. EMRAN HUSAIN CHAUDHURY : I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment ?

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

The Hon'ble the SPEAKER : The question is :

"That clauses 45 to 50 stand part of the Bill."

The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY : Mr. Speaker, Sir, I beg to move that the original sub-clause (b) of clause 51, omitted by the Select Committee, be retained. Sir, this is nothing but some kind of power given to the Panchayat to make certain recommendations with regard to the appointment, transfer or dismissal of any Government official serving in any area within its jurisdiction. I want that this power of recommendation should remain.

The Hon'ble the SPEAKER : Amendment moved :

"That the original sub-clause (b) of clause 51, omitted by the Select Committee, be retained".

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, this was intentionally omitted by the Select Committee. The difficulty will be obvious if we refer to clause 120 which reads thus : "The Provincial Government and all officers empowered by the Government in this behalf shall have general power of inspection, supervision and control over the performance of the administrative duties of a Panchayat". In the face of this provision if power is given to the Panchayat for making recommendation about the appointment, transfer or dismissal of a Government servant, who might have to supervise the execution of the Panchayats' work, it will hamper the Government servants in the due discharge of their duties and ultimately be harmful to the officer concerned. So this was intentionally omitted by the Select Committee.

The Hon'ble Srijut GOPINATH BARDOLOI : It will be seen, Sir, that the object of the hon. Mover's Amendment is more or less served by sub-clause (2) of clause 51 : "A Panchayat may forward to the proper authority any complaint by any person residing within its jurisdiction against any Government official if it considers that there is *prima facie* evidence for such complaint and with its own remarks on it". But if power is left to the Panchayat to recommend appointment, transfer or dismissal of a Government servant, this will hamper the discharge of duties by the Government servants in regard to direction and superintendence, etc. I therefore oppose the Amendment.

Dr. EMRAN HUSAIN CHAUDHURY : I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment ?

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

The Hon'ble the SPEAKER : The question is :

"That clauses 51 to 64 stand part of the Bill".

The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Speaker, Sir, I beg to move that sub-clause (1) (e) of clause 65, be deleted.

The sub-clause gives power to the Panchayat to levy a tax on marriage, health, water, firewood, education, cattle, boats, cycles and carts at such rate as may be prescribed. In bringing forward this Amendment I have been actuated by the fact that people are poor, and no marriage tax has been levied even by the Central Government. Regarding other items too there are no taxes now. This will be an unjust provision. That is why I pray that this sub-clause be deleted.

The Hon'ble the SPEAKER: Amendment moved:

"That sub-clause (1) (e) of clause 65 be deleted".

The Hon'ble Srijut GOPINATH BARDOLOI: I do not see, Sir, why this power should be taken away from the Panchayat which the Select Committee thought that they should have. It will be seen that one of the items, *viz.*, inheritance, has been dropped. The rest of the subjects should remain if the village Panchayat wants to function properly. I suppose, Sir, exception has been taken to the use of the word "tax", but we do not object when contributions are meant. It was an old custom in the village to make some contribution to the village fund during marriages. This has now ceased to exist though it was an ancient practice. Then, Sir, as regards health, I don't see why the Panchayat should not have power to levy some contribution for maintaining some kind of propaganda or health agency for advising people on preventive measures. Then, Sir, regarding water, if they want to raise a little money for the good of the people, I don't know why they should not have power to raise that money. Then, Sir, sometimes, unclassified forests may be managed by Village Panchayats and it is not understood why the Panchayat should not have power to levy a little tax from those who make use of them. Similarly, Sir, in other small matters such power should be given. I therefore, think, Sir, that we should learn to trust these Panchayats to exercise their power in all these matters, rather than putting obstruction in their way. Taxation is not a pleasant thing with any body and it is presumed that it is only when it is absolutely necessary that the Panchayat will levy these taxes. In view of this, I would request the hon. Mover to withdraw his Amendment.

Maulavi ABDUL HAI: Will there be not some difficulty, Sir? Suppose a tax is levied on a marriage; one party lives in the area in which this Act has been enforced but the other party does not live in that area. How will the tax be collected?

The Hon'ble Srijut GOPINATH BARDOLOI: In the first place power is restricted to the area over which the Panchayat exercises authority. If, however, any co-ordinated action is necessary, the Development Officer will be there through whom such action will be taken.

Maulavi ABDUL HAI: It is not clear to me how the Development Commissioner can levy marriage tax from a party who does not reside in that area.

The Hon'ble Srijut GOPINATH BARDOLOI: Provision is there for such cases. I do not exactly remember the provision now. But in all matters in which jurisdiction falls in two Panchayat areas, there is a machinery by which this can be settled. This would be done mainly through the agency of the Development Officer.

Maulavi ABDUL HAI: The Government are not going to enforce this Act throughout the Province. What will happen in case of a party who resides in an area where the Act has not been enforced?

The Hon'ble Srijut GOPINATH BARDODOI: The tax will be realised at the place where marriage will take place.

Dr. EMRAN HUSAIN CHAUDHURY: Will not this imposition of tax on marriages have a deterring effect on the people in general? Any way, Sir, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER: The Amendment standing in the name of Maulavi Md. Nazmal Haque is the same. Therefore I put the question.

The question is:

"That clauses 65 to 70 stand part of the Bill."

The question was adopted.

(At this stage the clock struck 3 p. m.)

The Hon'ble the SPEAKER: Let us sit for half an hour and finish this Bill.

The Hon'ble Srijut GOPINATH BARDOLOI: It will be seen, Sir, that the rest of the Amendments though cover two pages, will not take much time.

Dr. EMRAN HUSAIN CHAUDHURY: The sense on our side is that we should break up now.

The Hon'ble the SPEAKER: What does Mr. Hardman propose to do?

Mr. J. S. HARDMAN: I shall abide by the decision of the House, Sir.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, we can see the progress for at least 15 minutes.

The Hon'ble the SPEAKER: Clause 71.

Maulavi MD. NAZMAL HAQUE: I am not moving my Amendment in clause 71, Sir.

The Hon'ble the SPEAKER: The question is:

"That clauses 71 to 74 stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: Clause 75.

Maulavi MD. NAZMAL HAQUE: Sir, I beg to move that in sub-clause 2 (i) of clause 75, for the figure "35", the figure "30" be substituted.

Sir, the age limit which has been fixed to 35 for the members of the Panchayati Adalat is very high. The age limit of the Assembly Members is 25. If a

man of 25 can legislate and can rule the Province then why not a man of 30 years be able to be a member of the Panchayati Adalat? Secondly in the villages generally the old people are not so literate as the younger ones. In many cases a man above the age of 30 will not be able to write down the proceedings of the Panchayat. So I suggest that the age limit should be 30 and I hope the hon. Members will agree with me.

Dr. EMRAN HUSAIN CHAUDHURY: I have got a similar Amendment, Sir. If I move it, the Hon'ble Premier can reply together.

Babu KAMINI KUMAR SEN: Sir, the Amendment suggesting age of 25 should come first.

The Hon'ble Srijut BISHNURAM MEDHI: If 30 is rejected then 25 should not come up at all.

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-clause 2 (i) of clause 75, for the figure '35', the figure '30' be substituted."

The Hon'ble Srijut GOPINATH BARDOLOI: I think, Sir, it is to lend a little maturity in judgment to the Panchayati Adalat members that this age has been fixed—what cannot possibly be made up by academic knowledge is sought to be made up by the age and in view of this, I do not think, the hon. Member will feel it necessary to press his Motion.

Dr. EMRAN HUSAIN CHAUDHURY: If one could be a voter at the age of 21, could be a legislator at the age of 25 and also a Cabinet Member, yet one cannot be a member of the Panchayati Adalat unless he has attained the age of 35. You are debarring thereby one from becoming a member of the Cabinet.

The Hon'ble the SPEAKER: What does the hon. Member propose to do?

Maulavi MD. NAZMAL HAQUE: If the Hon'ble Premier does not accept, though my contention is right and if the House do not agree, I must withdraw it.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I have already given the reason why we feel that academic knowledge in these areas can be met by experience. That is why the age has been fixed at a higher level.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER: Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY: I need not move it, Sir, because Government will oppose it.

The Hon'ble the SPEAKER: The question is:

"That clauses 75 and 76 stand part of the Bill".

The question was adopted.

The Hon'ble the SPEAKER : Clause 77.

Maulavi MD. NAZMAL HAQUE : Mr. Speaker, Sir, I beg to move that in the third line of sub-clause 2(i) of clause 77, before the word "prescribed" the word "as" be added and after the word "prescribed" the words "in the Government Servants Conduct Rules" be added.

Sir, the provision under this clause is that a member of a Panchayati Adalat may be removed from his office by the District Magistrate or Subdivisional Magistrate for reasons prescribed. Sir, here the power has been kept by the Government to make rules. As the members of the Panchayati Adalat will be considered as public servants and as we have got certain rules made to guide the conduct of public servants, I suggest the Panchayat members should also be controlled or guided by the Government Servants Conduct Rules.

The Hon'ble the SPEAKER : Amendment moved :

"That in the third line of sub-clause 2 (i) of clause 77, before the word 'prescribed' the word "as" be added and after the word 'prescribed' the words 'in the Government Servants Conduct Rules' be added".

The Hon'ble Srijut GOPINATH BARDOLOI : I could assure the hon. Member that some of the Government Servants Conduct Rules will be the rules which will be prescribed. But there may be other reasons for having other rules for the Panchayati Adalat. Therefore, rules will be necessary. In view of this I think the hon. Member will not press his Motion.

Maulavi MD. NAZMAL HAQUE : Sir, under the circumstances, I beg leave of the House to withdraw my Amendment.

The Hon'ble the SPEAKER : Has the hon. Member leave of the House to withdraw his Amendment ?

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

The question is :

"That clauses 77-82 stand part of the Bill".

The question was adopted.

Dr. EMRAN HUSAIN CHAUDHURY : Sir, I beg, to move that in sub-clause (a) of clause 83, the following figures be omitted :—

"109, 111, 113, 114, 140, 143, 144, 145, 147, 149, 150, 151, 153, 155, 157, 158, 309, 334, 336, 342, 343, 354, 357, 358, 374, 379, 380, 411, 426, 427, 428, 447, 448, 451, and 508". It can be appreciated only if I read the clause which runs thus: "Offences under the following enactments and sections, if committed within the jurisdiction of a Panchayati Adalat as well as abetments of and attempts to commit such offences shall be cognizable by such a Panchayati Adalat, etc." In my humble opinion very large powers are intended to be given to the village folk. Even there is provision for preferring appeals in the higher courts against the decisions of the lower courts in connection with such offences. So I cannot imagine that these village people who have never studied law and who cannot appreciate legal points should all of a sudden be empowered with such powers as contained in the Bill to decide certain sections of the Indian Penal Code. Without speaking at length I should like to invite the attention of Government whether or not these powers can be judiciously conferred on village people who have no knowledge of law whatsoever and when Assam has not yet got a High Court. Therefore, Sir, I hope these figures will be deleted.

The Hon'ble the SPEAKER : Amendment moved :

"That in sub-clause (a) of clause 83, the following figures be omitted :—

'109, 111, 113, 114, 140, 143, 144, 145, 147, 149, 150, 151, 153, 155, 157, 158, 309, 334, 336, 342, 343, 354, 357, 358, 374, 379, 380, 411, 426, 427, 428, 447, 448, 451 and 508'".

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, on this clause the Select Committee passed several hours. We had as a matter of fact to postpone discussion for a day in order to look into the implications of these sections. I should further like to inform the hon. Members of the House that the opinion of the Legal Remembrancer was taken in this case. It was found on examination that these sections not only do not give large powers to the Panchayati Adalat, but that offences under these sections actually are all triable by the Third Class Magistrates. Sir, you may take into consideration the maximum powers that we are proposing to give to the Panchayati Adalat, namely, a fine of Rs.250 only. I would like to assure the House that we have been very particular in scrutinising all the powers which are to be given to the Panchayati Adalat and it is after full discussion that we came to the conclusion that powers under two sections, namely, sections 500 and 511, which were in the original draft of the Bill, could not be entrusted to their jurisdiction—not because large powers were involved thereby but because of the fact that administration under these Sections required certain legal acumen and knowledge to understand them. Therefore, Sir, it was considered necessary to take out these two sections from the list that was presented before the House. The rest of the sections are triable by the Third Class Magistrates, as I have already said. So, although they appear to be big sections they do not involve large powers for administration. Therefore I feel, Sir, that there is no justification for any apprehension that we are going to give large powers to the Panchayati Adalat. I again like to inform the hon. Members that these sections have been put in the Bill after careful scrutiny. With these words, Sir, I hope the hon. Member would withdraw his Amendment.

Dr. EMRAN HUSAIN CHAUDHURY: I have, Sir, no other option but to ask for leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House to withdraw his Amendment?

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

The Hon'ble the SPEAKER: Maulavi Muhammad Nazmal Haque may move his Amendment. I find that the figures he mentions in his first Amendment have already been included in the preceding Amendment of Dr. Emran Husain. So he may move the Amendment No. (2) only.

Maulavi MD. NAZMAL HAQUE: I beg to move, Sir, that the sub-clause (g) of clause 83 be deleted. By this sub-clause Government are proposing to give some other powers to the Panchayat by keeping the rights in their hands, in which case the Legislatures will have no chance of knowing what powers are being given and have no powers to scrutinise them. Thus the Government will encroach upon the law making power of the Legislative Body.

The Hon'ble the SPEAKER: Amendment moved:

'That the sub-clause (g) of clause 83, be deleted'.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, by this sub-clause Government proposes to give certain jurisdiction to the Panchayati Adalat provided Government is satisfied that such powers can be given to them. It will be seen from clause 74 that Government have retained the right of withdrawing powers under the clauses which we have already passed. It should also be left to the Government to see whether any power can be given to the Adalat. In view of this, Sir, I hope the hon. Member will withdraw his Amendment.

Maulavi MD. NAZMAL HAQUE: Sir, I am rather compelled to beg leave of the House to withdraw my Motion.

The Hon'ble the SPEAKER: Has the hon. Member leave of the House withdraw his Amendment?

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

The Hon'ble the SPEAKER: The question is :

“That clauses 83 to 86 stand part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER: Clause No. 87.

Maulavi MD. NAZMAL HAQUE: Mr. Speaker, Sir, I beg to move that in the second line of clause 87, after the word “fixed” the words “without any reasonable ground” be added.

My intention in moving this Amendment, Sir, is to give a certain time to the complainant, because here it says—“If a complainant fails to appear before A Panchayati Adalat on the day fixed, or if in its opinion he shows negligence in prosecution of his case, it may dismiss the case for default and discharge the accused person by order in writing”—if no provision is made to give certain laxities to the complainant, the Panchayat may at once dismiss the case. In that case the complainant will have no right to revive the case. Generally we find, Sir, that in all law courts complainants are given some time if they appear a bit later. My contention, therefore, is that if my Amendment is accepted, the Panchayat may wait for some time to see whether the complainant appears or not.

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

The Hon'ble the SPEAKER: Amendment moved :

“That in the second line of Clause 87 after the word ‘fixed’ the words ‘without any reasonable ground’ be added.”

(At this stage the Hon'ble Speaker left the Chair and the Chairman Mr. Kamini Kumar Sen occupied it.)

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, this Clause has received the consideration of the Government.

Regarding the absence of the complainant in a complaint case, I feel, Sir, that this Amendment has two clear defects. The first is that the hon. Mover says that if a complainant “fails to appear before a Panchayati Adalat without any reasonable ground”—I ask, when that stage comes? It comes at a subsequent stage and not on the same day, i.e., on the day when the case is fixed for hearing, if he fails to appear, the case is dismissed according to law. My second argument, Sir, against the proposition of the hon. Mover is that even in trying to lengthen the proceedings by another day, we do not really mean to lengthen the litigation. That is something which the Bill does not propose

to sanction. Therefore, Sir, I think that the Amendment should be withdrawn. Another thing I want to add is that if the accuse only got discharged in such a case, the complainant can lodge a fresh complaint if he wants to.

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

Maulavi MD. NAZMAL HAQUE: On the elucidation made by the Hon'ble Prime Minister, I beg leave of the House, Sir to withdraw my Amendment.

Mr. KAMINI KUMAR SEN (Chairman): Has the hon. Member leave of the House to withdraw his Amendment?

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

The question is:

“That Clauses 87 to 91 stand part of the Bill.”

The question was adopted.

Maulavi MD. NAZMAL HAQUE: Mr. Speaker, Sir, I beg to move that in the second line of sub-clause (1) of Clause 92, for the figure “250” the figure “100” be substituted:

In this connection I beg, Sir, to say that by this clause the power of a First Class Magistrate has been given to the Panchayati Adalat. A Third Class Magistrate cannot fine more than Rs. 50 and a Second Class Magistrate more than Rs. 200, but here a Panchayat has been given power to impose a fine of Rs. 250. I feel, Sir, that if the House gives such large powers to the untrained Panchayat, there will surely be miscarriage of justice as there will be always a tendency to inflict more fines in order to increase their funds. I, therefore, think and rightly think that the power of the Panchayati Adalat should be limited to Rs. 100 only.

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

Mr. KAMINI KUMAR SEN (Chairman): Amendment moved:

“That, in the second line of sub-clause (1) of Clause 92, for the figure “250” the figure “100” be substituted.”

Dr. EMRAN HUSAIN CHAUDHURY: Mr. Speaker, Sir, I have got also an Amendment standing in my name on this clause No. 92, but in view of the stern attitude taken by the Government in refusing all our Amendments, I do not propose to move my Amendment. So I heartily support the Amendment moved by my hon. Friend and I also contend that the Panchayat should not be empowered to fine a person more than Rs. 100 in view of the proverbial poverty of our villagers.

The Hon'ble Srijiit GOPINATH BARDOLOI: Mr. Speaker, Sir, as I have already said in connection with another Motion that the sum of Rs. 200 is not a very big sum in these days; for the same reason I do not think that Rs. 250 is a big sum either if that figure is to be the maximum. In this connection I may inform the House that the Select Committee also has cut the powers of the Panchayat and I think we should be able to trust these Adalats

with the powers proposed by giving them the right to impose fine to the extent of Rs. 250. I therefore request the hon. Mover to withdraw his Amendment.

Maulavi MD. NAZMAL HAQUE: Sir, though not satisfied with the reply given by the Hon'ble Prime Minister I beg leave of the House to withdraw my Motion.

Mr. KAMINI KUMAR SEN (Chairman): Has the hon. Member leave of the House to withdraw his Amendment?

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

Mr. KAMINI KUMAR SEN (Chairman): The question is:

"That Clauses 92 to 94, stand part of the Bill."

The question was adopted.

Is it the sense of the House that we should sit longer?

The Hon'ble Srijut BISHNURAM MEDHI: We should finish this Bill.

Mr. KAMINI KUMAR SEN (Chairman): I take it that it is the sense of the House to sit longer.

Maulavi MD. NAZMAL HAQUE: Sir, on finding that all our Motions and Amendments are not accepted by Government, I find it useless to move my other Amendments. I therefore, beg leave of the House to withdraw all my Amendments.

Mr. KAMINI KUMAR SEN (Chairman): Amendment No. 29 standing in the name of Dr. Emran Husain Chaudhury.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I beg to move that in the third line of sub-clause (1) of clause 95, for the words "fifteen days" the words "two months" be substituted.

I am moving this Amendment with the hope that the House will accept this. I am not so much disappointed with the replies given by the Government as my hon. Friend, Mr. Nazmal Haque, has been. I hope this Amendment will be accepted because the period of 15 days is too short a time and some more time should be allowed to the poor people if they find themselves in unfortunate conditions.

Mr. KAMINI KUMAR SEN (Chairman): The Amendment moved:

"That in the third line of sub-clause (1) of clause 95, for the words 'fifteen days' the words 'two months' be substituted."

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Chairman, Sir, it would be seen that there would be no bar on the part of the persons fine to get time, from time to time, to pay the fine. What the Panchayat Adalat will do is stated there in sub-clause (2). I read it, "If after the expiry of the said fifteen days the amount remains unpaid, the Adalat shall proceed to recover under the provisions of Section 386 of the Code of Criminal Procedure and may if it finds any difficulty in its recovery certify the fact to the District Magistrate or the Sub-divisional Magistrate within whose jurisdiction the Adalat lies and such Magistrate

shall recover it as if the sentence of fine or the award of compensation had been passed by him, and remit the amount to the Adalat." So in cases where it will not be possible for the Adalat to realise the fine it will go to the District Magistrate. It is well known that fines are realised as soon as possible; and the more the delay the remoter is the chance to realise it by usual means. In view of this, I hope, the hon. Mover will withdraw his Amendment.

Dr. EMRAN HUSAIN CHAUDHURY: In vain I hoped against hope and I am now compelled by Government to withdraw my Amendment. So I beg to withdraw my Amendment.

Mr. KAMINI-KUMAR SEN (Chairman): Has the hon. Member leave of the House to withdraw his Amendment?

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

Mr. KAMINI KUMAR SEN (Chairman): What about the second Amendment?

Dr. EMRAN HUSAIN CHAUDHURY: I do not feel encouraged to move it.

Mr. KAMINI KUMAR SEN: (Chairman) The question is:

"That Clause 95 stands part of the Bill."

The question was adopted.

Mr. KAMINI KUMAR SEN: (Chairman) Clause 96.

Dr. EMRAN HUSAIN CHAUDHURY: This time the House must accept my Amendments, Sir.

Sir, I beg to move that in the fourth line of sub-clause (1) of clause 96, after the words "the Sessions Judges" the words "or the District Magistrate" be added.

I find that clause 96 states, "No Panchayati Adalat shall have any power to revise any sentence or order passed by itself nor shall such order or sentence be subject to appeal or revision by any court except that the Sessions Judge having jurisdiction over the area concerned may set aside or modify any conviction, order, or sentence on the ground of want of jurisdiction, corruption, partiality, or misconduct on the part of the Adalat or any member thereof, or on the ground that there has been a miscarriage of justice." Sir, I think, it would be very proper and judicious to insert the words, "or the District Magistrate" after "the Sessions Judge". I think, the District Magistracy should also be given some power to look into the matter. That is the purpose with which I am actuated to move this Amendment.

Mr. KAMINI KUMAR SEN: (Chairman) Amendment moved:

"That in the fourth line of sub-clause (1) of clause 96, after the words 'the Sessions Judge', the words 'or the District Magistrate' be added."

Srijut NILMANI PHOOKAN: Sir, I beg to oppose this Motion because the separation of judiciary and the executive has been an old cry, as old as the Congress itself and this twin have already done more harm in the country in many cases and it is an undeniable fact that the trio of executive, judiciary and

the police had been doing much harm to the people during the Bureautic regime. Now we are under a National Government. When we are trying to bring to an end this twin, why should we introduce this in the small and simple affairs of the village people's life? It will not, on principle, be tolerable. We have not much faith in the District Magistracy even now.

Dr. EMRAN HUSAIN CHAUDHURY: Is it not a reflection on the District Magistrates in general?

Srijut NILMANI PHOOKAN: Whatever belief or confidence we have in the judiciary, we should try to make it applicable in the villages. So, I would advise my hon. Friend to withdraw his Motion, not as a matter of fact, but as a matter of principle, for which we have been suffering for more than six decades.

Maulavi ABDUL HAI: Mr. Chairman, Sir, just hearing the argument advanced by my hon. Friend, Mr. Phookan, I am a bit surprised. The Hon'ble Premier on certain previous occasion in these days said that this Bill has three parts, *viz.*, one part deals with (1) Criminal Justice, another part with (2) Civil Justice and the third part with (3) Jurisdiction. Now, Mr. Phookan says that if the Amendment of Dr. Emran Husain is accepted then we are going to combine executive and judiciary. But executive and judiciary are already combined in the Bill under consideration. We will surely support if the judiciary is altogether separated from the executive for which we are crying hoarse for the last few years.

Now, the intention of this Amendment is that the people for whose benefit this Bill has been brought is to give justice at a low cost and at an early date. As District Judges have not been appointed in Assam for every district and as there is only one District Judge and one Additional Judge and as there might be some increase of the Subordinate Judges alone, the intention will not be fulfilled. But if the power is given to the District Magistrate, the District Magistrate will be available in every district, and when the District Magistrate will be available in every district it will be convenient for the litigant public or the people who are affected by the decision of the Panchayat will come to the District Magistrate and get some relief. So, I said that if this Amendment was accepted it would help the people to get justice.

The Hon'ble Srijut GOPINATH BARDOLOI: I may inform the hon. Mover of this Motion as also the hon. Friends who took part in the discussion that the Select Committee gave anxious consideration to this subject. It is true that if the District Magistrates are given the power of judging these cases also justice given might have been more expeditious. But it is very difficult to say that the justice could be as free from bias as possibly we desire it to have. It will be seen that the District Magistrate is also the Deputy Commissioner. Under the Act he will have ample power of knowing almost everything that would be going on in these Panchayati Adalats as well as in the executive of the Panchayats. Therefore while we thought he should exercise summary jurisdiction, he should exercise them from the point of view of administration only. I have already mentioned to this hon. House how we were trying to implement this Act through three different machineries; and after careful consideration we thought that the District Magistrate or the Deputy Commissioner should not, at present at any rate, be allowed to have any hand in the administration of justice. The Amendment suffers from two defects. If the power is given to the District Magistrate it should not have been left to the Judges at all. But the Amendment is that either the District Magistrate or District Judge.....

Maulavi ABDUL HAI: Cannot the District Judge be given concurrent power?

The Hon'ble Srijut GOPINATH BARDOLOI: But at any rate at present the Amendment proposes to give power without defining the jurisdiction. My point of view is this: we shall carry on this experiment for at least one reason. The District Judge or Additional District Judge will be far away and justice sought for by these people will not be very cheap. That will atleast be one handicap against constant litigation and interference in very small and unimportant cases by judicial authority. We would like to examine the experiment how these Panchayati courts actually carry out their duties. You will be pleased to find that there is provision for withdrawing powers from them or of investing more powers on them. But I feel it would be just wise on our part to see how the structure proposed works. With these words, I request the hon. Member to withdraw his Motion.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I beg leave of the House to withdraw my Amendment.

Mr. KAMINI KUMAR SEN (Chairman): Has the hon. Member leave of the House to withdraw his Amendment?

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

Mr. KAMINI KUMAR SEN (Chairman): Is the hon. Member going to move his other Amendment?

Dr. EMRAN HUSAIN CHAUDHURY: The other Motions are consequential. At the same time I find Government is so adamant that I am tired. So I am not going to move any other Motions.

Mr. KAMINI KUMAR SEN (Chairman): So you are not going to move any other Motions?

The question is:

"That clauses 96 to 143 stand part of the Bill".

The question was adopted.

The question is:

"That Schedule A of the Bill stands part of the Bill."

The question was adopted.

The question is:

"That the Title and Preamble of the Bill stand part of the Bill."

The question was adopted.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I beg to move that the Assam Rural Panchayat Bill, 1948, as amended, be passed.

Maulavi ABDUL HAI: I want to point out one omission as regards clause 23. In view of the Amendment moved by my hon. Friend Mr. Purna Chandra

Sarma to clause 22, I think, there should be some insertion. So I draw the attention of the Hon'ble Premier to this.

Mr. KAMINI KUMAR SEN (Chairman): You think that some omission has been made in clause 23?

Maulavi ABDUL HAI: There was no Amendment, but my hon. Friend, Mr. Purna Chandra Sarma, has made some Amendments in clause 22. So some consequential Amendment, I think, is necessary in clause 23.

Sir, I want to draw attention to an omission in clause 23. Clause 22 has been amended by inserting the words "or Primary Panchayat Executive Committee, as the case may be". I therefore think that there should be similar insertion in clause 23, i.e., after the word "Panchayat" in line 3 of sub-clause (1), the words "or a Primary Panchayat Executive Committee, as the case may be" should be inserted. The clause will then read "If a vacancy in the office of a President arises by reason of his death, recall, removal or resignation a Panchayat or a Primary Panchayat Executive Committee, as the case may be, shall at a meeting within a month elect from among its members a new President."

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, this will be covered by sub-clause (2) of clause 15, which states, "If a President, Vice-President or a member of the Primary Panchayat Executive Committee dies, resigns or otherwise a vacancy is created the Primary Panchayat shall in a meeting fill up such vacancy through election as prescribed".

Sir, I have to thank sincerely the hon. Members of this House who had participated in the deliberations on the report of the Select Committee for the many valuable suggestions they had given to improve the Bill and I can assure the House that almost all the points that have been raised here were discussed by the Select Committee, and their conclusions have been embodied in the report that had been placed before the House. If I opposed all the Amendments, it is because of that very important fact. What I have been able to find out from the implication of the Amendments is that we are suffering from a lack of confidence in the capacity of the people of the villages. That may be to some extent justified. But some Members have mentioned about corruption in villages. We have seen how even our Courts—I do not mean the persons presiding over the Courts, but those in the surroundings of the Courts—are full of corruption. It seems Sir, in recent years people are gradually losing faith in the morals of mankind. That, I think, is the principal reason for these Amendments. But if humanity is to rise to its heights, we must learn to trust. May be the villages will commit errors. Are we not committing hundreds of errors, every day? So we should be tolerant enough to allow some errors to be committed by the people in the villages also. What is being proposed by this Bill is to give certain powers to villagers to govern themselves in all spheres of village activity. And we believe, Sir, that they will be able to exercise them in order to learn not merely to be true citizens of the State, but also to govern themselves. I feel that the villagers will require all the help and co-operation that we can possibly give them. If we are prepared to give them this, I do not see why the high principles according to which the Bill has been framed will not be respected. I appeal for that co-operation from all the hon. Members of this House, I appeal for that co-operation from all people outside. I personally feel, Sir, that on the proper administration of this Bill will depend the future of Assam.

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

Mr. KAMINI KUMAR SEN (Chairman) : Motion moved :

“That the Assam Rural Panchayat Bill, 1948, as amended, be passed”.

(After a pause)

The question is :

“That the Assam Rural Panchayat Bill, 1948, as amended, be passed”.

The question was adopted. *(With applause).*

Adjournment

The Assembly was then adjourned till 1-30 P.M., on Friday, the 2nd April 1948.

SHILLONG :

The 11th June, 1948.

A. K. BARUA,

Secretary, Assam Legislative Assembly.