

**Proceedings of the Sixth Session of the Second Assam Legislative
Assembly assembled under the provisions of the Govern-
ment of India Act, 1935, as adapted**

The Assembly met in the Assembly Chamber, Shillong at 10 A.M. on
Tuesday, the 29th March, 1949.

P R E S E N T

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Acquisition of surplus Tea lands

Srijut DALBIR SINGH LOHAR asked :

*14. Will Government be pleased to refer to the reply given to Starred Question No.7 asked by the Questioner in the Assembly on the 16th September, 1948 (c. f. page 1005 of the Assembly Proceedings) and state what steps have been taken for acquiring the lands utilised by the Tea companies for purposes other than growing of tea in Dibrugarh Subdivision ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

14.—At present the various grantees are given option to surrender the surplus land in their respective grants which is not required for development of the Tea Industry. In case of failure to do so Government will take up the matter regarding acquisition of land surplus to requirement.

Eviction of trespassers from Bokokhosa Grazing Reserve

Srijut DALBIR SINGH LOHAR asked :

*15. (a) Is it a fact that discrimination is made in evicting trespassers from village grazing and professional grazing reserves in Dibrugarh ?

(b) Is it a fact that trespassers in Bokokhosa village grazing in Tingkhang were forcibly evicted and the trespassers from Garomara professional grazing reserve have been allowed to continue in their possession although the trespassers undertook to quit the land in October 1946 ?

(c) Are Government aware that the evictees from Bokokhosa grazing were victims of river erosion ?

(d) If so, what steps Government are taking to habilitate them ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

15. (a)—No. The Resolution of July 1945 governs all such evictions.

(b)—Government have no information about the evictions in Bokokhosa village grazing ground. As regards the Garomara professional grazing reserve it is a fact that eviction has been stayed pending demarcation of a portion of the

professional grazing reserve to be dereserved and settled with the protected Miri and other encroachers ordered for eviction in accordance with the agreement arrived at between parties.

(c)—No.

(d)—Does not arise.

Abolition of liquor shop at Chapor

Srijut SARAT CHANDRA SINHA asked :

*16. Will Government be pleased to state—

(a) Whether Government have received any representations praying for abolition of the liquor shop at Chapor ?

(b) What action has been taken on these representations ?

(c) Whether Government propose to abolish it without further delay ?

The Hon'ble Maulana MD. TAYYEBULLA replied :

16. (a)—Yes.

(b)—The public of Chapor have been advised to take action in accordance with the various provisions of the Assam Temperance Act, 1926 and the rules made under section 16 of the Act at pages 231-42 of the Assam Excise Manual, Vol. I.

(c) Government will consider the desirability or otherwise of abolishing the shop on receipt of further report on the action taken under the Assam Temperance Act, 1926.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Raiwatary System of Land Revenue

Raja AJIT NARAYAN DEV of Sidli asked :

105. (a) Will Government be pleased to state—

(i) If the *Raiwatary* system of land Revenue is prevalent in the Mouzas of Ripu, Guma, Chirang, Sidli and Bijni and also in the neighbouring district of Kamrup ;

(ii) If the land records are maintained in the same way in all the areas mentioned above ;

(iii) If the relationship between the land-lord and tenants and between land-holders and their tenants are governed by the same law, *i.e.*, Temporarily Settled Districts Act ?

(b) If the answer to questions at (a) above are in the affirmative do Government propose to introduce different reforms in different Mouzas ?

Srijut HARESWAR DAS (Parliamentary Secretary) replied :

105. (a)(i)—The attention of the hon. Member is drawn to the second paragraph at page XXXII and the second paragraph at page XXXIV of the Introduction to the Assam Land Revenue Manual.

(ii)—So long as the areas mentioned above are under the same management, the land-records are maintained in the same way.

(iii)—Yes. The Assam (Temporarily-Settled Districts) Tenancy Act, 1935 was extended to all the temporarily-settled areas of the Goalpara district in 1943.

(b)—Since the answers to all the questions under (a) are not directly in the affirmative, this question does not arise.

Establishment of Village Authority at Sonaibazar in Cachar

Babu BIDYAPATI SINGHA asked :

106. Will Government be pleased to state—

(a) Whether they have received repeated public representation for establishing a Village Authority at Sonaibazar in Cachar ?

(b) If so, what steps have been taken up by Government for the purpose ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

106. (a)—Yes.

(b)—The Deputy Commissioner has been asked to submit a concrete proposal.

***Babu BIDYAPATI SINGHA** : Sir, if the Deputy Commissioner recommends for the establishment of the said Village Authority, whether the Government will consider the desirability of establishing the same ?

The Hon'ble the SPEAKER : This is a hypothetical question.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, I have already stated that the Deputy Commissioner has been asked to submit a concrete proposal.

Ghagra River Bed Blasting Project

Babu BIDYAPATI SINGHA asked :

107. (a) Is it a fact that some Government papers relating to Ghagra River bed blasting project were either manipulated or tampered?

(b) If so, what steps are being taken in the matter?

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

107. (a) & (b)—No Government papers relating to this project were either manipulated or tampered with.

Road communications in Backward Tribal Areas of Goalpara District

Raja AJIT NARAYAN DEV of Sidli asked :

108. Will Government be pleased to state—

(a) If they are aware that the public of the backward Tribal areas of Haltugaon, Balajan, Chimborgaon, etc. in the Kokrajhar

*Speech not corrected.

Police Station in Dhubri subdivision are demanding that the roads between Haltugaon and Patgaon *via* Chimborgaon and between Balajan and Basugaon should be taken up by the Public Works Department ?

(b) If so, whether Government propose to take any steps to satisfy the demand ?

(c) If not, whether Government propose to hold an early inquiry as to whether there is any existence of this demand ?

109. (a) Is it a fact that some addresses were present to His Excellency the Governor of Assam during his tour of the backward Tribal areas of Sidli and Kokrajhar Police Station requesting the Government to take up some roads ?

(b) Do Government propose to take any steps in the light of those representations ?

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

108. (a)—Yes.

(b)—This is being examined.

(c)—This does not arise.

109. (a) & (b)—The need for road development in Tribal Areas attracted notice of His Excellency the Governor. Certain schemes relating to those areas are under consideration by Government.

Scarcity of Kerosene Oil in the Darrang District

Mr. BINODE KUMAR J. SARWAN asked :

110. (a) Are Government aware that there was great scarcity of kerosene oil in many places in Assam, particularly in the Darrang District from November, 1948 to January, 1949 and that the people had either to go without any light whatsoever or they had to depend on costly candles or mustard oil ?

(b) Are Government aware that outside the limits of the town of Tezpur there is no arrangement of electric lights in the District and within the town area itself many holdings go without electric lights for financial or other reasons ?

(c) Do Government propose to enquire as to who is or are responsible for this scarcity of kerosene oil for such a long time ?

(d) If the scarcity was due to the negligence of the Agent, will Government be pleased to take necessary steps for changing the Agency at an early date ?

(e) If the scarcity was due to the negligence of either the Railway or Steamer Company, what steps Government propose to take to prevent repetition of such negligence in future ?

(f) Are Government aware that the scarcity of petrol had not been found in the same area when kerosene oil was so scarce ?

(g) Do Government propose to enquire as to how the supply of petrol could be managed, while scarcity of kerosene oil was greatly felt during the period ?

(h) Do Government propose to compensate the members of the public for the loss incurred by them in connection with the purchase of candles and mustard oil in absence of kerosene oil specially during the days when the examinations of educational institutions were on ?

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary) replied :

110. (a)—Government received reports about scarcity of kerosene oil from North Lakhimpur Subdivision and Darrang District, during the period from November, 1948 to January, 1949.

(b)—Yes.

(c)—Government have enquired into the causes. The scarcity was mainly due to transport difficulties.

(d)—Does not arise.

(e)—Government have since taken up this question with M/S. A. O. C. and the Railways and Steamer Cos. to ensure regular supplies in future.

(f)—There was occasional shortage of petrol as well necessitating restricted issues.

(g)—Does not arise.

(h)—No.

Mr. BINODE KUMAR J. SARWAN: With regard to question No. 110 (b) Sir, are Government aware that the tax-payers of the Tezpur Municipality are going without electric light or kerosene light?

Will Government please move the Tezpur Municipality to provide lights?

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary): Sir, I think for that purpose those who want electricity should apply to the Municipal Board. I don't see why the Government should step in.

Mr. BINODE KUMAR J. SARWAN: Sir, I urge upon the Government that this is a case of neglect. The people have to go without light as they have to go without water. The Municipality is not supplying any light. If the Government strongly move the Municipality they will supply light.

The Hon'ble the SPEAKER: Will Government direct the Municipality?

***The Hon'ble Srijut BISHNURAM MEDHI:** Sir, the Municipality is an autonomous Body. We do not like to interfere in their affairs. My hon. Friend is crying hoarse, the democracy is there in the Municipality.

Prof. P. M. SARWAN: Scarcity was made due to transport difficulty. Why cannot Government overcome all these difficulties for transport? Government have supreme power in the Province.

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary): There is no doubt that the Government is trying to solve the transport difficulty. In spite of Government's effort, there are certain difficulties which they have not been able to overcome.

Scarcity of Kerosene Oil in the Tezpur Subdivision

Srijut Bijoy CHANDRA BHAGAVATI asked :

111. Will Government be pleased to state—

(a) How many gallons of kerosene oil is allotted for the different Depots in the Subdivision of Tezpur per quarter?

- (b) How many gallons actually arrived different depots in the Tezpur Subdivision during the last two quarters ?
- (c) How many gallons of the due quota, the different depots in the Tezpur Subdivision have yet to get on the 10th February, 1949 ?
- (d) Whether Government are aware of the acute scarcity of kerosene oil in the Tezpur Subdivision for the last three months and the hardship and loss caused there to the public more particularly to the students at their examination times ?
- (e) Whether Government are aware that kerosene oil became absolutely unavailable for weeks in the months of last December and January ?
- (f) What are the reasons for this scarcity ?
- (g) What steps Government have taken for ensuring regular and timely supply of kerosene to the Tezpur Depots in future ?
- (h) Whether Government propose to take special measures for stocking sufficient gallons of kerosene in the depots for meeting the demand arising out of emergency when monthly or quarterly quota does not arrive in time ?
- (i) Whether Government propose to take necessary steps for finding out and punishing the persons or person for whose negligence or laxity, supply of kerosene to the Tezpur Subdivision have been so irregular ?

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary)
replied :

111. (a)—Quarterly allotment for the different depots in the Tezpur Subdivision—

Burma Oil Company Depot, Tezpur	...	...	51,039	gallons.
" " Biswanath	..	...	32,538	"
" " Gamiri	...	...	15,579	"
" " Rangapara	...	...	7,788	"
" " Dhekiajuli	...	...	21,240	"
(including Mazbat area of Mangaldai Subdivision)				
Standard Vacum Oil Company Depot, Tezpur	...	...	8,400	"
" " " Rangapara	...	...	1,800	"
Total			1,38,384	"

(b)—Stocks actually received at the different depots during the last two quarters—

		October to December 1948	January to March 1949
Burma Oil Company Depot, Tezpur	...	17,357 gallons	40,427 gallons.
" " Biswanath	...	10,908	22,473 "
" " Gamiri	...	3,960	15,526 "
" " Rangapara	...	5,443	9,158 "
" " Dhekiajuli	...	20,420	15,072 "
(including Mazbat area)			(including Mazbat area.)

Standard Vacum Oil Company Depot, Tezpur	Nil	gallons	Nil	gallons.
" " " Rangapara	1,136	"	Nil	"

Total 59,224 " 1,02,656 "

(c)—Arrears due on the 10th February 1949 at the different depots—

Burma Oil Company Depot, Tezpur	...	22,925	gallons.
" " Biswanath	...	18,454	"
" " Gamiri	...	5,351	"
" " Rangapara	...	Nil	"
" " Dhekiajuli	...	3,616	"
Standard Vacum Oil Company Depot, Tezpur...		15,624	"
" " Rangapara		1,264	"
Total	...	67,235	"

(d) and (e)—There was scarcity of kerosene oil throughout the Subdivision during the months from November, 1948 to January, 1949.

(f)—Scarcity was due to transport difficulties. In some cases the flats carrying kerosene oil from Dibrugarh-ghat took an unusually long time in arriving at destinations in the Tezpur Subdivision.

(g)—Messrs. Burma Oil Company (India Trading), Ltd., Digboi have been directed to despatch the monthly quota well in advance to prevent future scarcity.

(h)—Messrs. Burma Oil Company has been asked to build up reserves in all stations to meet emergencies.

(i)—Does not arise.

Improvement of Road Communications in Goalpara District

✓ **Maulavi MUHAMMAD ABUL KASHEM** asked :

112. (a) Will Government be pleased to state whether they have decided to take up the Sadartila-Kakripara Road under Mankachar Police Station in Goalpara district this year under the Post-War Reconstruction Scheme ?

(b) What steps Government have taken to implement the assurance given during the last Session of the Assembly for considering the question of increasing village roads in Mankachar Thana of Goalpara District due to paucity of such roads ?

113 (a) Will Government be pleased to state whether they have decided to take up the Sukchar-Dadbanga Road in South Salmara of Goalpara District this year under the Post-War Reconstruction Scheme ?

(b) If so, do Government propose to construct a fair weather or all-weather Road ?

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

112. (a)—No.

(b)—Government are not aware of which assurance is referred to by the hon. Member.

Improvement of Phulbari-Halidayganj and Halidayganj-Garobadha Roads is contemplated when funds permit.

113. (a)—No.

(b)—Does not arise.

Assam Road Communications Board

Maulavi MUHAMMAD ABUL KASHEM asked :

114. (a) Will Government be pleased to state the names and designations of all members of the Assam Road Communications Board ?

(b) Are Government aware that it is an accepted principle that all the Committees formed in the House should represent the House in miniature ?

(c) If reply is in affirmative, do Government propose to reconstitute the Board accordingly ?

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

114. (a)—A list is given below :—

Name and designation of the Members, Assam Road Communications Board

- | | |
|--|--|
| 1. Hon'ble Minister-in-charge of Public Works ... Department. | Chairman. |
| 2. Hon'ble Minister-in-charge of Transport | } Members. |
| 3. Chief Engineer and Secretary, Public Works Department. | |
| 4. Secretary to the Government of Assam, Finance Department. | |
| 5. Chief Engineer (Additional). | |
| 6. Superintending Engineer (Northern Circle) | } Ex-officio Joint-Secretaries. |
| 7. Superintending Engineer (Southern Circle) | |
| 8. Superintending Engineer (Central Circle) | |
| 9. Mr. J. S. Hardman, the Leader of the European Planters and Commerce and Industry or the European Group in the Assembly or any one nominated by the Group. | } Member. |
| 10. Srijut Harendra Nath Sarma, B.L., M.L.A. | Representative of the Indian Planters in the Assembly. |
| 11. Srijut Siddhinath Sarma, B.L., M.L.A. | } Members elected by Members of Assembly. |
| 12. Srijut Santosh Kumar Barua, B.A., M.L.A. | |
| 13. Srijut Harinarayan Barua, M.L.A. | |
| 14. Srijut Motiram Bora, M.A., B.L., M.L.A. | |
| 15. Shri. Satindra Mohan Dev, M.L.A. | |
| 16. Babu Rabindra Nath Aditya, M.A., B.L., M.L.A. | |
| 17. Babu Jatindra Nath Bhadra, M.L.A. | |
| 18. Hon'ble Srijut Omeo Kumar Das, Minister, Supply. | |
| 19. Mr. Binode Kumar J. Sarwan, M.L.A. | |
| 20. Mr. Moniram Marak, M.L.A. | |
| 21. Mr. Abdur Rashid, M.L.A. | |

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|---|--|
| 22. Srijut Kamala Prasad Agarwalla, M.L.C. | } Members elected by
the Members of
the Council. |
| 23. Maulavi Abdul Mayeed Choudhury, M.L.C. | |
| 24. Maulavi Abdul Bari Choudhury, M.A., B.L., M.L.A. | } Members. Chair-
man, Local Board
nominated by
Government. |
| 25. Babu Akshoy Kumar Das, B.L., M.L.A. | |
| 26. Mr. E. S. Kaye, Joint-Agent, R. S. N. Co., Gauhati. | } Members. Co-opted
by Government. |
| 27. Mr. Larsingh Khyriem, M.L.A. | |
| 28. Srijut Hem Chandra Hazarika, B.L., M.L.A. | |
| 29. Babu Nirendra Nath Deb, B.L., M.L.A. | |

N.B.—At present there are 21 Members instead of 29. The seats of 8 Members have automatically been abolished due to following reasons:—

- (1) Abolition of Post (No. 5 in the list.)
- (2) Abolition of the Council (Nos. 22 & 23 in the list.)
- (3) Partition of Sylhet (Nos. 16, 17, 21, 24 & 29.)

(b)—Government would like all possible interests connected with the purpose of the Committee, being represented thereon in a fair manner.

(c)—This does not arise.

Surveyors and Sub-surveyors under Public Works Department

Srijut HEM CHANDRA HAZARIKA asked :

115. Will Government be pleased to state:—

- (a) Whether they propose to allow Surveyors and Sub-Surveyors under the Public Works Department who are willing to join the Engineering College started by Government to undergo training there?
- (b) Whether Government have received any application from any Surveyors now working under this Government praying for getting such facilities?

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

115. (a)—Proposed Engineering College has not been started yet. Hence the question of allowing surveyors and sub-surveyors under the Public Works Department to join the Engineering College for training does not arise at present.

(b)—No.

Placing of Hill Districts and Excluded Areas under the Jurisdiction of Assam High Court

Mr. LARSINGH KHYRIEM asked :

116. (a) Is it a fact that in pursuance of the Assam High Court Order, 1948, The Hill Districts and the Excluded Areas of Assam have been placed under the jurisdiction of the Assam High Court?

(b) If so, what steps have Government taken to put them under a District and Sessions Judge ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

116. (a)—Clause 4 of the Assam High Court Order, 1948 transferred the final appellate jurisdiction over these areas which formerly vested in His Excellency the Governor to the High Court.

(b)—Under the various Rules for the Administration of Justice in these Areas the Deputy Commissioners, Superintendent or Political Officers exercise powers equivalent to those of a District and Sessions Judge. It is not therefore necessary to appoint separate District and Sessions Judges until and unless these Rules are amended and the Excluded and Hill Areas are brought under the ordinary law.

Construction of Bunds to check Flood

Srijut HARINARAYAN BARUA asked :

117. (a) Are Government aware that the public of Jellengitoo in Simoluguri Mauza (Jorhat) have constructed a Bund from Cintamonigarh to Mokalani to prevent the menace of flood in that area ?

(b) If so, what help if any, is proposed to be given by Government ?

118. (a) Are Government aware that the Embankment and Drainage Department proposed to construct the Bund in the breaches at Rupahimukh ?

(b) If so, why that work has not been begun as yet ?

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

117. (a)—Yes.

(b)—The question has not been considered by Government yet.

118. (a) and (b)—The original proposal of construction of a bund across the breach at Rupahimukh was modified in favour of the proposal to raise the bank of the Brahmaputra upto the normal flood level with help of Leet's stakes gradually in course of about 3 years. This work has been carried on for the last two years with good result and is expected to be completed by April next for the 3rd year.

Utilisation of the proceeds from the Additional Local rates on Tea lands.

Srijut HARINARAYAN BARUA asked :

119. Will Government be pleased to state—

(a) Whether they have received the representation of the Jorhat Local Board for amendment of the "Rules for the administration and utilisation of the proceeds from the additional local rates on Tea lands" as published with Notification No.165-C., dated 16th October, 1939 ?

(b) If so, what action they have taken on it ?

(c) Whether Government propose to amend the said rules and make over the entire receipts to the respective Local Boards ?

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

119. (a)—No.

(b)—Does not arise.

(c)—Not at present.

Report of the Pay Committee

Babu BIDYAPATI SINGHA asked :

120. (a) Is it a fact that when the report of the Pay Committee was out, Graduate Office Assistants in District offices were given the facilities of four higher initial increments ?

(b) Is it a fact that in November last orders were issued by Government to the effect that these graduate Assistants (old entrants) in District offices were deprived of this benefit and that the Government stated that those four increments were granted only to new entrants to attract better type of candidates ?

(c) Is it a fact that orders have since been issued by Government to the effect that those who have drawn bills at higher rates will be allowed to do so upto October 1948 and that the higher initial pay drawn after that period is to be refunded ?

(d) Is so, why ?

(e) Do Government propose to revise their orders with a view to redress the grievances of the graduate Assistants (old entrants) ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

120. (a)—Yes, new entrants only.

(b)—Yes.

(c)—No. Formula for the fixation of pay as recommended by Pay Committee governs the fixation of initial pay of existing assistants including Graduates.

(d)—Does not arise.

(e)—No.

Persons suffering from infectious diseases in Shillong

Mrs. BONILY KHONGMEN asked :

121. (a) Are Government aware—

(i) that people suffering from infectious diseases particularly Tuberculosis are roaming about the town of Shillong ;

(ii) that these people while going about spit here and there and take food in the tea-shops and restaurants thereby spread the infection ;

(iii) that such cases as mentioned above are daily increasing ;

(iv) that such cases could not be admitted to any Hospital or Sanatorium, the patients being either too poor to pay, or too advance for treatment or for lack of accommodation ?

(b) Do Government propose to provide an isolation Hospital or an infirmary ward attached to the existing Hospitals at Shillong ?

The Hon'ble Srijut RAMNATH DAS replied :

121. (a) (i) and (ii)—It may be so.

(iii)—Government have no definite information.

(iv)—Under the existing circumstances it is not possible to provide accommodation to all such cases.

(b)—Provision has been made in the next year's Budget for construction of an isolation ward in the Chest Hospital to give shelter to those patients coming from outside for examination and admission into the Chest Hospital.

***Mrs. BONILY KHONGMEN :** Will Government take it from me that such cases are daily increasing ?

The Hon'ble Srijut RAMNATH DAS : It may be so. We have no definite data about that, Sir.

***Mrs. BONILY KHONGMEN :** Will Government make an enquiry from the Chest Clinic that the number is on the increase ?

The Hon'ble Srijut RAMNATH DAS : Yes, Sir.

***Mrs. BONILY KHONGMEN :** If so, will Government do something to prevent spreading of the disease ?

The Hon'ble Srijut RAMNATH DAS : We are going to construct a 5 bedded ward for those patients who come up to Shillong for examination and admission into the Chest Hospital.

District and Sessions Judge and Subordinate Judge, Upper Assam Districts

Maulavi ABDUL HALIM asked :

122. (a) Will Government be pleased to state whether separate commodious rooms have been provided for the District and Sessions Judge and the Subordinate Judge of Upper Assam Districts at Jorhat for office Assistants and Records for preserving case records and separate chambers for the Judges ?

(b) If not, do Government propose to take necessary steps in this regard ?

123. (a) Are Government aware that office of the District and Sessions Judge, Upper Assam Districts at Jorhat is now located in a very small room and is congestedly accommodated ?

(b) Do Government propose to remove the defect ?

124. (a) Will Government be pleased to state whether they have taken any steps to make a separate establishment and buildings for the District and Sessions Judges at Jorhat to facilitate smooth work of the Judiciary as in Gauhati and in the interest of the litigant public ?

(b) Do Government propose to call for a report from the District and Sessions Judge at Jorhat in this regard ?

(c) Do Government propose to grant necessary funds for buildings and to sanction separate establishments of the Judges ?

125. (a) Are Government aware of the hardships of the litigant public of Lakhimpur and Sibsagar districts when the Sessions Judge of Upper Assam Districts at Jorhat, have to go in circuit right up to Silchar in Cachar District which

is far off from Jorhat but nearer to Gauhati and means of communication between Silchar and Gauhati is more convenient both by Air and Rail, economising time, money and energy than between Silchar and Jorhat or Dibrugarh ?

(b) If so, do Government propose to include Nowgong District to the Upper Assam District and Sessions Judgeship while including Cachar district with the Judgeship of the Lower Assam Districts ?

(c) Do Government propose to arrive at a decision in this matter at an early date ?

126. (a) Is it a fact that the post of the Sub-Judge of Cachar District is sanctioned only up to the 14th May, 1949 ?

(b) If so, do Government instead of extending his term as Subordinate Judge of Cachar District, propose to appoint an Additional District and Sessions Judge with his headquarters at Silchar and invest him with full powers of a Court of Original Civil Jurisdiction and thereby afford proper facilities to the litigant public of the district ?

127. Do Government propose to appoint a Subordinate Judge of Upper Assam Districts also for the Lakhimpur District while withdrawing powers of a Sub-Judge from the Deputy Commissioner of Lakhimpur District, and appoint the Munsif of Dibrugarh as *Ex-officio* Registrar of the Court of the Subordinate Judge of Lakhimpur district so that interim orders, in absence of the Sub-Judge at Jorhat may be passed by a Judicial officer of the rank of a Munsif instead of the Sheristadar drafting and passing all interim orders as at present ?

128. Do Government propose to abolish *Ex-officio* Sub-Judges and appoint Sub-Judges in each head quarters of each district, in view of the present inconvenience in obtaining interim orders necessitated in certain cases, since District Magistrates who are Executive Officers have not sufficient time and scope for judicial work as carefully as should have been ?

129. Are Government aware of the need of providing sheds for the litigants adjoining court premises in each place ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

122. (a) —It has not been possible to provide separate commodious rooms for the Offices of the District and Sessions Judge and the Subordinate Judge, Upper Assam Districts for the dearth of suitable houses at Jorhat.

(b) —Yes, when a suitable house can be made available.

123. (a) —The District and Sessions Judge, Upper Assam Districts represented to Government the insufficiency of the accommodation for his office.

(b) —The hon. Member is referred to the reply to his Question No.122(b).

124. (a), (b) & (c) —Separate establishment has already been sanctioned for the District and Sessions Judge, Upper Assam Districts.

The question of constructing separate buildings has not been taken up as yet as the posts of District and Sessions Judge and Subordinate Judge, Upper Assam Districts has been sanctioned temporarily only for a year. These questions will be taken up if it is decided to make these posts permanent.

125. (a) —Silchar is only 7 miles further off from Jorhat by Rail than from Gauhati. The question of air communication does not arise since Judges in circuit are not entitled to travel by air.

(b)—No ; as this will introduce the same difficulties as has been mentioned by the hon. Member in question (a) above in a more exaggerated form as the Lower Assam Districts are more heavy than the Upper Assam Districts.

(c)—Does not arise.

Maulavi ABDUL HALIM : My question is as regards the hardships of the litigant public of Lakhimpur district about moving any urgent petition when the Sessions Judge of the Upper Assam Districts goes in circuit to Silchar. Silchar is far away from Dibrugarh.

The Hon'ble Srijut RUPNATH BRAHMA : What is the question ?

Maulavi Saiyid MUHAMMAD SAADULLA : What the hon. Member means is what arrangements, if any, Government are going to make for the convenience of the litigant public as regards obtaining bail from Sessions and District Judge when he will be on circuit in far away Silchar ?

The Hon'ble Srijut RUPNATH BRAHMA : Petitions and applications can, I think, be submitted at the headquarters at Jorhat.

Maulavi ABDUL HALIM : It will take long time.

***The Hon'ble Srijut BISHNURAM MEDHI :** These letters are sent by air to Silchar.

(Voices)—There is no air service to Silchar.

***Maulavi MAKABBIR ALI MAJUMDAR :** May I know the distance from Silchar to Jorhat ?

(No reply)

The Hon'ble Srijut RUPNATH BRAHMA replied :

126. (a)—Yes.

(b)—The question of appointing an Additional District Judge at Silchar was examined but it was found that the number of cases did not justify such an appointment.

***Shri SATINDRA MOHAN DEV :** May I know when it was examined and what was the result regarding the figures ?

The Hon'ble Srijut RUPNATH BRAHMA : Of course we have not received the recent figures.

***Shri SATINDRA MOHAN DEV :** Will Government be pleased to make an enquiry ?

The Hon'ble Srijut RUPNATH BRAHMA : That can be done.

The Hon'ble Srijut RUPNATH BRAHMA replied :

127.—This will be considered.

128.—Government are of the opinion that the number of cases do not justify the appointment of a whole-time Subordinate Judge at each district headquarters.

129.—No such proposal has been received by Government.

Makeli Professional Grazing Reserve

Srijut BELIRAM DAS asked :

130. Will the Hon'ble Minister-in-charge of Revenue be pleased to state —

(a) How many people or families have been recently evicted from the Makeli Professional Grazing Reserve in the Gauhati Subdivision ?

(b) How many of these people were actually landless ?

(c) Whether Government propose to give them lands elsewhere ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

130.—(a) 56 families as they were unprotected.

(b)—59 persons as they were unprotected. Some of them came from Goalpara.

(c)—These unprotected encroachers who squatted in defiance of Revenue Law on Professional Grazing Reserve and refused to vacate (at the instigation of R. C. Party members who have now gone underground) in spite of notice served on them under rule 18 of the Settlement Rules, cannot claim to have land elsewhere under the July Resolution. But those who are really landless will have to take their chances along with other landless people of the locality.

Number of Plains Tribal Sub-Inspectors of Police in Assam

Srijut KARKA DALAY MIRI asked :

131. Will Government be pleased to state—

(a) The number of the Plains Tribal Sub-Inspectors of Police in Assam with their names and length of services ?

(b) Whether promotion has not become due to any of the Plains Tribal Sub-Inspectors of Police in consideration of their efficiency and length of services ?

(c) Is it a fact that recently some junior non-Tribal Police Sub-Inspectors have been promoted to the posts of Inspectors superseding the Plains Tribal Sub-Inspectors of Police ?

(d) Whether there is any Inspector of Police from the Plains Tribal people in Assam ?

(e) If so, how many ?

(f) If not, whether Government propose to consider to promote at least the senior Plains Tribal Sub-Inspectors of Police to the posts of Inspectors in view of their miserable representation in the posts of Inspectors of Police ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

131. (a)—A statement is given below :—

Name of Plains Tribal Sub-Inspectors.	Rank when 1st enlisted in the Police and length of total service upto 1st March 1949			
1. Sub-Inspector Unarmed Branch Narakishore Basumatary.	Proby. Sub-Inspector	8	years	2 months.
2. Sub-Inspector Unarmed Branch Hirendra Nath Das.	„ „	14	„	2 „
3. Sub-Inspector Unarmed Branch Madhuram Patir Miri.	Constable	21	„	0 „
4. Sub-Inspector Unarmed Branch Amode Chandra Barmedhi.	Proby. Sub-Inspector	12	„	2 „
5. Sub-Inspector Unarmed Branch Bogaram Dewri.	„ „	8	„	2 „
6. Sub-Inspector Unarmed Branch (officiating) Haranath Mikir.	Constable	20	„	3 „
7. Sub-Inspector Unarmed Branch Motiram Regan.	Proby. Sub-Inspector	7	„	2 „
8. Sub-Inspector Unarmed Branch Gopal Chandra Deka.	„ „	9	„	2 „
9. Sub-Inspector Unarmed Branch Basanta Kumar Dewri.	„ „	17	„	2 „
10. Sub-Inspector Unarmed Branch (officiating) R. S. Ingty (Mikir Christian.)	Assistant Sub-Inspector	3	„	0 „
11. Sub-Inspector Armed Branch Dheniram Kachari.	Constable	17	„	1 „
12. Sub-Inspector Armed Branch Ram Prasad Kachari.	„	24	„	1 „
13. Sub-Inspector Armed Branch Ganesh Kachari.	„	23	„	4 „
14. Sub-Inspector Armed Branch Bepin Chandra Rava.	„	21	„	4 „
15. Sub-Inspector Armed Branch (officiating) Doyaram Kachari.	„	14	„	10 „
16. Sub-Inspector Armed Branch Lambey Ram Rava.	„	33	„	11 „
17. Sub-Inspector Armed Branch Nakul Chandra Mech.	„	13	„	7 „
18. Sub-Inspector Armed Branch Thanuram Kachari.	„	27	„	3 „
19. Sub-Inspector Armed Branch Belbong Kachari.	„	27	„	2 „
20. Sub-Inspector Armed Branch Ebin Chandra Rava.	„	22	„	3 „
21. Sub-Inspector Armed Branch Khemloo Ram Kachari.	„	15	„	11 „
22. Sub-Inspector Armed Branch Kolo Ram Kachari.	„	20	„	1 „
23. Sub-Inspector Armed Branch Sani Ram Rava.	„	17	„	2 „
24. Sub-Inspector Armed Branch Sat Ram Rajbangshi.	„	21	„	2 „

(b)—No.

(c)—No.

(d)—No.

(e)—Does not arise.

(f) Merit and seniority are the criteria for promotion and the communal basis is not taken into consideration.

Scheme for combating insect-pest to cocoanut trees

Srijut GAURI KANTA TALUKDAR asked :

132. (i) Will Government be pleased to refer to the reply given to Unstarred Question No.172(a) asked by the Questioner during the Budget Session of the Assembly, 1948 (*vide* Assembly Debates of the 2nd April, 1948, at page 803) and state—

- (a) Whether the revised scheme for combating insect-pest to cocoanut trees has been re-submitted to the Central Government ?
- (b) If so, when ?
- (c) Whether the revised scheme has received the sanction of the Indian Central Committee ?
- (d) Whether any financial assistance has been received from the Centre ?
- (e) If so, to what extent ?
- (f) Whether any action has been taken under the scheme ?
- (g) If the reply to Question (c) above is in the negative, whether this Government has taken any steps to fight this evil ?
- (h) If so, what are they ?
- (i) If not, why not ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

132. (a)—Yes.
 (b)—4th May, 1948.
 (c)—Yes.
 (d)—Yes.
 (e)—Indian Central Cocoanut Committee sanctioned Rs. 3,981.
 (f)—Scheme will be operated as soon as this Government sanction is accorded.
 (g) }
 (h) } Do not arise.
 (i) }

***Srijut GAURI KANTA TALUKDAR :** With regard to (c), will Government be pleased to give us some idea as to the nature of the scheme for combating insect pest to cocoanut trees ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The question is a bit vague. I cannot understand what the hon. Member means by 'nature of the scheme'.

***Srijut GAURI KANTA TALUKDAR :** What is the scheme ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Government will appoint some expert persons who know how to fight this insect pest.

***Srijut GAURI KANTA TALUKDAR :** Was that proposal submitted to the Government of India ?

*Speech not corrected.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The reply is there.

***Srijut BELIRAM DAS :** By the time the scheme is approved by the Government of India and the officer is appointed, all cocoanuts will be finished. What steps have Government taken to expedite the matter ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The scheme will be run on a fifty—fifty, basis. The Finance Department of the Assam Government have got to sanction fifty per cent. of the expenditure. As soon as sanction is received, the scheme will be implemented.

***Srijut GAURI KANTA TALUKDAR :** When did the revised scheme reach the Government ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : It is only a few months ago.

***Srijut GAURI KANTA TALUKDAR :** The Government of India sanctioned Rs. 3,981. Are this Government contributing the same amount ? Are we to understand that this money will be spent by having some persons skilful in fighting the insect pest ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : People who are trained in killing the insect is a matter of the Entomology Department.

***Srijut GAURI KANTA TALUKDAR :** Are such persons available in the Province ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : As soon as the scheme is sanctioned we shall be on the look-out for a fit person.

***Srijut BELIRAM DAS.** Has the Hon'ble Minister personally seen these insects ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Yes, I have seen. These are elephant shaped insects.

Srijut DANDESWAR HAZARIKA : Will the Hon'ble Minister please enlighten the House as to the scheme they have undertaken and the methods by which these insects will be destroyed ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : I have already stated, Sir, that as soon as our Finance Department approve the scheme, we will look for persons who are trained in killing the insects. Then and then only we will know how far this is practicable proposition.

Srijut DANDESWAR HAZARIKA : This is not an adequate reply to my question. I want to know by what means the insect pests will be destroyed—by some poison, shooting or some other means. What scheme have Government made ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : We have not as yet appointed any expert. As soon as the scheme will be sanctioned in full we shall take action.

*Speech not corrected.

The Hon'ble the SPEAKER : The experts will devise means for killing the insects.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Yes, Sir.

Arrest of Tribal people

Srijut KARKA DALAY MIRI asked :

133. (a) Is it a fact that some Tribal people of Gauhati Subdivision are now under orders of arrest for political reasons ?

(b) If so, who are they and why ?

(c) Is it a fact that lately some trouble has arisen in the localities of Beltola Mauza in connection with the enforcement of the Assam Adhiars Protection Act ?

(d) If so, who are the persons involved in this affair ?

134. (a) Is it a fact that the Plains Tribal League has been declared as communal organisation by the Government ?

(b) If so, why ?

135. (a) Is it a fact that as many as one hundred and thirteen Kachari people have been arrested by the Police in connection with the recent Bajrakhat Village Police assault incident in Mangaldai Subdivision ?

(b) Is it a fact that all these arrested persons are innocent and did not take part in the incident ?

(c) Is it a fact that all these persons have been beaten right and left by the Police just after their arrest and that they have not been released on bail ?

(d) Are Government aware that the Police are doing all atrocities to the Kachari people, both male and female, of the Bajrakhat village and the neighbouring villages in connection with this incident ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

133. (a)—Government have no information.

(b)—Does not arise.

(c)—Yes.

(d)—Several cases were registered in which Karuna Kanta Barua, Ananda Chandra Bhattacharjee of Kumarpara, Gauhati, were the complainants, Ram Sing Mikir, Bhogi Mikir, Khara Mikir and others were accused in one case ; a large number of tribal women of Ahomgaon were accused in another case ; Dhireswar Kolita and some tribal women of Katahabari were accused in another case and some people of Ganeshpara were accused in another case.

134. (a)—Government have no information about the existence of such a League.

(b)—Does not arise.

135. (a)—123 persons were arrested.

(b)—They are accused in a pending criminal case.

(c)—No. One was released on bail on surety of Srijut Bepin Chandra Medhi, M. L. A., Judicial enquiry is pending regarding the alleged assault on some.

(d)—No.

Influx of Pakistan Nationals into Cachar District

Babu BIDYAPATI SINGHA asked :

136. (a) Are Government aware or have received reports to the effect that thousands of Pakistan Nationals from Noakhali are pouring in to Cachar including many women even now and that they have spread in to villages causing the problem of food more acute and that for the purpose of the coming Assembly election many have been enumerated as voters ?

(b) Do Government propose to repatriate these Pakistan Nationals by Police help ?

(c) Are Government aware that the number of crimes have now been increased considerably in the Cachar District due to the influx of these people ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

136. (a)—Government are aware that East Bengal persons both Muslims and non-Muslims have come to Cachar since the partition of India but their exact number is not known. Those among them who came within the definition of the term "refugee" now called "displaced persons" and who complied with the conditions, viz., filing of the prescribed declarations, etc., have been enlisted as voters.

(b)—Government do not propose to repatriate "displaced persons" by Police help.

(c)—Government have no information.

Babu BIDYAPATI SINGH: With regard to (a), I am afraid the reply of the Hon'ble Minister is not relevant to my question. According to the interpretation of Government does the term "Pakistan National" include refugees as well, who have filed the declaration form and have settled in the Indian Dominion ?

The Hon'ble Srijut BISHNURAM MEDHI: I have not been able to follow what the hon. Member wants to say. Any one from any part of the world may come and file a declaration that he wants to be a citizen of Assam. There is nothing to prevent him from doing so. It is mainly a question of intention.

Babu BIDYAPATI SINGH: I speak of the Muslims from Noakhali who are pouring in large numbers into the Cachar district. This has created a problem for the police as well as the public, because due to their influx the number of crimes has increased and many other acute problems have arisen including that of public morals.

The Hon'ble Srijut BISHNURAM MEDHI: The reply is quite clear, Sir. "Government are aware that East Bengal persons both Muslims and non-Muslims have come to Cachar since the partition of India but their exact number is not

known. Those among them who came within the definition of the term "refugee" now called "displaced persons" and who complied with the conditions, *viz.*, filing of the prescribed declarations, etc., have been enlisted as voters". This is a complete reply.

Babu BIDYAPATI SINGHA: With regard to (e), have Government ascertained from the thana reports whether crimes have increased due to the influx of these Muslims from the Noakhali district?

The Hon'ble Srijut BISHNURAM MEDHI: There is no definite information. The question was "Are Government aware that the number of crimes have now increased considerably in the Cachar District due to the influx of these people", and the reply is "Government have no information". If my hon. Friend wants we may ask for enquiries to be made.

Revenue derived from sale of liquor in the province

Maulavi ABDUL HALIM asked :

137. Will Government be pleased to state—

(a) The total revenue derived from sale of liquor produced from Assam Distillery each of the years 1945, 1946, 1947 and 1948?

(b) Whether consumption of liquor is now increasing or decreasing in the province?

(c) Whether the sale of liquor in the Government liquor shops is now increasing or decreasing?

138. (a) Are Government aware that there is a very strong public opinion against the quality of the liquor produced at the Assam Distillery?

(b) Will Government be pleased to state who certifies the quality of liquor produced at the Assam Distillery?

(c) Do Government propose to take necessary steps to get the liquor of the Assam Distillery properly tested at Calcutta to find out whether they are inferior to other big distilleries of other provinces or not and also to find out whether this liquor is more injurious to health than the liquors produced by other big distilleries of other provinces?

The Hon'ble Maulana MD. TAYYEBULLA replied :

137. (a)—Rupees 16,90,765 in 1945, Rs.33,40,182 in 1946, Rs.45,97,884 in 1947 and Rs.61,92,854 in 1948 were realised as revenue (duty and vend fee) from the sale of liquor produced from Assam Distillery.

(b)—The consumption of licit liquor is reported to be slightly increasing.

(c)—It is increasing.

Mrs. BONILY KHONGMEN: With regard to (c), may I know what the increase is due to?

The Hon'ble MAULANA MD. TAYYEBULLA: Sale in Government distillation.

Mrs. BONILY KHONGMEN: Do Government propose to enhance the price of liquor?

The Hon'ble MAULANA MD. TAYYEBULLA : This is not in contemplation now. Already there has been an increase in prices.

Mr. J. S. HARDMAN : Is it not a fact that the Hon'ble Finance Minister claimed in his Budget reply that the consumption of liquor had decreased ?

The Hon'ble Srijut BISHNURAM MEDHI : That was an overall picture of the province as a whole. In some places it may be that due to better detection of illicit distillation the sale in Government shops has increased. But I gave an overall picture. The hon. Members know that some of the shops in Barpeta have been abolished and consumption in those areas is practically nil.

The Hon'ble Maulana MD. TAYYEBULLA replied :

138. (a)—Government have no information.

(b)—The Public Analyst, Assam.

(c)—No.

Maulavi ABDUL HALIM : With regard to 138(a), is it known to Government that because of the bad quality of liquor produced at the Assam Distillery, the distillery is known in the province as "Dikom Death" ?

The Hon'ble MAULANA MD. TAYYEBULLA :—Government have no information.

Introduction of liquor prohibition

Prof. P. M. SARWAN asked :

139. (a) Are Government aware that consumption of liquor among the tea garden labourers has increased very considerably since 1947 ?

(b) Whether Government have any plans to introduce liquor prohibition ?

(c) If so, when will those plans be introduced ?

The Hon'ble Maulana MD. TAYYEBULLA replied :

139. (a)—Government have no information.

(b) & (c)—The question of introduction of liquor prohibition is under consideration of the Government.

Prof. P. M. SARWAN : With regard to (a), are Government not aware that tea garden labourers are undoubtedly the biggest consumers of liquor in the province ?

The Hon'ble MAULANA MD. TAYYEBULLA : That may be so.

Prof. P. M. SARWAN : Does this not show that the Excise Department have not studied the question of liquor consumption in the province ?

The Hon'ble MAULANA MD. TAYYEBULLA : I do not admit that position.

Prof. P. M. SARWAN : Should or should not Government curtail the consumption of liquor ?

The Hon'ble MAULANA MD. TAYYEBULLA: That is a matter of opinion with the hon. Member, Sir! (*Laughter*).

Prof. P. M. SARWAN: Is that a matter of opinion?

The Hon'ble MAULANA MD. TAYYEBULLA: I have stated several times on the floor of this House that the policy of this Government in regard to liquor prohibition is declared; but in view of the Opium Prohibition Campaign, which is now in progress, liquor prohibition has not been taken up as such on a planned basis. But steps are being taken in that direction by means of restrictive measures. The Hon'ble Finance Minister in his speech has made this abundantly clear.

✓ Smuggling of opium in Jowai Subdivision

Mr. LARSINGH KHYRIEM asked:

140. Will Government be pleased to state—

- (a) How many opium cases were detected in Jowai Subdivision during the years 1947 and 1948?
- (b) How many of these cases ended in conviction and how many in acquittal?
- (c) Whether the Sub-Inspector of Excise ever visited the smuggling areas (Mikirs) in 1947 and 1948?
- (d) If so, what were the dates of his visits?
- (e) If not, why not?
- (f) Whether Government are aware that smuggling of opium is still going on in the Jowai Subdivision especially in the Mikir areas?
- (g) What steps Government propose to take in the matter?

The Hon'ble Maulana MD. TAYYEBULLA replied:

140. (a)—No detection in 1947. Only one case of illegal possession of 1½ tolas of opium was detected in March 1948.

(b)—The said case ended in conviction.

(c)—The Sub-Inspector of Excise did not pay any visit in 1947 but he once went upto Jrikyndeng (a part of Mikir Areas) in 1948.

(d)—The date of his visit is 19th March, 1948 when he detected the above case.

(e)—The reason is that he is the only Excise Officer in Jowai and he had to remain engaged in work connected with liquor shops and illicit distillation. Some Home Guards were stationed at Jowai during 1948 to check smuggling of opium.

(f)—It is suspected that smuggling of opium is going on in the Jowai Subdivision and the adjoining Mikir Areas.

(g)—The Excise staff of Shillong inspecting branch is keeping strict vigilance over the movements of suspected persons. The present staff both for Jowai and Shillong is not quite adequate and the question of adequate staff is under the consideration of the Government.

Mr. LARSHINGH KHYRIEM: With regard to (e), how many cases of illicit distillation were detected by the Excise Officer?

The Hon'ble Maulana MD. TAYYEBULLA: I want notice of this question, Sir.

Mr. LARSINGH KHYRIEM: The Hon'ble Minister says "Some Home Guards were stationed at Jowai during 1948 to check smuggling of opium". May I know whether these Home Guards have ever visited the smuggling areas?

The Hon'ble Maulana MAHOMED TAYYEBULLA : My information is that there is an Opium Prohibition Committee there, and some Home Guards were stationed. There was one detection in March, 1948. Since then I do not know of any more detections.

Mr. LARSINGH KHYRIEM : My question is about detection made by Home Guards?

The Hon'ble Maulana MAHOMED TAYYEBULLA : That is the only case which I received information about.

***Srijut SARAT CHANDRA SINHA :** May I know whether a case was detected in Shillong by Home Guards ?

The Hon'ble Maulana MAHOMED TAYYEBULLA : The question is about Jowai, Sir, I have no information Sir, about Shillong detection referred to.

Mrs. BONILY KHONGMEN : Will Government take the help of the Women Temperance Society at Jowai for detecting and reporting such smuggling cases ?

The Hon'ble Maulana MAHOMED TAYYEBULLA : Yes, such help from the Society is welcome.

Statement re : Aided Schools of the Province

Prof. P. M. SARWAN : Mr. Speaker, Sir, there is a matter of general public importance of which I should like to have a statement from Government. If you kindly permit me I may inform the House about it.

I have read in the papers and Government must be aware of it that there is at present a great deal of unrest amongst the students and teachers of the Aided High Schools.

***The Hon'ble Srijut BISHNURAM MEDHI :** He is reading from a newspaper which cannot be allowed, Sir.

Prof. P. M. SARWAN : This is a cutting and not a newspaper. (*Laughter.*)

As it is a matter of public interest, I should like very much if Government makes a statement about it which will satisfy the public in general.

The Hon'ble the SPEAKER : Is it because of increase of fees in the Aided High Schools ?

Prof. P. M. SARWAN : Something like that, Sir. (*Laughter.*)

If you give me at least a short patient hearing, I can explain the situation.

I have just received a letter from Titabar of Jorhat Subdivision. The Government must be aware of the fact that there have been meetings of guardians, and pupils regarding pay of the Aided High Schools teachers, which

appeared in the newspapers. The letter which I received from Titabar is asking me to make a request to Government to issue a statement regarding the agitation.....

The Hon'ble the SPEAKER: What is the agitation ?

Prof. P. M. SARWAN: The agitation is regarding increase of fee in order to implement the legitimate claims of Government Aided High School Teachers.

***The Hon'ble Srijut BISHNURAM MEDHI:** Is there an Aided High School at Titabar ?

Prof. P. M. SARWAN: Yes, Sir.

Maulavi MUHAMMAD ABUL KASHEM: On the suggestion of the Provincial Government the fees in the Aided High Schools are being increased.

***Srijut MAHENDRA MOHAN CHAUDHURY (Parliamentary Secretary):** This was done long long ago

Prof. P. M. SARWAN: I should like to bring to the notice of the House that these Government Aided High School Teachers are the salient supporters of the Congress Party.

The Hon'ble the SPEAKER: I cannot allow the hon. Member to make insinuating remarks like that.

***Prof. P. M. SARWAN:** Because they were supporters, they have been expecting some special attention towards increase of their pay in view of the hard times and therefore I will appreciate if Government make a statement so that the situation may ease.

Dr. EMRAN HUSAIN CHAUDHURY: In this connection, may I be allowed to speak a few words ?

The Hon'ble the SPEAKER: I am sorry, I cannot.

The Hon'ble Srijut GOPINATH BARDOLOI: I would like to speak a few words in this connection.

I am sure, hon. Mr. Sarwan is a responsible Member of the Legislature and as such he has seen the increased grants provided in the Budget for the Aided High School Teachers. Last year the allotment in the Budget was over Rs.5 lakhs and in this year's Budget it has been increased by Rs.8 lakhs which is more than 150 per cent. And in view of this the hon. Member should not have pressed for more enlightenment on the subject.

As regards raising of fees in the Aided High Schools, it is entirely the business of these institutions. But the teachers of those Schools met Government for raising the fees of the Government High Schools in order that they might raise the fees in their own Schools. Government have since raised fees in the Government Schools. Hon. Member speaks of raising of fees by Aided High School for increasing their income, which they now can raise, but Government have nothing to do with that measure.

I think, Sir, when the hon. Member comes to advocate a cause, he should come with a full knowledge of the situation.

*Speech not corrected.

The Assam Maintenance of Public Order (Amendment) Bill, 1949

The Hon'ble the SPEAKER: Yesterday, we were having consideration of the Assam Maintenance of Public Order (Amendment) Bill, 1949, and we finished upto clause 4. Now, we take up clause 5.

✓ **Maulavi MUHAMMAD ABUL KASHEM:** Sir, I beg to move that for the words "within such time as may be specified by Provincial Government" occurring in the fourteenth and fifteenth lines of sub-section (1) of new section 3, sought to be substituted by clause 5, the words "within thirty days" be substituted.

My intention of moving this Amendment is very simple. In the Bill the provision is that—"and such person may, within such time as may be specified by the Provincial Government", and this does not fix the time-limit within which the representation should be made to the Government, Sir, there is no harm if the House agrees to fix this time-limit of 30 days and thus specifies the time for submitting representation. Therefore, I should like that one month's (*i. e.*, 30 days) time should be given for this purpose.

It is a very simple suggestion which, I hope, the Hon'ble Minister will accept.

The Hon'ble the SPEAKER: Amendment moved:

"That for the words 'within such time as may be specified by Provincial Government', occurring in the fourteenth and fifteenth lines of sub-section (1) of new section 3, sought to be substituted by clause 5, the words 'within thirty days' be substituted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I may inform the Jonab Kashem Sahab that in the original Bill that portion "within such time as may be specified by Provincial Government" was prescribed for the benefit of the security prisoner, because in that case Government will have the option of granting him time to put up his representation even after expiry of 30 days. But if the time limit is once fixed by the Statute itself, the detenu will not be able to send his representation after the expiry of the time limit fixed by the Statute. I do not really understand why my hon. Friend wants to deprive the detenu, the benefit of submitting representation even after expiry of 30 days. In fairness to the prisoner the time for submission of his representation should be fixed in the Act so that Government may have the option of extending the time from time to time according to circumstances to enable the prisoner to represent his case. As stated above, the existing provision is in the interest of the detenu himself. As such I hope my hon. Friend will withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: In view of the assurance given by the Hon'ble Minister that this will apply in the interests of the detenus, 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?

(Voices—Yes, Yes.)

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

The Hon'ble the SPEAKER: The second Amendment also stands in the name of the same hon. Member, Maulavi Abul Kashem.

Maulavi MUHAMMAD ABUL KASHEM : Mr. Speaker, Sir, I beg to move that the proviso at the end of sub-section (1) of new section 3, sought to be substituted by clause 5, be deleted, *i. e.*, "Provided that neither the said order nor the detention of the said person thereunder shall be deemed to be invalid or unlawful or improper on the ground of any defect, vagueness or insufficiency of the communication made to such person under this section".

Sir, my submission is this, if this proviso remains here Government will not be bound to give sufficient material to the person affected to know the reasons for which he was detained. He will not be in a position to realise his own case and will also not be in a position to move his case to proper authorities. Such final authority lies with the Government, they will hear his representation and they will decide it on the recommendation of the Advisory Council or of their Court. There is no justification in having this clause in this respect, it simply curtails the rights of the detenu or person kept in custody for getting an explanation of the reasons for which he was detained. This will take away the definite right of the citizens who will be detained under this Act. My purpose is that Government should give all facilities to those detained persons to know the actual reasons for which they were detained and I request Government to accept my Amendment. With these words, Sir, I resume my seat.

The Hon'ble the SPEAKER : Amendment moved :

"That the proviso at the end of sub-section (1) of new section 3, sought to be substituted by clause 5, be deleted".

Maulavi ABDUL HAI : Mr. Speaker, Sir, in connection with this Amendment I might draw the attention of Government that the general principle of law is that when there is an accused person he should be allowed to know what is his offence. If in this Bill Government do not make provision for furnishing with all the grounds on which a person is detained under this Act, then it will not be possible for him to represent his case before the Government stating that he is innocent of such and such acts. Of course, Sir, in these matters it is difficult or it will not be wholesome in all cases to give out the source from where they have got information, but at least the ground or grounds in detail for which an accused person is detained, should be given. Unless and until he knows the grounds in full for which he is detained, it will not be possible for him to submit his representation stating that he is innocent of such and such charges.

With these words, Sir, I hope Government will consider whether they could accept this Amendment.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I am afraid my Friend's objection seems to be based on a wrong conception. I will read out that portion of the Bill—"...on application of the person affected by the order, shall communicate to him so far as such communication can be made without disclosing the facts which they consider it would be against the public interest to disclose, the grounds on which the order has been made against him and such other particulars as are in their opinion sufficient to enable him to make, if he wishes, a representation against the order....." From this it is clear, Sir, that sufficient material in support of the grounds of detention will be given to the person affected. It is only matters of a confidential nature or other matter that may not be in the public interests to disclose will be withheld from him. By this provision the Government will give him such grounds as they would consider necessary to enable him to fully appreciate the grounds for detention and to enable him to show cause against his detention. There need not be slightest doubt that the Government will

not give him sufficient materials to help him to submit representation. As I said, only those informations the disclosure of which may imperil the security of the State and be detrimental to the public interests, are proposed not to be disclosed.

It has been stated that on mere technical grounds the person cannot be detained. But, Sir, the intention is that these technical grounds should not be disclosed to such persons detained for subversive activities detrimental to the interest of the State. In this connection views of the different High Courts may differ, but so far as our Assam High Court is concerned they have agreed with the Government in these matters. Our intention is that we want that these dangerous persons should not take advantage of the technical grounds against them and then get off and create more mischief by their subversive activities detrimental to the interests of the Province.

For this reason, Sir, I cannot accept the Amendment of my hon. Friend and I would request him, in view of what I have explained, to withdraw it.

Maulavi MUHAMMAD ABUL KASHEM: Sir, though I am not convinced by the reply given by the Hon'ble Minister, I have no alternative but to withdraw my Amendment.

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

(Voices: Yes, Sir.)

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

Maulavi MUHAMMAD ABUL KASHEM: Sir, I beg to move that in sub-section (3) of new section 3, sought to be substituted by clause 5, the words "whenever necessary" occurring in the first line of that sub-section, be deleted.

Sir, my idea is that Government should not form this Advisory Council after a particular person or persons are affected by the Act at a particular time, but that there should be this body for a certain period of time and during that period the person or persons affected by the Act should get opportunity to place their appeal to that Advisory Council. Sir, if a particular person is detained at a particular time and the Government then forms this Advisory Council to deal with him, it may so happen that Government might try to appoint such persons as the Advisory Council who might not be pulling on well with that person, and the result will be that that person will not be able to get justice. This suggestion of mine might sound odd for some hon. Members in the House. But there is a certainty that powers, if exercised in such a way, the public or the detenu cannot expect to have any justice at all.

So, Sir, I request the Hon'ble Minister to accept my Amendment.

The Hon'ble the SPEAKER: Amendment moved :

"That in sub-section (3) of new section 3, sought to be substituted by clause 5, the words 'whenever necessary' occurring in the first line of that sub-section, be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Sir, the very statement of the hon. Mover of the Amendment supports that his Amendment should be withdrawn. He says that the Advisory Council should be formed for a certain period. That cannot be done in case his Amendment is accepted. The Provincial Government shall constitute such an Advisory Council whenever there is a

necessity and it shall continue so long that necessity exists. But if there is no such necessity, Government would not appoint the Council to save extra expenditure. The real intention of the Government is to constitute the Advisory Council from time to time according to necessity. Whenever there will be no necessity there will be no such Council! Therefore, Sir, I hope the hon. Mover will please withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: Sir, if the argument made by me goes in my favour, I have no alternative but to withdraw my Amendment.

The Hon'ble the SPEAKER: Has the hon. Member got leave of the House to withdraw his Amendment? (*Voices: Yes, Sir.*)

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

Maulavi MUHAMMAD ABUL KASHEM: Sir, I beg to move that in sub-section (3) of new section 3, sought to be substituted by clause 5, for the words "either the Chairman or one of the members shall be a person qualified to be appointed a Judge" occurring in the sixth and seventh lines, the words "the Chairman and one of the members shall be persons qualified to be appointed Judges" shall be substituted.

The very simple idea in my Amendment is that in the Advisory Council the majority of the members should be qualified to be appointed Judges of the High Court, because Government will have to go by the decision of the recommendations of this Advisory Council. If only one Member is qualified to be appointed Judge and the other two Members are not qualified to that standard, the result might be that in spite of this whole-hearted support for a particular detenu, the other two persons who are not qualified to that level might go against him and consequently their majority vote will carry. So, Sir, it would be much better if two of the Members are qualified to be appointed Judges of the High Court. The Hon'ble Minister has proposed one Member to be qualified as a Judge whereas I have proposed two Members to be so, so that the majority opinion can safely be taken.

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

The Hon'ble the SPEAKER: Amendment moved:

"That in sub-section (3) of new section 3, sought to be substituted by clause 5, for the words 'either the Chairman or one of the members shall be a person qualified to be appointed a Judge' occurring in the sixth and the seventh lines, the words 'the Chairman and one of the members shall be persons qualified to be appointed Judges' shall be substituted."

The Hon'ble Srijut BISHNURAM MEDHI: I may remind my hon. Friend, Jonab Abul Kashem Sahab, that at the time when the Bill was discussed the hon. Leader of the Opposition stated that a public man should be associated with the Advisory Council. Now this Amendment will defeat the purpose for which his Leader spoke. We want to associate public men, if possible, in case Government consider it desirable. Practising lawyers in the Sessions Judge's Court for about 20 years or pleaders in the lower court even if they are otherwise much better than many Advocates practising for ten years in High Court, will not be eligible for appointment in case this Amendment is accepted. Though they might be very capable persons for the purpose they will be disqualified for the simple reason that they are not qualified to be appointed as Judges of this High Court. And that is why we do not intend to restrict qualification of two others as is proposed in this Amendment.

I therefore request my hon. Friend to withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: In view of what has been stated by the Hon'ble Minister, Sir, I beg leave of the House to withdraw my Amendment.

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

(Voices: Yes, Sir.)

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

Maulavi MUHAMMAD ABUL KASHEM: Sir, I beg to move that for sub-section (5) of new section 3, sought to be substituted by clause 5, the following be substituted:

"(5) On the report of the Advisory Council the Provincial Government shall, as early as possible, confirm, modify or cancel order made under sub-section (1) of section 2".

Sir, it is quite clear from the wording of the Amendment that Government may exercise further power after considering the report of the Advisory Council and thereby they may confirm, modify or cancel order made under the section. I want that the Government should at least restrict the recommendation of the Advisory Council which they are going to form themselves. They will select the best persons and they will entrust the task to them. Sir, there is more reason to differ from them. So I say that on the report of the Advisory Council, Provincial Government shall, as early as possible, confirm, modify or cancel order.

This is not restricting their hands because the Advisory Council is theirs and their ideas will be carried out by them. So, Sir, there would be no harm if this simple Amendment is accepted. If this is accepted, twice the same petition or representation cannot be considered, once by the Council and once by the Government. With these words I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That for sub-section (5) of new section 3, sought to be substituted by clause 5, the following be substituted:

"(5) On the report of the Advisory Council the Provincial Government shall, as early as possible, confirm, modify or cancel order made under sub-section (1) of section 2".

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I am sorry that I cannot accept this Amendment. It has been made clear by the Hon'ble Premier on the floor of this House in this connection that Government is responsible for the preservation of law and order and generally that power cannot be delegated to an extraneous authority. So, Government must retain that power so long they are responsible for the preservation of law and order. Of course the report of the Advisory Council will be given the greatest weight. Some other factors which may not be placed for the interest of the security of the Province may not be known to them. So I cannot agree to make the recommendation of the Advisory Council obligatory and binding on the Government. Government should have the discretion to consider the recommendation as well as all other information and circumstances which may not be available to the members of the Advisory Council and come to a decision of their own. In view of that I cannot accept this Amendment and I request my hon. Friend to withdraw it.

Maulavi MUHAMMAD ABUL KASHEM: This is one of the most important items. I do not like to withdraw it, Sir.

The Hon'ble the SPEAKER: Then I put the question.

The question is:

"That for sub-section (5) of new section 3, sought to be substituted by clause 5, the following be substituted:

"(5) On the report of the Advisory Council the Provincial Government shall, as early as possible, confirm, modify or cancel order made under sub-section (1) of section 2'."

The question was lost.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that the following proviso be added after sub-section (2) of new section 4, sought to be substituted by clause 6:—

"Provided that such fresh order may be made only in case of his fresh offence committed under sub-section (1) of section 2."

That this Amendment is so simple is conveyed by the wording of the Amendment itself. The whole idea is this. I do not like that the Government should not detain a person again if he commits similar offences, but I am opposed to the idea of detaining a person again for no commission of fresh offence. Say for example, a man if he is released on the order of the Government and if he comes out of jail and if he is again, at the front of the gate, detained for no further offence then the detenu or person affected shall not get any justice. If after his release a detenu is again found guilty of committing a fresh offence, Government has the power to detain him again. I do not like that the offender should go free, he must be brought to book provided he commits an offence again. With these words I request the Hon'ble Minister to accept this Amendment and I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That the following proviso be added after sub-section (2) of new section 4, sought to be substituted by clause 6:

"Provided that such fresh order may be made only in case of his fresh offence committed under sub-section (1) of section 2'."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I am sorry I cannot accept this Amendment. This Amendment will practically nullify the provisos (1) and (2) which the hon. Mover has already accepted. In the absence of any Amendment I take it that he as well as all other Members of the House have also accepted that Government will be able to detain a person for a year. Proviso (2) says—"Provided also that in the case of detention orders such period shall not exceed one year from the date of commencement of actual detention under the initial order". That right will be curtailed if we accept the Amendment of Maulavi Abul Kashem. In the jail how can one commit offence? It may be that the circumstance and the prevailing atmosphere of the country may be such as to warrant further detention. Recently we released 5 members of the Radicalist party. They have all gone under-ground and we have not been able to trace them. So this is a difficult time. The Amendment will practically nullify the two provisos that the hon. Member has already accepted. In view of this I would request him to withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: I beg leave of the House to withdraw my Amendment.

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

The Hon'ble the SPEAKER : The question is:

"That clauses 5 to 7, both inclusive, of the Assam Maintenance of Public Order (Amendment) Bill, 1949 stand part of the Bill".

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM : I beg to move that in clause 8, for the words "prejudicial to the public safety, the maintenance of public order or the tranquility of the Province or any part thereof," occurring in lines three to five of proposed new section 8A, the words "that may induce people to take to violence or to create communal troubles," be substituted.

My all labour will go in vain if the Hon'ble Minister does not accept the last Amendment also. So I want to point out to him that the powers of the Government will not be taken away by this and his purpose will be fully served. I will explain that. Here, Sir, the Hon'ble Minister explains that the intention of Government is to control the persons who are mainly Communists and who may create troubles. Also he felt that there are persons who may create communal trouble. These are the things which may be done away with. I am not going to ask the Hon'ble Minister to take away that portion, viz., "The Provincial Government, if satisfied that such action is necessary for the purpose of preventing any activity". That is to say the Provincial Government if satisfied that the particular action may go against the State as a whole they are at liberty to take action. There is a wide range for the maintenance of public order or the tranquility of the Province or any part thereof. This is well served if Government is given power to take necessary action and there is no harm; but my question to this clause is if the Government is satisfied that such action is necessary in that respect, that is in respect of action that may induce people to take to violence or to create communal troubles, the Government will be at liberty to exercise power if a particular publication of a paper is of communal nature and that publication may in the opinion of the Government or in the opinion of the public or in the opinion of the court create trouble in the State. My Amendment is not taking away that right. I am only limiting that for which action that may induce people to take to violence or to create communal troubles. Sir, if the Bill is allowed to be passed, as it is, then the Government may use it in any manner they like. The Bill cannot be democratic without the Amendment which I have brought forward is not accepted. If the Bill is allowed to pass as it is, this will simply place the Party to censure of action and public opinion which are not palatable to the present Ministry and its supporters. If this Bill is allowed to pass, as it is, this will be an iron curtain to the expression of ideas and as a result this will encourage tyranny, encourage so-called oppression and so, Sir, this Bill should not be allowed to be passed. Under the circumstances, the Government is getting this immense power to control any press or any person, if in their opinion they do anything, which may induce people to take to violence and to create communal troubles. If these two things can be stopped, I do not think there is any need for which the Government should have any general power. I think all the hon. Members of the Party as well as the Opposition are convinced that this Amendment will do no harm and will not hinder the action of the Government.

(Voices : We are not convinced.)

If my hon. Friends are determined not to be convinced of course there is no other way out. There is a clear provision—"The Provincial Government, if satisfied that such action is necessary" and it is not being taken away. So my Friends should be convinced, and I request them to support the Amendment.

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

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 8, for the words 'prejudicial to the public safety, the maintenance of public order or the tranquility of the Province or any part thereof', occurring in lines three to five of proposed new section 3 A, the words 'that may induce people to take to violence or to create communal troubles', be substituted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I am sorry that this Amendment is defective in legal phraseology. I have discussed and consulted all the Acts now in force throughout India in different Provinces that these are the words used in all of the Acts. If we accept this Amendment, when there is a dispute between the capitalist and the labour there will be no power under this Bill in case the Amendment is accepted. They will not come under the purview of the Act in case the Amendment of my hon. Friend, Maulavi Muhammad Abul Kashem, is accepted. It is hatred and "hatred" may be non-violent in a sense and the word "violence" is very difficult to define. When a man looses a screw in a Railway line the cut may be interpreted as non-violent although such action may lead to derailment of train accompanying loss of life and property. So after due consideration of all these factors the legal phraseology has been incorporated in this Bill. The words "prejudicial to the public safety, the maintenance of public order or the tranquility of the Province or any part thereof," are the most suitable and appropriate to authorise Government to deal with such undesirables. This Amendment, as a matter of fact, will not convey the entire idea that we want to bring within the purview of this Act. The Ordinance containing the present phraseology is in force. Can my hon. Friend cite a single instance where action has been taken without justification?

Maulavi MUHAMMAD ABUL KASHEM: Sir, I heard that for the offence of the son the Government has detained the father.

The Hon'ble Srijut BISHNURAM MEDHI: It is irrelevant, Sir, where action has been taken after the Ordinance has been in force for more than two months?

So I think there is no apprehension at all. It is only a legal phraseology. The Amendment is not according to the legal phraseology, that is, things like fomenting trouble and all sorts of disorder are not covered and that will not convey the whole idea. He is confined only to communal troubles. So in view of this I would request my hon. Friend to withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: Sir, as the Hon'ble Minister is not accepting the Amendment, I beg leave of the House to withdraw the Amendment.

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

The Hon'ble the SPEAKER: The question is:

"That clause 8 of the Assam Maintenance of Public Order (Amendment) Bill, 1949, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clauses 9 and 10 of the Assam Maintenance of Public Order (Amendment) Bill, 1949, stand 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 : Mr. Speaker, Sir, I beg to move that the Assam Maintenance of Public Order (Amendment) Bill, 1949, be passed. I congratulate the hon. Members for passing this Bill which is essential in the prevailing situation of the country. I also convey my thanks to Abul Kashem Saheb because he has withdrawn all his Amendments after discussion. I can assure him that if specific cases of unnecessary harassment are brought to the notice of Government, Government will certainly try to do justice to the persons affected.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Maintenance of Public Order (Amendment) Bill, 1949, be passed".

Maulavi MUHAMMAD ABUL KASHEM : Mr. Speaker, Sir, I thank the Hon'ble Minister for giving the assurance that in case of any excess done to any individual Government will take it into their due consideration. I would again submit that by this Bill Government are assuming wide powers over the rights and privileges of the people. They have assumed a great responsibility and in performing their duties we expect that they will bear this fact in mind. Sir, the press and platform are the two forums for expression of people's views, and Government should see that these are not unnecessarily interfered with. Sir, the Hon'ble Minister knows how much the people had to suffer for expressing their views during the bureaucratic days and from past experience of the present Members of the Government they will realise how difficult it is for the people to hide or conceal their views and genuine grievances. As sufferers themselves, I trust, Sir, that in all cases where there is no apprehension of the danger to the State Government will allow publication of papers and also the speeches on platform.

With these few words, I resume my seat.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I again assure the House as well as Abul Kashem Saheb that mere expression of opinion will not be penalised under the provision of this Bill unless of course it leads to anarchy, chaos and disorder in the country. Government fully realise that very wide powers have been granted to them by the House and that they have a great responsibility in the application of those powers. Government will always try to do justice and to deal only with persons who are a danger to the society and the established order of things in the country. We sincerely want to use these powers only against those persons who are a danger to the society and to the peace and tranquility of the country.

The Hon'ble the SPEAKER : The question is :

"That the Assam Maintenance of the Public Order (Amendment) Bill, 1949, be passed."

The question was adopted.

The Assam Village Chaukidari (Amendment) Bill, 1949

The Hon'ble the SPEAKER: We come to item No.10. As there is no Amendment to the Assam Village Chaukidari (Amendment) Bill, 1949, the Hon'ble Minister may at once move that the Bill be passed.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that the Assam Village Chaukidari (Amendment) Bill, 1949, be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Village Chaukidari (Amendment) Bill, 1949, be passed."

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, the Bill is going to be passed without any Amendment. This shows that there was need for such a Bill. But the Pay that the Chowkidar will get, *viz.*, Rs.9 is quite insufficient. Again, Sir, if the rate-payers are to pay more than what has been assessed under this Bill, it will be hard on them. In the circumstances I would request the Hon'ble Minister to see whether some money from the Police Head could be diverted to increase the pay-scale of the Chowkidars and Daffadars in areas where the Chowkidari system is in vogue. Sir, it is not expected that a man will serve for the whole month at Rs.6 or Rs.9, as proposed by Government. The Hon'ble Minister says that he will be required to do only occasional work in connection with particular statistics and such other things, but actually they are not meant for this purpose. They are to go round the villages at night to protect the properties of the villagers. So unless and until these people are well-paid they cannot be fully trusted to do their work. As the protection of the people's property in areas where the Chowkidari system is in vogue is also the duty of the Government, I think, they should have no objection in diverting a small fraction from the Police Budget for increased payment to the Chowkidars.

With these few words, I resume my seat.

The Hon'ble the SPEAKER: The question is:

"That the Assam Village Chaukidari (Amendment) Bill, 1949, be passed."

The question was adopted.

The Gauhati University (Amendment) Bill, 1949

The Hon'ble the SPEAKER: The next item of business is the consideration of the Gauhati University Bill. There is one Amendment in the names of Maulavi Muhammad Abul Kashem, Maulavi Mahammad Roufque and Srijut Sarat Chandra Sinha. I think, one of them will move.

Srijut SARAT CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that for the words "Construction Committee" occurring in clauses 2, 4 and 6 of the Bill, the words "Development Committee" be substituted.

Sir, during the recent visit of the University Commission to Gauhati, Sir S. Radhakrishnan, Chairman of the Commission, pointed out to the Hon'ble Premier that it would be better if the words "Construction Committee" are substituted by the words "Development Committee", and in view of that I commend my Motion to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That for the words 'Construction Committee' occurring in clauses 2, 4 and 6 of the Bill, the words 'Development Committee' be substituted."

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I am grateful to the hon. Members who have tabled this Motion.

I have already pointed out in my opening speech that this word "Development" would be better substituted for the word "Construction" as the work involved in this "Construction" would be very much more than construction only. I, therefore, gladly accept this Amendment and thank the hon. Members for bringing it before the House.

The Hon'ble the SPEAKER: I put the question.

The question is:

"That for the words 'Construction Committee' occurring in clauses 2, 4 and 6 of the Bill, the words 'Development Committee' be substituted".

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that the proposed section 42 proposed to be inserted by clause 6, be deleted.

Sir, by this clause Government proposes to have control over the activities of the University. The University is 'an independent body which has got its own sanctity, which has got its own prestige and which is administered by persons who are most highly qualified in the province. Sir, in no way we consider that the administration of a University can be in the hands of inefficient administrators. This University is being managed by elected persons of the enlightened sections of the population. Because of the advantageous position in which we are today, should we venture to take away the rights of the University? The University within its own sphere must be free to work. It has got various responsibilities to carry out and it has got to confer degrees—even highest degrees—and if this University is in the control of Government it may be that some of the interested persons in Government may inscrupulously arrange to confer such degrees on their relations. The result will be that the respect that is paid up by people towards degrees will vanish and there will be no importance of degrees. The University degree, it must be admitted, is an important degree and it is also respected by Government in making appointments and in all other matters, but if the University degree becomes a farce, this will consequently take away the prestige of the University.

Sir, my Friends, in the Treasury Benches may say that they are not going to exercise any influence on the University in its management or internal affairs. But, Sir, such assurances given on the floor of this House will disappear as soon as this Amendment is passed.

In the Bill it is stated:—

"If, at any time, the Government of Assam are of opinion that special reasons exist that in any respect the affairs of University are not managed in furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, or in furtherance of objects for which any grant or donation is specifically made by Government, Public bodies or individuals, the Government of Assam may indicate to the Executive Council such matter in regard to which the Government of Assam desire explanation and call upon that body within reasonable time to offer such explanation as it may desire to offer, with any proposal which it may desire to make."

From this it appears that the University will have no other recourse but to submit to the action of Government. I think, Sir, within the proper time Government may do such things for the furtherance of the object for which the University

is established. Is it not befitting to leave the authority to the University because they know best their own interest? Government have got multifarious duties to do, how can they spare their time, which is already so much crowded, for the day to day administration of the University? The furtherance of the object can best be served by the University's own Body and not by Government who are practically foreign to that Body. Government sanctions grants, but for this Government should not have such control over it. Government sanctions grants to the Aided Schools and Aided Colleges as well, but they do not interfere in their internal administration; but in the case of the University they want to interfere. Sir, the University is run by rather the most cultural and most enlightened section of our people, it really tells upon the prestige of the University if Government takes away the power of the University to themselves. If Government want to control over the affairs of the University it will show to the world outside that the best brains in the Province like Assam are not fit to run the University. It really tells upon the prestige of the Province also, Sir, if the University is run by the Government. As such I would appeal to the hon. Members of the House to accept this Amendment and allow the University to do its daily business without interference from outside.

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

The Hon'ble the SPEAKER: Amendment moved:

"That the proposed section 42 proposed to be inserted by clause 6, be deleted".

The Hon'ble Srijiut GOPINATH BARDOLOI: Mr. Speaker, Sir, I do not find anybody taking part in this debate, so I stand to reply to the arguments that have been put forward against this Amendment.

Sir, in my opening speech I had already made it abundantly clear that we are not proposing anything new in bringing in this amending Bill before the House. I said that in every University Act, particularly Annamalai, Benares and Lucknow Universities—there is provision to the same effect. The same provision is also there in the Allahabad University Act, I, therefore, want to point out that by this amending Bill we are not proposing any new control over the affairs of the University. As I said, almost all University Acts have provision of this kind.

It is true, Sir, that the University has and will have prominent academicians; but it will be agreed, I suppose, by all hon. Members that some administrative experience and some popular representation should also be associated with the administration of a University. A University in the initial stage of its establishment has not only to have a set-up for academical administration; but it will have to do a lot of developmental work with the aid of all these three abovenamed interests representing and functioning. An eminent educationist, a savant, Kaka Kalelkar, while discussing the same subject with me one day said that in the new set-up a University could function as one only if all the three elements—the administrative element, the academical element and the popular element—were associated and represented in the administration of a University. If it is divorced from one of these, it is bound to suffer at the present set-up at any rate. We agree with that view and the amending Bill has been based on the recognition of this principle, namely, that the University should associate in its function adminis-

trative experience and popular representation also. Sir, this Government cannot be identified today with the Government that we used to have before, when the educational policy was proposed to be followed in a particular way and for a particular purpose. Today the popular will is fully represented in the Government, and if the Government wanted not a direct control but only a sort of association with the University, in certain contingencies, I think Sir, Government is doing no wrong.

Sir, as I said, that it is only in special and extraordinary circumstances that the interference as my hon. Friend has chosen to call it, would be called for. The clause reads like this—"if, at any time, the Government of Assam are of opinion that special reasons exist"—I have compared this portion of the Bill with other Acts, but nowhere are the words "special reasons" are found. Therefore, Sir, as I said, this clause has not the least intention of interfering with the University in the ordinary circumstances. But as I said just now, causes might arise where interference may be necessary; and it is only to provide for such extraordinary circumstances that this clause has been introduced in the Bill. I, therefore, feel, Sir, that there is hardly any justification for opposing this provision by this Amendment. My hon. Friend's argument is based on the supposition that this Government will be interfering with the affairs of the University in all circumstances. I assure him, Sir, that that is not so. Large powers have been given to Government in respect of many things, but I would claim that in spite of it, seldom have these powers been exercised for the merest sake of Government's assuming powers, without taking into account the full effect that may arise in the exercise of that power.

With these words, Sir, I would request my hon. Friend to withdraw his opposition by this Amendment and let the Bill be passed as it is.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, in view of the assurance that has been given by the Hon'ble Premier that this provision will not be applied except in extraordinary circumstances, 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?

(Voices :—Yes, Yes.)

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

The Hon'ble the SPEAKER: The questions is:

"That Clauses 1 to 6 of the Gauhati University (Amendment) Bill, 1949, as amended, stand part of the Bill."

The question was adopted.

The question is:

"That the Title and Preamble of the Gauhati University (Amendment) Bill, 1949 stand as part of the Bill",

The question was adopted.

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I beg to move that the Gauhati University (Amendment) Bill, 1949, as amended, be passed.

I do not think I should make a speech in this respect. The hon. Members of the House are already aware of the discussion on the Amendments of the Bill, and the principle underlying them. I am sure the Bill when passed will lead to better administration of the University. I therefore move that the Bill be passed.

The Hon'ble the SPEAKER: Motion moved:

"That the Gauhati University (Amendment) Bill, 1949, as amended, be passed".

(After a pause.)

The question is:

"That the Gauhati University (Amendment) Bill, 1949, as amended be passed".

The question was adopted.

The Assam Cement Control Bill, 1949

The Hon'ble the SPEAKER: Our next item of business is consideration of the Assam Cement Control Bill, 1949. There is one Amendment in the name of Srijut Lakshmidhar Borah and Srijut Beliram Das.

Srijut LAKSHMIDHAR BORAH: Sir, I beg to move that at the end of sub-clause (3) of clause 1, the "full-stop" after the word "operate" be deleted and the words "and remain in force for a period of one year from the date of operation" be added thereafter.

Sir, I intend that this Bill should be in force for one year instead of for an indefinite period, as you will find, Sir, that the measures are intended to control the normal trade channels in respect of a certain commodity and it is not known how long the present situation continues and how long this will remain as a controlled commodity. And at any time situation may change. So I do not think that we should enforce the Bill for a longer period than what is necessary. That is why, Sir, I intend that the Bill should be in force for a period of one year.

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

The Hon'ble the SPEAKER: Amendment moved:

"That at the end of sub-clause (3) of clause 1, the 'full-stop' after the word 'operate' be deleted and the words 'and remain in force for a period of one year from the date of operation' be added thereafter."

Maulavi MUHAMMAD ABUL KASHEM: Sir, I beg to oppose the Amendment. This Amendment really has got a negative force of this Bill. I do not know what is the intention of the hon. Mover of the Amendment. But I sincerely feel that the Bill will have no meaning if this Amendment is accepted. The Bill that is going to be passed here in this Assembly is not meant for one year or two years. It is for any time. But if the future Legislature think that there is no need of the operation of this Act then they have the power to discontinue it. Sir, if the control is for six months the first

instance and then it is extended for another six months, there would have been no such Bill. The Bill was introduced with a good intention of the Government. If there would have been any certainty that the position would improve after one year, then I think some hon. Members from the merchant class would have brought this Amendment. But when Mr. Borah, the Mover of the Amendment, does not fall in that class and yet he moves it, it means that it will encourage black marketing.

With these few words, Sir, I vehemently oppose this Motion and I request the hon. Mover to withdraw the Amendment.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, this Bill has been introduced in consonance with the desire of the Government of India who are actually the authority for controlling this commodity. The present policy of the Government of India in regard to production and distribution of controlled commodities has not yet been formulated in an Act ; but it will be done very soon. I understand that it has been an agreed policy that the distribution and control of All-India commodities as cement should remain with the Centre, but the executive authority for actual distribution should be the provinces. It is not known now how long this Control Order would last. I quite appreciate the sentiment of the hon. Member over there that it will not harm anybody if the period is extended. But at the same time the people feel that controls lead to black-marketing and many other complications. At any rate, the period of one year would give us enough time to work ; and then if the Government of India have no objection, we would decontrol after one year. But so far as the attitude of this Government is concerned, it is that one year for the time being would be quite sufficient for the purpose. Sir, after examining the whole position, we have proposed that we should accept this Amendment. It makes no difference, however, whether it is for one year or for two years. The point is that so long the Government of India would continue this control policy, we shall have to follow in line ; therefore, I do not find any difficulty in accepting the Amendment. There is a feeling in the country that if the control is removed, more cement will be available and from that point of view also we have proposed to accept the Amendment.

The Hon'ble the SPEAKER: The question is :

"That at the end of sub-clause (3) of clause 1, the 'full-stop' after the word 'operate' be deleted and the words 'and remain in force for a period of one year from the date of operation' be added thereafter."

The question was adopted.

Adjournment

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

After lunch

The Hon'ble the SPEAKER: The question is :

"That clause 1 of the Assam Cement Control Bill, 1949, as amended, stands part of the Bill."

The question was adopted.

The question is :

"That clauses 2 to 16 of the Assam Cement Control Bill, 1949, stand part of the Bill."

The question was adopted.

The question is :

"That the Title and Preamble of the Assam Cement Control Bill, 1949, stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: The Hon'ble Minister may now move that the Assam Cement Control Bill, 1949, as amended, be passed.

The Hon'ble Srijut GOPINATH BARDOLOI: I beg to move that the Assam Cement Control Bill, 1949, as amended, be passed. I have nothing to say by way of comment.

The Hon'ble the SPEAKER: Motion moved :
 "That the Assam Cement Control Bill, 1949, as amended, be passed."
 Any hon. Member taking part ?

(After a pause)

The question is :

"That the Assam Cement Control Bill, 1949, as amended, be passed."

The question was adopted.

The Assam Primary Education Rules

The Hon'ble the SPEAKER: Consideration of the Assam Primary Education Rules, item by item.

Hon. Members remember that all the Rules up to 63 were adopted with modification by the House in the last September Session of the Assembly. We shall take up from Rule 64 onwards in this Session.

I see a number of hon. Members have tabled amendments up to Rule 63. They are not entitled to do so because we have already adopted those Rules. Then we shall take up Rule 64. There are two amendments to Rule 64 in the name of Maulavi Muhammad Abul Kashem.

Rule 64

Maulavi MUHAMMAD ABUL KASHEM: I will not move this, Sir.

The Hon'ble the SPEAKER: The second amendment also ?

Maulavi MUHAMMAD ABUL KASHEM: That also I will not move.

Rule 65

Maulavi MUHAMMAD ABUL KASHEM: I beg to move :

Add "with previous approval of the Chairman" after "Board" in the first line of sub-rule (c) of Rule 65.

It is clear that in fixing the time for a meeting the Secretary should consult the Chairman and obtain his approval. I hope, Sir, this is a harmless amendment and will be accepted by the Government.

The Hon'ble the SPEAKER: Amendment moved :

"Add 'with previous approval of the Chairman' after 'Board' in the first line of sub-rule (c) of Rule 65."

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary):
 Mr. Speaker, Sir, the convention is that the date is fixed by the Secretary in consultation with the Chairman. But my hon. Friend by this amendment has suggested that the Secretary should take previous approval of the Chairman for such a meeting. It is only making a convention statutory and I may, have no objection to accept my Friend's phraseology.

The Hon'ble the SPEAKER : The question is :

“Add ‘with previous approval of the Chairman’ after ‘Board’ in the first line of sub-rule (c) of Rule 65.”

The amendment was adopted.

Maulavi MUHAMMAD ABUL KASHEM : I am not moving the second amendment.

Rule 66

Maulavi MUHAMMAD ABUL KASHEM : I beg, Sir, to move :

Add the following paragraph in Rule 66 :

“But the teachers of the Boards’ Primary Schools and Government Primary Schools shall be deemed to have been retained in the services of the Board.”

Sir, provision has been made in the Rules that after examination or taking into consideration of the suggestions made by the Secretary, the Chairman, with the approval of the Board, shall appoint all teachers. All the teachers should be retained. Actually they are being retained. All the Lower Primary School Teachers should be retained in the School Board. But there is an omission in the Act. In the marginal note the words ‘and the staff’ are omitted. So it does not cover teachers and it is better that provision be made for their protection in case a particular Chairman is prepared to do away with the services of some Lower Primary School teachers. I think it is necessary. In view of this, I hope my amendment will be accepted.

The Hon'ble the SPEAKER : Amendment moved :

“Add the following paragraph in Rule 66 :

“But the teachers of the Boards’ Primary Schools and Government Primary Schools shall be deemed to have been retained in the services of the Board.”

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) :

Mr. Speaker, Sir, this rule is not at all necessary. Under section 29 (2) of the Assam Primary Education Act, 1947, as soon as a School Board has been constituted for the first time under this Act, it shall take over and employ all such primary school teachers as were on the date of such taking over in the employment of any local authority within its jurisdiction, or of the Provincial Government, on the same terms and conditions on which such persons were employed under such local authority or the Provincial Government, as the case may be. Under this provision of the Act this rule is not necessary. It will only be a redundant thing.

Maulavi MUHAMMAD ABUL KASHEM : Hearing what the hon. Parliamentary Secretary has said, I beg leave of the House to withdraw my amendment.

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.

Rule No. 67

Maulavi MUHAMMAD ABUL KASHEM : I am not moving my amendment to Rule 67.

Rule 70

Maulavi MUHAMMAD ABUL KASHEM : I beg to move, Sir?

“Substitute 10 for ‘7’ in the fourth line of rule 70.”

Sir, because of communication difficulty I think seven days are too short. The notice should be of ten days. A letter from Dhubri reaches Mankachar on the fourth day. As communication is not going to be improved I want that ten days' notice be given. With these few words, I request the Government to kindly accept my amendment.

The Hon'ble the SPEAKER : Amendment moved :

"Substitute '10' for '7' in the fourth line of Rule 70."

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : As my Friend, hon. Mr. Kashem, has given us to understand that places like Mankachar will be put to some difficulty due to difficult communication if the date of meeting is announced with seven days' notice, Sir, I have no objection to accept his amendment and agree to substitute "10" "for 7".

The Hon'ble the SPEAKER : The question is :

"Substitutte '10' for '7' in the fourth line of Rule 70".

The question was adopted.

Rule 76

Maulavi MUHAMMAD ABUL KASHEM : I am not moving amendment No. 1. I am moving amendment No.2.

I beg, Sir, to move :

Substitute '10' for '7' in the third line of Rule 76.

As it is a consequential change, I hope it will be accepted.

The Hon'ble the SPEAKER : Amendment moved :

"Substitute '10' for '7' in the third line of Rule 76".

Srijut MAHENDRAMOHAN CHOUDHURY : As it is consequential, I accept this amendment.

The Hon'ble the SPEAKER : The question is :

"Substitute '10' for '7' in the third line of Rule 76".

The question was adopted.

Rule 77

Maulavi MUHAMMAD ABUL KASHEM : I do not like to move the amendment, Sir.

Rule 78

Maulavi MUHAMMAD ABUL KASHEM : I beg, Sir, to move :

Substitute 'on' for 'or' in the first line of Rule 78.

This is a clerical mistake and it may be rectified.

The Hon'ble the SPEAKER : Amendment moved :

"Substitute 'on' for 'or' in the first line of Rule 78".

Srijut MOHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : It is a printing mistake, Sir.

The Hon'ble the SPEAKER : The question is :

"Substitute 'on' for 'or' in the first line of Rule 78".

The question was adopted.

Rules 84 and 85

Maulavi MUHAMMAD ABUL KASHEM : I do not like to move the Amendments under Rules 84 and 85.

Rule 86

Maulavi MUHAMMAD ABUL KASHEM : I beg, Sir, to move :
Substitute "100" for "200" in "Note" under Rule 86.

In petty items the Secretary of the School Board has been authorised to spend Rs.200 without previous approval. In the case of Provincial Secretary of the School Board provision has been made to spend Rs.200. Here also a similar provision has been made that the Secretary of a School Board may spend Rs.200. But I think here he should not have more than Rs.100. It is pure and simple for the protection of misuse of money. I hope this will be accepted.

The Hon'ble the SPEAKER : Amendment moved :
"Substitute '100' for '200' in 'note' under Rule 86".

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : Sir, this concerns the power for incurring expenditures on petty items for specific purpose to be reserved in the hands of the Secretary of the School Board. My hon. Friend, Mr. Kashem, has pointed out that as the Secretary of the Provincial Board has the power to spend to the extent of Rs.200 the same power should not be delegated to the Secretary of the School Board. The analogy does not coincide. There may be circumstances where the Secretary of the School Board may have to retain the same power to spend as the Secretary of the Provincial Board. I cannot accept the amendment, and I would request my Friend, Mr. Kashem, to withdraw it.

Maulavi MUHAMMAD ABUL KASHEM : 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.

Rules 89 to 136

Maulavi MUHAMMAD ABUL KASHEM : I am not moving my amendments from Rule 89 to 136.

Rule 137

Maulavi MUHAMMAD ABUL KASHEM : Mr. Speaker, Sir, I beg to move :

Add the following after "Rules" and before "or" in the second line of Rule 137 :—

"or by collecting members in areas where Chaukidary system is in vogue".

This is a simple amendment to fill up the gap because in areas where the Mauzadary system is in vogue, the Mauzadars collect the cess. Where there is no Mauzadary system the Chaukidary system is in vogue. The collection is on commission basis. So in the fitness of things in Chaukidary areas collecting members will be authorised to realise the cess. There is need for it. So, Sir, this amendment may kindly be accepted.

The Hon'ble the SPEAKER : Amendment moved :

"Add the following after 'Rules' and before 'or' in the second line of Rule 137 :

or by collecting members in areas where Chaukidary system is in vogue."

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : Sir, I am prepared to accept this amendment.

The Hon'ble the SPEAKER : The question is :

"Add the following after 'Rules' and before 'or' in the second line of Rule 137 :—

'or by collecting members in areas where Chaukidary system is in vogue'."

The amendment was adopted.

I hereby declare that rules 64 to 140 of the Assam Primary Education (Amendment) Bill, 1949, as amended, has been adopted by the House.

The Assam Primary Education (Amendment) Bill, 1949

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : Sir, with your permission I beg to mention that yesterday while the Assam Primary Education (Amendment) Bill, 1949 was taken up it was omitted to be moved that the Bill be taken into consideration, before the House.

The Hon'ble the SPEAKER : You may move it now.

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : Sir, I beg to move that the Assam Primary Education (Amendment) Bill, 1949 be taken into consideration.

The Hon'ble the SPEAKER : Motion moved :

"That the Assam Primary Education (Amendment) Bill, 1949, be taken into consideration".

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir.

I do not think, it would be in order. The Motion may be moved like "that the Primary Education Rules, as amended, be approved".

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : Sir, this is in regard to the Assam Primary Education (Amendment) Bill, 1949 and has no connection with Rules

The Hon'ble the SPEAKER : Yes, this Motion is with regard to the Bill.

The Hon'ble the SPEAKER : The question is :

"That the Assam Primary Education (Amendment) Bill, 1949, be taken into consideration".

The question was adopted.

Then we have come to the end of our business to-day.

Adjournment

The Assembly was then adjourned till 10 A.M., on Thursday, the 31st March, 1949.

SHILLONG :

The 23rd June, 1949.

R. N. BARUA,

Secretary, Legislative Assembly, Assam.

