

Assam Legislative Assembly Debates

OFFICIAL REPORT

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

AUGUST-SEPTEMBER SESSION

VOLUME II

No.22

The 7th September, 1956



सत्यमेव जयते

1957

PRINTED AT THE ASSAM GOVERNMENT PRESS
SHILLONG

Price 10 annas.

Proceedings of the Tenth Session of the Assam Legislative Assembly assembled after the First General Election under the Sovereign Democratic Republican Constitution of India

The Assembly met in the Assembly Chamber, Shillong, at 1-30 P.M. on Friday the 7th September, 1956.

PRESENT

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, eight Ministers, three Deputy Ministers and seventy-one Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Construction of a Bund across the Kherkatia Suti at Tekeliphuta

Shri MAL CHANDRA PEGU asked :

*3. Will the Minister-in-charge of Embankment and Drainage, be pleased to state—

- (a) Whether Government proposed to construct a Bund across the Kherkatia Suti at Tekeliphuta where the Majuli Public Works Department and Dhakuakhana-Ghilamora Public Works Department roads meet ?
- (b) If so, when the construction will begin ?
- (c) If not, whether Government propose to make survey as to the feasibility of construction of Bund across the said river ?
- (d) Whether Government are aware that about twenty thousand people will be benefited and about one lakh bighas of fallow lands will become fit for cultivation if the said Bund is constructed ?

Shri SIDDHINATH SARMA (Minister) replied :

3. (a)—This is a new scheme which requires careful investigation before it is taken up in hand.

(b)—This does not arise, since construction of the same can only be taken up after investigations mentioned in paragraph (a) above are completed and its feasibility ascertained.

(c)—Yes.

(d)—No. The benefits of this scheme will be ascertainable after investigations are completed.

Shri MAL CHANDRA PEGU: Whether Government once proposed to construct a Bund across the Kherkatia Suti ?

Shri SIDDHINATH SARMA (Minister): This is a new scheme which requires proper investigation before it is taken up in hand. Its utility and feasibility can be ascertained only after careful investigation.

(Starred Questions Nos.4 and 5 standing in the name of Shri Purandar Sarma were not put as the Questioner was absent).

Settlement of certain persons at Kalatali-Kandulimai in Pub Samaria Mouza in Kamrup

Shri HARESWAR GOSWAMI asked :

*6. Will the Minister, Revenue, be pleased to state—

(a) Whether he has any information of any settlement given to Jahabox Dewani, Tamizuddin and 28 other families of Pub Samaria by Assistant Settlement Officer, Mr. Z. Yusuf, on 29th June 1954 at Kalatali-Kandulimai in Pub Samaria mouza in Kamrup ?

(b) Whether it is a fact that these people were given settlement as early as 1951 and all these people are landless ?

(c) Whether settlement has actually been given and possession delivered to these people ?

(d) If not, what is the reason for not doing so ?

Shri MOTIRAM BORA (Minister) replied :

6. (a) to (d)—The information is not available and has been called for from the local officers.

Shri HARESWAR GOSWAMI: Will the information be sent to me when it is available ?

Shri MOTIRAM BORA (Minister): Yes.

Settlement of Land at Harmutty Requisitioned Grant in Laluk Mouza

Shri MAL CHANDRA PEGU asked :

*7. Will the Revenue Minister be pleased to state—

(a) When any petition for allotment of land at Harmutty Requisitioned Grant in Laluk Mouza, North Lakhimpur, was recently submitted by the flood-affected Miri people of Ukhal Subkuli Gaon, Majuly, to the Sub-divisional Officer, North Lakhimpur ?

(b) How many of them had been allotted land at the said Grant ?

(c) Whether they are recommended by the Deputy Commissioner, Sibsagar, for allotment of land there ?

(d) Whether the case of the petitioners were ever put before the Land Settlement Advisory Board of North Lakhimpur ?

(e) Whether it is a fact that recently some people of Bardoloni Mouza had been allotted the land cleared by the Miri flood-affected people of Majuly ?

(f) Whether the land in question falls within Tribal Belt ?

(g) Who are the persons belonging to Bardoloni Mouza who had been given land at the said Grant ?

(h) Whether it is a fact that one Shri Tilendranath Barua of Bardoloni has also been given land there ?

(i) Whether Government are aware that the said Shri Tilendranath Borua has brought many persons of his own to be given land there ?

Shri MOTIRAM BORA (Minister) replied :

7. (a) to (i)—The information is not available but has been called for from the local officers.

Settlement of Saikhowa and Gali Reserve Fisheries

Shri HARESWAR GOSWAMI asked :

*8. Will the Minister-in-charge of Forest be pleased to state—

- (a) Whether the Saikhowa and Gali Reserve Fisheries were settled with Shri D. Lagachu and K. N. Lagachu belonging to Plains Tribal (Miris) of the Transferred Area considering all the rules and regulations ?
- (b) Whether it is a fact that the said Fisheries were again re-settled with Shri Maharam Hazarika and Ramani Kanta Bora subsequently cancelling the previous settlement with the Lagachus ?
- (c) If so, what were the reasons to cancel the previous settlement when the Fisheries were once settled after considering all the essential rules and to re-settle with one Shri Maharam Hazarika, who is a Moharar of one Shri A. Majid and Ramani Kanta Bora ?
- (d) Whether it is a fact that Government decided to render every sort of possible help and preference in respect of contracts including fisheries to the people belonging to Tribal people of the Transferred Areas ?
- (e) If so, how many forest contracts and fisheries have been settled with the Plains Tribal people belonging to Transferred Areas in Lakhimpur District during the year 1956-57 ?
- (f) Whether it is a fact that the said fisheries were re-settled with the persons stated above only due to the reason that they belong to Scheduled Caste ?
- (g) If so, why the Fisheries were settled with the Lagachus belonging to Plains Tribal (Miris) who have since spent a considerable amount for purchasing the necessary materials for running Fisheries ?

- (h) Why one of the Fisheries was not returned to one of the Lagachus ?
- (i) Whether it is a fact that Lagachus have since submitted review petition to the Chief Minister ?
- (j) If so, what is the decision of the Chief Minister on that review petition ?

†**Shri BAIDYANATH MOOKERJEE (Minister)** replied :

8. (a)—The Saikhowa and Gali Forest Fisheries were settled by the Conservator of Forests with Shri K. N. Lagachu and D. Lagachu, respectively, subject to appeal as provided in the Sale Notice.

(b)—Yes, an appeal filed by the Scheduled Caste people.

(c)—On appeal, Government set aside the settlement with Shri K. N. Lagachu for the reason that his tender was not according to Sale Notice in as much as he had not furnished I. T. C. and also for the reason mainly that under clause 5 of the Sale Notice actual fisherman belonging to Scheduled Caste would be given option of taking settlement at highest bid.

For the above reasons Shri Maharam Hazarika, an actual Fisherman belonging to the Scheduled Caste, was given settlement of the Saikhowa Fisheries at the highest bid of Rs.5,550 offered by the highest bidder Shri Habib Ali.

As for Gali Fisheries, the tender of Shri D. Lagachu was not in order as he had not signed the declaration form binding himself to certain conditions, *vide* clause 10 of the Sale Notice. Besides as per clause 5 as stated above, Government set aside the settlement as made by the Conservator of Forests and instead settled the Fishery with Shri Ramani Kanta Bora, an actual Fisherman belonging to the Scheduled Caste, at the highest bid of Rs.8,060 offered by Shri Nurul Haque.

(d)—Yes Government have now decided. But according to the then Government policy and the terms and conditions of the Sale Notice, actual fisherman of the Scheduled Caste had a preference over all other people including Tribals.

(e)—Information is being collected.

(f)—Yes.

(g)—Reasons have been mentioned in reply to question (c) above.

(h)—Does not arise.

(i)—Only Shri K. N. Lagachu has submitted a review petition to the Chief Minister in respect of Saikhowa Fishery.

(j)—The matter is pending consideration.

†The reply was given by Shri Baidyanath Mookerjee in the absence of Shri Ramnath Das.

Re: Filling up of a vacancy in the teaching staff of the Department of Botany in the Cotton College

Shri HARESWAR GOSWAMI asked :

*9. Will the Education Minister be pleased to state—

(a) Whether any vacancy in the teaching staff of the Botany Department occurred in the Cotton College recently ?

(b) Who are the persons appointed to fill up the vacancy ?

(c) Who are the persons who were given nominations by the Public Service Commission ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

9. (a)—Yes.

(b)—(1) Miss Renu Prava Momin,
(2) Shri Gulenur Hussain and
(3) Mrs. Bimala Patwari.

The third candidate was appointed provisionally under Regulation 3 of the Assam Public Service Commission Regulations and has since been discharged.

(c)—Miss Renu Prava Momin (1st).

Shri Gulenur Hussain (2nd).

Shri Ranendra Chandra Barua (3rd).

Mrs. Bimala Patwari (4th).

Shri HARESWAR GOSWAMI : Who has been appointed now to the post ?

Shri PURNANANDA CHETIA (Deputy Minister) : The reply is already given.

Shri HARESWAR GOSWAMI : Whether Shri Gulenur Hussain has been appointed or not ?

Shri PURNANANDA CHETIA (Deputy Minister) : Yes was appointed.

Shri HARESWAR GOSWAMI: Whether it is a fact that Mrs. Patwari was appointed to this post ?

Shri PURNANANDA CHETIA (Deputy Minister): Yes, temporarily under Regulation 3 of the Assam Public Service Commission Regulations.

Shri HARESWAR GOSWAMI: Has Shri Gulenar Hussain been made permanent in this job ?

Shri PURNANANDA CHETIA (Deputy Minister): No, the vacancy is of a temporary nature.

(Starred Question No.10 standing in the name of Shri Purandar Sarma was not put and answered as the Questioner was absent.)

Jogighopa-Dhubri Route

Shri HARESWAR GOSWAMI asked :

*11. Will the Minister-in-charge of Transport be pleased to state—

- (a) Whether Jogighopa-Dhubri route has been nationalised as per legislation ?
- (b) Whether any private permit holder is allowed to ply stage carriage buses on the said route ?
- (c) Whether some permit holders of Abhoyapuri-Bongaigaon Bus Association and Dhubri-Bilasipara Bus Association applied to ply their buses between Jogighopa and Bongaigaon and Dhubri-Bilasipara to Kokrajhar ?
- (d) What action has the Regional Transport Authority taken on their applications ?
- (e) What is the reason for Regional Transport Authority refusing their permits ?

Shri SIDDHINATH SARMA (Minister) replied :

11. (a)—Yes.

(b) to (e)—Information is being collected.

Shri HARESWAR GOSWAMI: Regarding (a), whether it has been notified that the route has been nationalised, because passing of an Act is one thing and nationalisation is another ?

Shri SIDDHINATH SARMA (Minister): I cannot say offhand. As far as I can remember the existing route was automatically nationalised under the Act.

Shri HARESWAR GOSWAMI: That is not a fact.

Shri SIDDHINATH SARMA (Minister): I may be wrong. I cannot say off hand. The matter will be examined.

Shri HARESWAR GOSWAMI: As soon as the information is received by the Minister, will it be sent to me ?

Shri SIDDHINATH SARMA (Minister): Yes.

(Starred Question No.12 standing in the name of Shri Purandar Sarma was not put and answered as the Questioner was absent).

Re: An incident that took place in the Circuit House at Gauhati on the 8th August, 1956

Shri HARESWAR GOSWAMI asked :

*13. Will the Chief Minister be pleased to state—

- (a) Whether he is aware of the incident that took place in the Circuit House at Gauhati on 8th August last when a delegation of American Students visited Gauhati ?
- (b) Whether it is a fact that Police arrived at the spot one hour after being informed about it on the 'phone ?
- (c) Whether it is a fact that no action was taken to arrest the miscreants till 3 days after ?
- (d) How many persons have been arrested in this connection and what steps are being taken to bring them to book ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

13. (a) Yes.

(b) The Police arrived at the Latasil outpost immediately on receipt of information that it was attacked by students. It was only on arriving there that the Police learnt about the incident in the Circuit House.

(c) The real miscreant was actually caught on the very same night of the occurrence but he was forcibly rescued by a mob of students who afterwards rushed to the Latacil Outpost. Arrangements for the arrest of the miscreants by the Police had to be made with the Principal, Cotton College, who took some time to produce them and they were arrested on the third day after a case against the accused was registered in the Police Station on the written complaint of the American student.

(d) Two persons were arrested of whom one was charge-sheeted.

Shri HARESWAR GOSWAMI: So far as (b) is concerned I want only to give an information.

Mr. SPEAKER: You cannot give an information but you can ask a question.

Shri HARESWAR GOSWAMI: Whether the Chief Minister is aware of the fact that the Police actually arrived 45 minutes after the information was given to them?

Shri BISHNURAM MEDHI (Chief Minister): I do not remember. From the preliminary talk I had with them, I found that as soon as they got the information in the Sadar Police Station, they sent information to the Police Reserve to send Police Force on motor vehicles, which are kept there. They took some time to get the vehicles.

Shri RANENDRA MOHAN DAS: Whether any information was sent to the Superintendent of Police and if so, when he arrived at the spot?

Shri BISHNURAM MEDHI (Chief Minister): Yes. It is difficult to give the exact time of his arrival.

Shri RANENDRA MOHAN DAS: It is a serious matter, you ought to have known full report.

Maulavi MUHAMMAD UMARUDDIN: Is any other action being taken against the students apart from prosecution?

Mr. SPEAKER: You are to await a little about this.

Maulavi MUHAMMAD UMARUDDIN: Are the students who were arrested are still being allowed to attend the college?

Shri HARESWAR GOSWAMI: Yes.

So far as (d) is concerned, I do not know whether the Minister-in-charge has said about the number of persons arrested.

Shri BISHNURAM MEDHI (Chief Minister): 2 in connection with the Circuit House incident.

Shri HARESWAR GOSWAMI: How many students were arrested in connection with the Latasil Outpost incident?

Shri BISHNURAM MEDHI (Chief Minister): The information is not with me now.

Shri HARESWAR GOSWAMI: Both incidents are connected.

Shri BISHNURAM MEDHI (Chief Minister): There is no mention of Latasil Outpost in the question. The question reads as follows:—

(a) Whether he is aware of the incident that took place in the Circuit House at Gauhati on 8th August last when a delegation of American Students visited Gauhati?

(b) Whether it is a fact that Police arrived at the spot one hour after being informed about it on the phone?

(c) Whether it is a fact that no action was taken to arrest the miscreants till 3 days after?

This is all in connection with the Circuit House incident. There is nothing about Latasil Outpost.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Illegal entry of Pakistanis from East Bengal

Shri RAMPRASAD CHAUBEY asked :

2. Will the Government be pleased to state—

(a) Whether it is a fact that the Muslim entrants are now coming to Assam from East Bengal in larger numbers?

(b) Whether attention of the Government has been drawn to such illegal entrance?

(c) If so, what measure Government propose to take to stop this?

Shri BISHNURAM MEDHI (Chief Minister) replied :

2. (a)—Yes.

(b)—Yes.

(c)—Seventy-eight Border outposts, 13 Passport checkposts, a Special checking staff at Badarpur and the D.E.F. Staff in their respective districts are functioning to prevent illegal entry of Pakistanis. Persons detected entering without travel documents are prosecuted under the law.

Grants for the treatment of Leprosy Patients at Baithalangso in Mikir Hills

Shri BARELONG TERANG asked :

3. Will the Minister-in-charge of Medical be pleased to state—

- (a) Whether it is a fact that an amount of Rs.30,000 (Rupees thirty thousand) had been sanctioned for the treatment of leprosy patients at Baithalangso in Mikir Hills-West for the year 1955-56 ?
- (b) If it is a fact that the amount had been drawn by some other institutions ?
- (c) If so, on what basis the amount was drawn ?
- (d) Whether the amount will be reallocated to the same institution at Baithalangso in Mikir Hills-West ?

Shri RUPNATH BRAHMA (Minister) replied :

3.(a)—No. A grant-in-aid of Rs.55,000 was only sanctioned in 1955-56 out of grants under Article 275 of the Constitution to the Constructive Wing of the A. P. C. C. for opening leprosy treatment centres in Mikir Hills including one at Baithalangso and also to take up such welfare work in other Hill Districts as well and particularly in Garo Hills.

(b)—No. The Organisation to whom the grant sanctioned has drawn the amount for the purpose for which it was given.

(c)—Does not arise.

(d)—Does not arise.

Missing of valuable documents from the file of the Magistrates at Nowgong

Shri LILA KANTA BARAH asked :

4. Will the Minister-in-charge of Judicial be pleased to state—

- (a) Whether Government have any information about missing of case records with valuable documents from the file of the Magistrates at Nowgong ?
- (b) Whether the Nowgong Bar Association had sent any information to Government about missing of the records ?
- (c) Whether Government have taken any action in the matter and if so, what are the results ?

Shri BAIDYANATH MOOKERJEE (Minister) replied:

4. (a)—Yes.

(b)—Yes.

(c)—Yes. The Assistant concerned has been placed under suspension and proceedings are being drawn up against him. The missing records of one case have been traced out and further search is being conducted to find out the other missing records.

Erosion of Katlicherra Bazar

Shri GOURI SHANKAR ROY asked:

5. Will the Minister-in-charge of Embankment and Drainage be pleased to state—

(a) Whether Government are aware of the erosion of Katlicherra Bazar—a developing market by Dhaleswari River in south Hailakandi?

(b) If so, since when?

(c) What step has been taken by Government to protect this market from future erosions?

Shri SIDDHINATH SARMA (Minister) replied:

5. (a)—Yes.

(b)—Since September, 1954.

(c)—Minor temporary protection works by means of tree-groynes to check embankment was completed in the flood season of 1955. Thereafter, survey for the main protection work was taken up and has been completed. The estimate is under preparation now. The work will be considered for taking up, if funds permit.

Assam House at Calcutta

Shri HARIHAR CHOUDHURY asked:

6. Will the Minister-in-charge of General Administration be pleased to state—

(a) Total cost in purchasing the Assam House at Calcutta?

(b) Approximate apportionment of costs separately for land and buildings?

(c) Whether it is a fact that the Assam House at Calcutta needs through repairing and the West Bengal Government which was entrusted with the works of repairing the same, have submitted an estimate of a sum of Rs.1,80,000 as repairing costs to the Government of Assam?

- (d) If the answer to (c) above be in the affirmative whether Government will consider about rebuilding the house instead of incurring such heavy expenditure in repairing only ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

6. (a) & (b)—The cost of the house with land is Rs.4,20,000.

The costs of land and buildings were not separately apportioned. Judging however from the ruling price of land in the area it may be assumed that the cost of land would be not less than Rs.3,50,000, which will mean that the value of the existing building with equipment would be Rs.70,000 only.

(c)—Yes.

(d)—It has been found on detailed scrutiny that if repairs and improvements costing Rs.60,000 are effected, the existing building will serve the present needs. So the Government do not propose at present to incur any heavy expenditure either on repairs or on rebuilding the house.

Proposal of abolition of Local Boards in the State of Assam

Shri RAMPRASAD CHAUBEY asked :

7. Will the Minister-in-charge of Local Self-Government be pleased to state—
- (a) Whether Government propose to abolish the Local Boards in the State ?
 - (b) If the reply to (a) above be in the affirmative, from what date, Government propose to abolish the same ?
 - (c) Whether Government have considered the future security, prospects and status of Local Board employees as a result of abolition of the Local Boards ?
 - (d) Whether it is a fact that a committee consisting of Ministers, Local Self-Government Rural Development, Medical and Education Departments has been set up to examine the question ?
 - (e) Whether the said committee concluded its deliberations ?
 - (f) If the reply to (e) above be in the affirmative, will the Government be pleased to lay on the table a copy of its findings ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied :

7. (a)—Yes.

(b) No specific date for the purpose has yet been fixed by Government.

(c)—The matter is under consideration of Government.

(d), (e) & (f)—Yes, Government have set up a Committee consisting of the Ministers, Local Self-Government, Rural Development, Medical and Education Departments. The Local Self-Government Department has completed the collection of necessary materials from the various Local Boards for placing the same before the committee to enable it to examine the questions involved therein for submission of report to the Government in due course. The informations collected are under scrutiny in consultation with the different Departments concerned

A meeting of the Committee will be convened shortly to examine all aspects of the matter so that a report may be submitted to Government for necessary action.

Subdivisional Officer's Office at Barpeta

Maulavi TAJUDDIN AHMED asked :

8. Will the Minister in-charge of Revenue be pleased to state—

(a) Whether it is a fact that in Barpeta Subdivisional Officer's Office, Magistrates have no room to sit and try the cases ?

(b) Whether Government propose to allot separate room to all Magistrates in Barpeta for trying cases ?

Shri MOTIRAM BORA (Minister) replied :

8. (a)—As in all other Court buildings, there has been some congestion in Subdivisional Officer's Court building at Barpeta due to expansion of Offices. But the congestion has been relieved to some extent by the Subdivisional Officer taking over part of the old Circuit House for his Office.

(b)—As a further measure to relieve the congestion, Deputy Commissioner, Kamrup has been asked to locate some of the Offices at Barpeta in hired houses till the Settlement Office building proposed to be constructed close to the Court building can be used for accommodation of the Courts after the settlement operation.

Fixation of minimum wages for the Press Workers of Assam

Shri RAMPRASAD CHAUBEY asked :

9. Will the Minister in-charge of Labour be pleased to state—

- (a) The measures adopted by the Government for the fixing up of the minimum wages for the press workers of Assam, as assured during the last Assembly Session ?
- (b) How long it will take to come to a decision on the matter ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

9. (a)—A notification inviting comments was issued by this Government for inclusion of “printing presses” as an additional item in the Schedule to the Minimum Wages Act. Other State Governments were also addressed on the subject.

(b)—A decision will be taken after replies from all State Governments are received.

Re : Hailakandi-Karicherra Road

Shri GOURI SHANKAR ROY asked :

10. Will the Minister-in-charge of Public Works Department be pleased to state—

(a) Whether any representation was lately received by him about deteriorating condition of Hailakandi-Karicherra Road ?

(b) If so, what action has so far been taken on it ?

Shri SIDDHINATH SARMA (Minister) replied :

10. (a)—Yes. Owing to difficulties in arranging gravel for the road due to non-existence of suitable quarries within easy reach, the conditions of the roads were not satisfactory. Some low-lying newly earthed up portions were also bad due to early rains and owing to the above reasons causing hardship to traffic. This was aggravated by unusual floods in the area this monsoon.

(b)—The local officers have been instructed to do the needful and a new quarry has since been located. Attempts to work this will be made during the next working season. Besides Rs.35,000 has been provided for metalling one mile of Hailakandi-Badarpur Road under the 2nd 5-Year Plan and the Assam Roads Communication Board have allocated Rs.70,000 for surfacing certain portions of Badarpur-Hailakandi-Karicherra Road.

Construction of a Road from Katlicherra to Dullavcherra

Shri GOURI SHANKAR ROY asked :

11. Will the Minister in-charge of Public Works Department be pleased to state—

- (a) Whether any public demand was lately put to him to construct a Road from Katlicherra to Dullavcherra connecting South Hailakandi with Karimganj Subdivision.
- (b) If so, what action has been taken on it ?

Shri SIDDHINATH SARMA (Minister) replied :

11. (a)—Yes.

(b)—The proposal was placed before the last meeting of the Assam Roads Communication Board and the Board have allocated Rs.50,000 for Hailakandi-Dullavcherra Road.

Damages done by crows to all sorts of crop plantations

Shri EMERSON MOMIN asked :

12. Will the Chief Minister be pleased to state—

- (a) Whether Government are aware that in the South-East of Garo Hills innumerable crows are causing great damages every year to all sorts of crop plantations throughout the year (mostly to Maize, Pineapples, Oranges, Jack-fruits, etc.)?
- (b) Whether Government propose to destroy the noxious crows by giving some sorts of subsidies to the Killers and thus help the cultivators from terrible loss ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

12.(a)—Government are aware of the damage caused to crops by birds including crows all over the State including Garo Hills District.

(b)—No. In other parts of the State the cultivators themselves take steps to minimise this damage by adopting various devices for destroying and scating away the birds including crows. Government expect that people will help themselves in dealing with the problem. Government may however consider the desirability of awarding a few prizes for killing the largest number of crows.

Posting of Veterinary Doctors at Mahendraganj, Kalaichar, Fulbari and Garobandha

Shri EMERSON MOMIN asked :

13. Will the Minister in-charge of Veterinary be pleased to state—

- (a) Whether it is a fact that the Veterinary Doctors are not yet posted at Mahendraganj, Kalaichar, Fulbari and Garobandha ?
- (b) If so, when Veterinary Doctors will be posted to those places to remove the needs of the people ?
- (c) Whether it is a fact that sufficient quantities of medicines and necessary chemicals are not stocked in the Veterinary Hospitals in the Garo Hills District ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied :

13. (a)—Yes. Due to paucity of qualified Veterinary graduates no Assistant Surgeon could be posted at Mahendraganj, Kalaichar and Fulbari. The Dispensary at Fulbari is being looked after by the Supervisor Field Assistant under the guidance of the Veterinary Assistant Surgeon, Tura. There is neither a Veterinary Dispensary nor a first-Aid Veterinary Centre at Garobandha.

(b)—Veterinary Assistant Surgeons will be posted as soon as they are available.

(c)—Sufficient quantities of medicine and appliances are being supplied to the Veterinary Dispensaries in Garo Hills.

Appointments made in the Transport Department

Maulavi MEHRAB ALI LASKAR asked :

14. Will the Minister in-charge of State Transport be pleased to state—

- (a) What is the total number of appointments made in the Transport Department in the officer rank and non-officer rank, clerical staff, mechanical staff (both officers, non-officers), checking staff from the year 1948 till now (figures to be given year by year and post by post) ?
- (b) How many of them are Muslims (figures to be given year by year and post by post) ?
- (c) What are the principles followed in making the appointments?
- (d) What are the machineries for making these appointments ?

Shri SIDDHINATH SARMA (Minister) replied:

14. (a)—The total number of appointments made in S. T. Organisation since its inception, *i. e.*, from 1949 up-to-date, in various posts is given below—

Officers rank	Non-officers rank	Clerical staff	Mechanical staff		Running staff	Grade IV staff	Checking staff	
			Officers	Non-officers				
1949	4	1	105	1	105	199	210	...
1950	4	4	68	1	18	47	25	...
1951	9	..	22	1	13	29	15	..
1952	2	3	51	...	47	49	15	..
1953	2	...	18	3	19	82	16	..
1954	5	6	67	1	34	92	14	...
1955 } 1956 }	5	1	50	1	25	54	19	5
Total ...	31	15	382	8	261	552	314	5

(b)—One hundred and forty-two of them are Muslims as per figures given below:—

1949	1	..	16	..	26	16	7	...
1950	..	1	3	...	1	3	...	..
1951	...	...	..	...	...	...	2	...
1952	...	2	3	...	5	6	2	...
1953	...	..	1	...	3	6	...	...
1954	1	...	6	...	1	14	2	...
1955 } 1956 }	1	...	2	...	2	5	4	...
Total ...	3	3	31	...	38	50	17	...

(c) (i)—Appointments to all categories of officers and staff (with the exception of Grade IV Staff) of the S. T. Organisation are made after due advertisement and after necessary interview or test. Grade IV Staff are appointed locally after verification of their antecedents.

(ii) Appointments to gazetted posts under the S. T. C. are made on the recommendations of the Assam Public Service Commission. Rest of the appointments are made by the S. T. C. after due advertisements.

(d) (i)—Board of Control in case of appointments of officers in superior service of the S. T. Organisation and in case of other categories of staff Secretary, Board of Control, Assam.

(ii) Appointments in the gazetted posts under the S. T. C. are made by Government on the recommendations of the Assam Public Service Commission and the rest of the appointments are made by the S. T. C. Assam.

Total area of Reserve Forests dereserved after 1950 Earthquake.

Shri HARIHAR CHOUDHURY asked :

15. Will the Minister in-charge of Forests be pleased to state—

- (a) Total area of Reserve Forests dereserved after 1950 earthquake, for rehabilitation of Earthquake, Flood affected and landless persons ?
- (b) Total area of Unclassed State Forest added to Reserve Forests during the said period ?
- (c) Total area of new plantations made during the said period ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

15. (a), (b) & (c)—The hon. Member's attention is drawn to the Unstarred Question No. 39, (b), (e) & (f) and replies thereto of the last March Session of the Assembly wherein these informations were furnished.

Exorbitant rise in the prices of rice and other essential commodities in Assam.

Shri RAMPRASAD CHAUBEY asked :

16. Will the Minister-in-charge of Supply be pleased to state—

- (a) The reason for the exorbitant rise in the prices of rice and other essential commodities in the State from last January ?
- (b) The percentage of increase of the articles referred to in (a) above in comparison with the base year 1939 and that of 1955 ?
- (c) What steps do the Government propose to check this rise and what measures have been adopted to that end by the time ?
- (d) Whether Government are aware or have received complaints to the effect that the rice supplied at cheaper rates to the flood stricken people in the Cachar District during the last flood were unfit for human consumption and the consumers had to suffer from illness due to that ?
- (e) What precaution Government had taken so that the supplies of rice to the flood affected area did not make good use of the opportunity by selling their rotten stocks ?

17. Will the Minister in-charge of Supply be pleased to state—

- (a) Whether Government are aware that price of rice in Cachar District is now very high ?
- (b) Whether Government propose to open cheap grain shops in the District of Cachar from wherever it is demanded ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

16. (a)—The prices of rice generally showed an upward trend in the State since May, 1956.

The following seem to be the reasons for rise in prices of rice :—

- (i)—Lower yield of crops during last harvest in certain areas.
- (ii)—Export to North Bengal in the absence of control over movement.

(iii)—Hoarding tendency with the expectation of further rise in prices.

(iv)—Suspected smuggling into East Pakistan.

(v)—High prices of other essential commodities imported from outside.

(vi)—Inflationary tendency caused by deficit financing.

As regards other essential commodities which are imported from outside, the rise in prices may be due to the following reasons :

(i)—High prices at production centres.

(ii)—Transport difficulties.

(b)—As far as particulars are available, the index for food group in Assam rose by 333 per cent and 16 per cent till June 1956 as compared with the base year 1939 and with 1955 respectively.

(c) At the request of the State Government, the Government of India have allotted 20,000 tons of rice for distribution through Fair Price Shops at a retail price of Rs.18-8-0 per maund. Rice is being distributed out of the stocks received up till now according to a scheme at this price to consumers for bringing down the market prices and as a result there have been downward trend in certain areas and further rise in prices has been checked. Wheat is being lifted from Central Government stocks in Calcutta regularly. As regards other imported foodstuffs, Assam dealers are being rendered regular assistance in respect of allotment of wagons for movement of essential commodities from production centres into Assam destinations. Besides, 5 Specials were arranged for movement of sugar and pulses according to requisitions received from traders. Steps are also being taken to arrange more Specials by taking up the matter with the Railway Board.

(d)—Government have no information.

(e)—Does not arise.

17. (a)—As in other parts of the State and also elsewhere in India the price of rice is also high in Cachar.

(b)—152 Fair Price Shops have already been opened in various areas of the Cachar District and rice is being regularly distributed through them at Rs.18-8-0 per maund. Local Officers have been authorised to open more Fair Price Shops wherever found necessary.

Number of Fair Price Shops in Assam

Shri HARESWAR GOSWAMI asked :

18. Will the Minister-in-charge of Supply be pleased to state—

- (a) How many Fair Price Shops have been opened till now in the State of Assam, district-wise ?
- (b) What is the amount of paddy and rice sanctioned to each of the district of Assam ?
- (c) What is the price fixed for sale of such rice and paddy ?
- (d) What is the quantity of rice the Government of Assam have procured from outside the State this year ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

18. (a)—As far as information is available, the following Fair Price Shops have been opened district-wise :

Lakhimpur	...	...	..	42
Sibsagar	...	...	...	21
Darrang	...	...	...	5
Kamrup	...	..	...	77
United Khasi and Jaintia Hills	..	...	...	23
Garo Hills	...	...	...	9
Cachar	...	..	..	152
United Mikir and North Cachar Hills	...	...	...	5
Naga Hills	...	..	...	2

Arrangements are also being made in opening Fair Price Shops in other districts and also opening more Fair Price Shops in some of those districts where there are existing Fair Price Shops.

(b)—There is no district-wise allotment of paddy and rice. Rice is being allotted according to the requisitions received from district officers.

(c)—As far as Central Government rice is concerned, the retail price has generally been fixed at Rs.18-8-0 per maund throughout the State as directed by the Government of India. Paddy issued from State Government stocks is released at the pre-decontrol issue prices and resultant rice from State Government stocks of paddy is issued at the pre-decontrol prices fixed for different areas.

(d)—At the instance of the State Government, Government of India initially allotted 10,000 tons of rice from their stocks in Hyderabad and Gwalior. Subsequently at the request of the State Government they allotted another 10,000 tons. They have again been moved for a 3rd allotment of 10,000 tons.

Sub-Judge's Court at Golaghat

Shri DEBESWAR RAJKHOWA asked :

19. Will the Minister-in-charge of Judicial be pleased to state—

(a) Whether Government lately received representation from the Golaghat Bar Association, regarding the functioning of a Sub-Judge's Court at Golaghat ?

(b) If so, whether Government propose to take immediate steps for starting a Sub-Judge's Court at Golaghat ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

19. (a)—Yes.

(b)—The matter is under the consideration of Government.

Tenders for Udai bridge on Basanghat-Bhuragaon Road in Nowgong District

Shri HARESWAR GOSWAMI asked :

20. Will the Government be pleased to state—

(a) Who were the tenderers for Udai bridge on Basanghat-Bhuragaon Road in Nowgong District ?

(b) What were the rates offered by different tenderers ?

(c) To whom the contract has been given and on what grounds ?

Shri SIDDHINATH SARMA (Minister) replied :

20. (a) & (b)—(i) Shri Narayan Chandra Katakya—
1 per cent below Schedule.

(ii) Shri Jonaram Hazarika—As per Schedule.

(iii) Shri H. K. Jairath— $2\frac{1}{2}$ per cent above Schedule

(iv) Shri Chandra Nath Sarmah— $3\frac{1}{2}$ per cent above Schedule.

(v) Shri Chandra Kanta Sarmah—5 per cent above Schedule.

(vi) Shri C. K. Mahanta— $6\frac{1}{4}$ per cent above Schedule.

(c)—The contract has not been given to anyone.

Construction of Barpeta New Circuit House

Maulavi TAJUDDIN AHMED asked :

21. Will the Minister in-charge of Public Works Department be pleased to state—

(a) When the construction of Barpeta New Circuit House was started and when the construction was finished ?

(b) What is the total amount of cost for this construction ?

- (c) Whether it is a fact that the floor of the whole Circuit House including its Verandah is cracking and sinking down and whole plinth is being damaged ?
- (d) What is the cause of this damage and who is responsible ?
- (e) What will be the cost for its repair ?

Shri SIDDHINATH SARMA (Minister) replied:

21. (a)—The construction was started in January, 1955 and completed in July, 1956.

(b)—Main Building—Rs.36,000 (Rupees thirty-six thousand).

(c)—The floor of the Circuit House and Verandah at certain places have cracked and sunk.

(d)—The cause is due to settlement of newly filled up earth depth of which is about 14'. Normally for such heavy filling two seasons are allowed for settlement before flooring is done. But due to the visit of important dignitaries from India the work had to be done before allowing sufficient time for settlement of new earth.

(e)—Estimated repair cost is Rs.500 (Approximately).

Re: Chalpapa Beel in Kamrup District

Shri HARESWAR GOSWAMI asked :

22. Will the Revenue Minister be pleased to state—

(a) Whether Chalpapa Beel in Bahjari Mouza in Kamrup District was twice auctioned by the Mouza Panchayat ?

(b) Whether Government authorised the Panchayat to do so ?

- (c) If it is a fact that the people protested against such action ?
- (d) If it is a fact that people used to catch fish from the fishery free of charge ?

Shri MOTIRAM BORA (Minister) replied:

22. (a)—(d)—Report has been called for from the local officer.

New employment policy of the Assam Oil Company

Shri LILA KANTA BORAH asked :

23. Will the Minister-in-charge of Revenue be pleased to state—

- (a) Whether the Government's attention has been drawn to the news item published in the *Assam Tribune* of 14th August, 1956 regarding the new employment policy of the Assam Oil Company and have Government made an enquiry into it ?
- (b) Do not Government consider that the employment policy as published in the news item in question, if true, will adversely affect the interests of the people of Assam ?
- (c) What steps Government have taken or propose to take to secure adequate employment for the youths of Assam ?

Shri MOTIRAM BORA (Minister) replied:

23. (a) & (b)—Government have noticed the news item published in the *Assam Tribune* of 14th August, 1956 about the new employment policy of the Assam Oil Company. As no official information has yet been received from the Assam Oil Company, this Government propose to make an enquiry in this matter.

(c)—This Government have been taking active interest and persuading the Assam Oil Company since last few years to secure adequate employments for the youths of Assam. The Assam Oil Company, however, assured that when qualifications are about equal preference shall be given to local candidates.

Election of Dimapur Town Committee

Shri HARESWAR GOSWAMI asked :

24. Will the Minister-in-charge of Local Self-Government be pleased to state—

- (a) Whether he is aware of any election case regarding the election to the Dimapur Town Committee ?
- (b) Whether the Deputy Commissioner concerned has sent his findings to the Governor or Government ?
- (c) If so, what action has been taken by Government on these findings ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied:

24. (a)—Yes.

(b)—Yes.

(c)—The election petitions have since been rejected.

Control gates at Tura

Shri EMERSON MOMIN asked :

25. Will the Minister for Public Works Department be pleased to state—

(a) Whether it is a fact that Tura-Mankachar Road has got only one control gate in the mid-distance ?

(b) If it is a fact that there being only one gate in the middle proper control of the mobile traffic is not at all possible ?

(c) Do Government propose to do away with the one gate ?

(d) If not, do Government propose in the alternative to maintain three gates, *i. e.*, one in Tura, another at Garobadha and the other one at Mankachar somewhere near Rangapani ?

26. (a) Will the Minister for Public Works Department be pleased to state whether it is a fact that the Control gate of Tura-Phulbari Road first gate is installed within the Tura Town and that this is causing great inconveniences to the general public ?

(b) Do Government propose to shift the first gate to the outskirt of the Tura Town say at Rongkon just to give facility for the motorist to move about in the wider space ?

Shri SIDDHINATH SARMA (Minister) replied :

25. (a)—Yes.

(b)—With one gate in the middle, efficient control is not always possible.

(c)—There is no such proposal as the road is not fit for two-way traffic.

(d)—A proposal to construct two more gates one at Rangapani and another at Tura is under consideration.

26. (a)—A report is being called for from the Deputy Commissioner, Garo Hills on this.

(b) This cannot be done as the road from Tura to Rongkon is unfit for two-way traffic.

Detection of overloading cases at Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

27. Will the Minister-in-charge of Transport be pleased to state —

(a) How many overloading cases were detected within Barpeta Subdivision during the years 1954, 1955 and 1956?

(b) How many of such cases are pending at present in the Barpeta Subdivisional Officer's Court?

(c) What is the amount realised as fine from such disposed cases during the aforesaid years?

28. Will the Minister-in-charge of Transport be pleased to state—

- (a) Whether Government is aware that the buses plying between North Gauhati and Barpeta are quite old and unfit?
- (b) Whether Government propose to enquire of the condition of the said buses?
- (c) Whether it is a fact that these buses are overloaded regularly?
- (d) Whether Government propose to take steps to check such overloading?

Shri SIDDHINATH SARMA (Minister) replied :

27. (a), (b) & (c)—Necessary materials are being collected.

28. (a)—No.

(b)—Yes, Government are making enquiry.

(c)—Government have no information.

(d)—Government are always taking necessary steps to check overload with the help of the Enforcement Staff, Police and Mobile Courts.

Break down of vehicular Traffic carrying court Passengers

Shri LILA KANTA BORAH asked:

29. Will the Minister-in-charge of Transport be pleased to state—

(a) What is the usual life of a Transport Bus and what is the present life of each of the buses mentioned below :—

ASX 732, ASX 733, ASX 734, ASX 735,
ASX 619, ASX 726, ASX 721?

(b) Whether it is a fact that due to usual break down of the above vehicular traffic the court passengers cannot attend court in time and other passengers also are put to great troubles?

- (c) Whether the Nowgong-Silghat Route where these buses ply is a profitable one ?
- (d) If so, what is the reason for not placing new model vehicular traffics in this line ?
- (e) Whether Government propose to remove inconvenience and trouble of the travelling public ?

Shri SIDDHINATH SARMA (Minister) replied :

29. (a)—(i) Usual life of a bus for the purpose of calculation of depreciation is treated as 4 years for Petrol Driven Buses, and 6 years for Diesel Driven Buses. But from experience it is found that Petrol Buses can render service for sometimes more than the prescribed life for the purpose of calculation of depreciation.

(ii) Buses bearing Registered No. ASX 732, ASX733, ASX734 and ASX735 were placed on road on 1st April 1952 and they completed 4 years of running as on 31st March 1956.

(iii) Buses bearing Registered No. ASX619, ASX721 and ASX726 are more than 4 years and they were placed on service on and from 1st January 1949, 9th February 1951, and 9th August 1951 respectively.

All these buses have been temporarily on use due to (1) gradual increase of traffic on the routes to meet demand of passengers.

(2)—Delay in receipt of new vehicles against vehicles ordered last year.

All those vehicles on order last year have arrived now and as such these vehicles have since been replaced.

(b)—No such complaint appears to have been received. From our records for the quarter ending 30th June 1956, it appears that there were only 7 breakdowns of State Transport Services of Nowgong-Jorhat Section. During this period State Transport buses performed 2002 trips. Thus 7 breakdowns which is equivalent to .35 per cent of the services is negligible.

(c)—Yes.

(d)—Nowgong-Silghat line was taken over by State Transport with effect from 1st April 1952. New buses bearing Nos.ASX-732, ASX-733, ASX-734, ASX-735 were placed on this road. As they have now completed 4 years life, steps to replace them with new buses are being taken.

(e)—Yes, as far as practicable. Specific inconvenience and trouble if any, experienced by the passengers may be brought to the notice of the authorities for rectification.

Shri LILA KANTA BORAH: May we know, Sir, how Government ascertains information regarding the breakdown of Buses ?

Mr SPEAKER: Through the Transport Office.

Shri LILA KANTA BORAH: There is some information to this effect given on the Complaint Book, may we know whether this information is taken into consideration by Government ?

Shri SIDDHINATH SARMA (Minister): Yes, Sir, these Complaint Books are inspected every day. Occasionally I myself inspected them.

Abolition of Free and Enforced Labour System

Shri AARAN SANGMA asked :

30. Will the Chief Minister be pleased to state—

- (a) Whether he is aware that the Government touring employees in the Hill Districts have been violating the abolition of free and enforced labour system while doing their entrusted official duties by utilising the villager's labour at free of cost ?
- (b) Whether Government touring employees are getting adequate Porter Allowance to discharge their duties in extensive touring ?
- (c) If so, what are the categories of the Government officials in various Departments who have been enjoying Porter Allowance ?
- (d) If not, what categories of officials in various Departments who are deprived of the said allowance and why ?
- (e) What action is being taken by the Government for their redress ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

30. (a)—No such instance has been brought to the notice of Government. So far as Government is aware, all Government officials on Government tour engage porters only on payment.

(b)—Yes.

	Rs.	a.	p.	
(c)—(i) 1st Grade Officers upto	9	0	0	} per diem.
(ii) 2nd Grade Officers upto	4	8	0	
(iii) 3rd Grade Officers upto	3	0	0	

(d)—Rural Health Inspectors are allowed one whole-time porter each for carrying vaccination lymphs, etc., in lieu of cash allowance.

(e)—Does not arise.

Mileage of Public Works Department roads in Golaghat Subdivision

Shri DEBESWAR RAJKHOWA asked :

31. Will the Minister-in-charge of Public Works Department be pleased to state—

(a) Mileage of Public Works Department roads that existed mouza-wise in Golaghat Subdivision before 1952 ?

(b) Mileage of Public Works Department roads that are in existence mouza-wise in Golaghat Subdivision after 1952 ?

Shri SIDDHINATH SARMA (Minister) replied :

31. (a) & (b)—Report has been called for.

Repairing of G. S. Road at Golaghat

Shri DEBESWAR RAJKHOWA asked :

32. Will the Public Works Department Minister be pleased to state—

(a) The total cost of repairing the Golaghat-Sikarighat Road in Golaghat Subdivision since 1952 till now ?

(b) In view of the heavy annual repairing cost of G. S. Road at Golaghat, whether Government propose to take steps for surfacing the entire length of the said road ?

(c) Whether the Minister lately received representations from the public and the local M. L. As, for surfacing the said road ?

(d) If so, what steps the Government are taking thereon ?

Shri SIDDHINATH SARMA (Minister) replied :

32. (a)—Report has been called for.

(b)—Work of surfacing a portion of this road has already been taken up. There is no proposal at the moment to take up the entire length of the said road.

(c)—Yes.

(d)—The proposal was put up before the last Assam Road Communication Board Meeting but was not selected.

Appointment and Promotion of Stenographers and Vernacular Reporters in the employ of Assam Government

Shri DALBIR SINGH LOHAR asked :

33. Will the Chief Minister be pleased to state—

(a) Whether all the Stenographers in the employ of the Government of Assam, are covered by the Government Resolution under Notification No.AAP.274/54/25, dated the 22nd October, 1955 ?

(b) Whether the question of all the Stenographers in the State will be taken into consideration in the matters of promotion ?

(c) If not, why not ?

(d) Whether there are more than five Vernacular Reporters in the State and whether they are eligible for promotion to the Selection Grade posts, the post of the Editor of Debates and the Senior Grade posts ?

(e) If not, why not ?

- (f) What should be the qualification, educational or otherwise of the Editor of Debates ?
- (g) Whether any step has been taken in the meantime to fill up the Selection Grade posts, the post of the Editor of Debates and Grade I (Senior) posts ?
- (h) If so, do Government propose to revise their opinion and make all the qualified Stenographers in the employ of the Government eligible for promotion to the above posts ?

34. Will the Chief Minister be pleased to state the names of all the Stenographers who have attained a speed of 120 words or more either in English or in Vernacular in order of seniority, and who are in the employ of the Government either in the Secretariat or in the Heads of Departments with the dates of their entrance and confirmation and educational qualifications ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

33. (a)—No, not at present.

(b)—So far as Grade I (Junior) is concerned 50 per cent of the posts are open to all subject to possession of necessary qualification and if sufficient number of properly qualified stenographers from among Grade II stenographers in the Secretariat are not available the reservation of 50 per cent for Secretariat stenographers is to be reduced and vacancies filled up from other sources.

(c)—Does not arise.

(d)—No.

(e)—Because these posts require knowledge of stenography in English.

(f)—No particular qualification is specifically prescribed for appointment as the "Editor of Debates" as it is to be filled up from among Selection Grade, Grade I (Senior) and Grade I (Junior). Stenographers excluding the Vernacular Reporters.

(g)—Yes.

(h)—There does not appear to be any necessity of revising the Resolution at present.

34. Particulars have been called for from all offices concerned but complete informations have not yet been received.

Shri HARESWAR GOSWAMI: With reference to (f), why the Vernacular Reporters are excluded from being eligible for appointment as Editor of Debates of the Assembly ?

Mr. SPEAKER: I would not have allowed that question. But since it is already there, the Chief Minister may give a reply, but it may be because they do not know English Stenography.

Shri BISHNURAM MEDHI (Chief Minister): Yes, Sir, that is one of the reasons. Vernacular Reporters cannot edit the English portion of the proceedings which constitute the major part of the Debates in the Assembly. Besides, their speed is only about 100 words per minute whereas the English Reporters must have a speed of above 150 words per minute.

Mr. SPEAKER: I think they are required to increase it to 200 or so.

Shri HARESWAR GOSWAMI: What are their prospects of promotion ?

Shri BISHNURAM MEDHI (Chief Minister): They have got a very good scale.

Shri HARESWAR GOSWAMI: What other avenues of promotion are open for them ?

Shri MOTIRAM BORA (Minister): They will get the maximum in their scale.

Mr. SPEAKER: No, that question is not admissible.

Maulavi MUHAMMAD UMARUDDIN: May I know, Sir, why this question is not admissible ?

Mr. SPEAKER: I suggest the hon. Member to go to the Secretary, Legislative Assembly who will give all the information he requires on this point. This is the convention followed in regard to these matters. Anyway, that question has now been already answered.

Panchayats in Nalbari

Shri HARESWAR GOSWAMI asked :

35. Will the Minister in-charge of Rural Development be pleased to state—

- (a) If it is a fact that some Panchayats in Nalbari area are discharging Judicial functions ?
- (b) Whether Government authorised them to discharge such functions ?
- (c) If not, whether Government propose to see that such illegal acts are not committed by these bodies ?

Shri SIDDHINATH SARMA (Minister) replied :

35. (a)—No Rural Panchayat in Nalbari area has been invested with any judicial powers.

(b)—Does not arise.

(c)—Does not arise.

Names of offices accommodated in rented houses in Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

36. Will the Minister in-charge of P. W. D., be pleased to state—

- (a) The names of the Offices under the State Government accommodated in the rented houses in Barpeta Subdivision and what is the amount paid as rent per year for each of those rented houses ?
- (b) Whether Government has made some plans for construction of buildings for those offices ?
- (c) If so, what is that plan ?

Shri SIDDHINATH SARMA (Minister) replied :

36.(a)—Information have been called for from the Divisional Officer.

(b) & (c)—This is under consideration of the Government. Provision has been made in Second Five Year Plan for construction of Buildings to the extent of availability of funds. Balance shall have to wait till the 3rd Five Year Plan.

Construction of the Bahari-Baghbar Embankment

Maulavi TAJUDDIN AHMED asked :

37. Will the Minister in-charge of Embankment and Drainage be pleased to state—
- (a) Whether land compensation of the land acquired for the construction of the Bahari-Baghbar Embankment has been paid to the owner of the periodic Patta Lands ?
 - (b) If not, why and when it will be paid ?
 - (c) Whether the compensation for the earth borrowed by the contractors from the persons holding periodic Patta Lands at Rs.2 per 1,000 cft. has been paid to the persons concerned ?
 - (d) If not when the compensation will be paid ?

Shri SIDDHINATH SARMA (Minister) replied :

37. (a) & (b) No. The Subdivisional Officer (Civil) Barpeta has already been requested to expedite payment after proper assessment.

(c)—Yes. Most of the Pattadars have been paid compensation for earth by the contractors by amicable settlements. Cases under dispute are being investigated.

(d)—Does not arise.

Number of persons arrested in connection with the Arson Cases in Ramrangpaw.

Shri HARESWAR GOSWAMI asked :

38. Will the Chief Minister be pleased to state—
- (a) How many persons were arrested in Garo Hills in connection with the Arson Cases in Ramrangpaw ?
 - (b) What is the capacity of the Tura Jail ?
 - (c) Where the arrested persons were kept ?
 - (d) When were the arrested persons released or enlarged on bail and how many are still in prison ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

38. (a), (b), (c) & (d)—The information has been called for from the Deputy Commissioner, but not received yet.

Shri HARESWAR GOSWAMI: Everywhere I find, so far as my questions are concerned, Government are only collecting information.

(Voice—এখানেই মজা.....হাঁসি)

Number of Murder and Dacoity cases in Barpeta Subdivision.

Maulavi TAJUDDIN AHMED asked :

39. Will the Chief Minister be pleased to state—

(a) How many murder and dacoity cases were reported in each police station of Barpeta Sub-division during the years 1953 to 1956 ?

(b) How many of them were charge sheeted, committed to session and how many of them ended with conviction ?

(c) How many persons were arrested in connection with the dacoity and murder cases in Barpeta Subdivision during the years 1953 to 1956 ?

(d) How many of them were convicted (answer to be given year by year) ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

39. (a) to (d)—The information has been called for.

Arrest of Narayan Chaudhury, a P. S. P. Worker

Shri HARESWAR GOSWAMI asked :

40. Will the Chief Minister be pleased to state—

(a) Whether he is aware of the arrest of Narayan Chaudhury of a P. S. P. worker, Tangla a few months back by the Tangla Police ?

(b) If so, under what section was he arrested ?

(c) Whether he was sent up for trial and if not, why not ?

- (d) Whether it is a fact that he was arrested for protesting against some insulting behaviour of some Police men of Tangla Police Station towards some ladies who came to witness a cinema show ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

40. (a), (b), (c), & (d)—The information has been called for.

Number of gun licenses issued to different Districts in Assam

Shri EMERSON MOMIN asked :

41. Will the Chief Minister be pleased to state—

(a) The number of gun licenses issued in different districts of Assam in the year 1955-56 ?

(b) Whether Government are aware that in the autonomous Hills district cultivators need more guns to protect crops in their fields from damages caused by the wild animals ?

(c) How many cultivators in the district of Garo Hills applied for gun licenses during the year 1955-56 ?

(d) How many applicants were given licenses in 1955-56 in Garo Hills?

Shri BISHNURAM MEDHI (Chief Minister) replied :

41. (a)—3, 115.

(b)—Yes. Necessary instructions have already been issued to all the Deputy Commissioners to issue gun licenses liberally for protection of crops. The fact had also been made known to the public by a Press Note.

(c)—430 in 1955 and 280 in 1956 (upto 31st July, 1956).

(d)—152 in 1955 and 76 in 1956 (upto 31st July, 1956).

**Audit of the Accounts of Government Aided D. R.
College, Golaghat**

Shri DEBESWAR RAJKHOWA asked :

42. Will the Minister for Education be pleased to state—

(a) Why the accounts of the Government Aided D. R. College at Golaghat has not been audited by Government auditors ?

(b) Whether Government propose to take immediate steps for auditing the accounts of the said D. R. College ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

42. (a)—The accounts of the College have not yet been audited by Government auditors due to the fact that a grant-in-aid of Rs.1,000 (Rupees one thousand) per month was sanctioned by Government to the College only in the month of March, 1956.

(b)—Yes, necessary steps for auditing the account for the said D. R. College are being taken.

Government Aid to Middle English Madrassa

Shri HARESWAR GOSWAMI asked :

43. Will the Minister-in-charge of Education be pleased to state—

(a) What is the number of Middle English Madrassa in Assam, District-wise ?

(b) What is the amount of aid given by Government to these Schools, District wise ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

43. (a)—

District	No. of M. E. Madrassas
1. Lakhimpur	2
2. Sibsagar	9
3. Nowgong	18

District	No. of M. E. Madrassas
4. Darrang	6
5. Kamrup	17
6. Goalpara	21
7. Cachar	18
8. Garo Hills	2

(b)— District	Amount of grant
	Rs. 135 per month.
1. Lakhimpur	638
2. Sibsagar	1,007
3. Nowgong	191
4. Darrang	1,433
5. Kamrup	1,855
6. Goalpara	2,084
7. Cachar	65
8. Garo Hills	

Re: Dergaon Government Aided Girls' High School

Shri DEBESWAR RAJKHOWA asked :

44. Will the Minister-in-charge of Education be pleased to reply—

(a) Whether the Managing Committee of the Dergaon Government Aided Girls' High School has been duly reconstituted since after it received Government recurring grant and recognition ?

b) If not, whether Government propose to take immediate steps to get it reconstituted ?

(c) Whether it is a fact that there has not been any departmental audit of the accounts of the Dergaon Government Aided Girls' High School ?

(d) If so, whether Government propose to take steps to audit immediately the accounts of the said school ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

44. (a) Government have no information.

(b)—Yes.

(c)—Information being collected.

(d)—Does not arise.

Taking over of certain Lower Primary Schools at Barpeta by School Board

Maulavi TAJUDDIN AHMED asked :

45. Will the Minister-in-charge of Education be pleased to state—

(a) When the following Venture Lower Primary Schools were started:—

1. Pajarbhanga Venture Lower Primary School—
Mouza Chenga.

2. Belortary Venture Lower Primary School—
Mouza Barpeta.

3. Rahampur Lower Primary School—Mouza
Barpeta.

4. Bhoirar Pam Venture Lower Primary School—
Mouza Mondia.

5. Dhanbandha-Goremari Venture Lower Primary
School—Mouza Ghilajari.

6. Kharkidongra Venture Lower Primary School—
Mouza Mondia.

7. Chatla Venture Lower Primary School—
Mouza Baghbar.
8. Kismat Moivari (Jammat Sarkar Para) Venture
Lower Primary School—Mouza Baghbar.

- (b) How many teachers and students are there at present in each of these schools ?
- (c) Whether the schools have been taken over by the School Board?
- (d) If not, why ?
- (e) Whether the Board will take over the schools and if so, when ?

Shri PURNANANDA CHETIA (Deputy Minister)
replied:

45. (a) to (e)—Informations are being collected.

**Amount of money drawn by the Chairman, School Board,
Barpeta as Travelling Allowance**

Maulavi TAJUDDIN AHMED asked :

46. Will the Educations Minister be pleased to state what is the amount of money taken by the Chairman, School Board as Travelling Allowances during the years 1945 to 1956 (to be given year by year)?

Shri PURNANANDA CHETIA (Deputy Minister)
replied :

46.—Informations are being collected.

**Amount of money spent for construction through the
Chairman, Education Board, Barpeta**

Maulavi TAJUDDIN AHMED asked :

47. Will the Minister of Education be pleased to state—
- (a) What is the amount of money spent for construction through the Chairman, Education Board, Barpeta during the years 1954 to 1956 ?
- (b) Whether any tender was called for those works ?
- (c) If not, why ?

Shri PURNANANDA CHETIA (Deputy Minister)
replied :

47. (a), (b) & (c)—Informations are being collected.

**Names of the Offices under the State Government
accommodated in the rented houses in Barpeta
Subdivision**

Maulavi TAJUDDIN AHMED asked :

48. Will the Minister-in-charge of General Administration Department be pleased to state—

(a) The names of the Offices under the State Government accommodated in the rented houses in Barpeta Subdivision and what is the amount paid as rent per year for each of those rented Houses ?

(b) Whether Government has made some plans for construction of buildings for those offices ?

(c) If so, what is that plan ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

48. (a)—

The names of Offices accommodated in the rented houses	Amount paid as rent per year
	Rs.
(1) The office of the Executive Engineer, Barpeta Division.	1,680
(2) The office of the Subdivisional Officer, Public Works Department, Pathsala.	1,200
(3) The office of the Subdivisional Medical Officer (Health), Barpeta.	540
(4) The office of the Superintendent of Taxes, Barpeta.	1,020
(5) The office of the Sub-Registrar, Barpeta	480
(6) The office of Supply and Textile... ..	540
(7) The office of Relief and Rehabilitation, Barpeta.	2,100
(8) The office of Government Emporium, Barpeta.	1,152
(9) The office of the Liquidator of Co-operative Societies.	480
(10) The office of the Forest Beat	480

(b) & (c)—Provision has been made in the “Second Five Year Plan” for construction of the offices of the Executive Engineer, Barpeta Division and Subdivisional Officer, Public Works Department, Pathsala and sums of Rs.20,000 and Rs.12,000 respectively have been provided for the purpose. These projects are likely to be taken up this financial year. Besides, plan and estimates for the construction of the Tax’s office building and the Sub-Registrar’s office buildings at Barpeta town have also been made ready.

Income from some Departments of the Assam Medical College

Shri BIMALA KANTA BORAH asked :

49. Will the Medical Minister be pleased to state what was the income from the following Departments of the Assam Medical College during the last three years, *i.e.*, 1953-54, 1954-55, 1955-56—

- (i) total income of Pathological Laboratory from fees realised for examination of stool, urine, blood, etc. ?
- (ii) total income of the X-Ray Department from fees realised from the patients for X-Ray photographs and other items of similar works ?
- (iii) total income of the Surgical Department from patients for operations, examinations, etc., etc. ?
- (iv) total income of the Gynaecology Department for operations, examinations, etc.; and
- (v) total income of the E. N. T. Department for operations, etc. ?

Shri RUPNATH BRAHMA (Minister) replied :

49. (i), (ii), (iii), (iv), (v)—The information has already been called for from the Principal, Assam Medical College and not yet received. It will be supplied as soon as received.

**Distribution of income of some of the Departments
of the Assam Medical College**

Shri BIMALA KANTA BORAH asked :

50. Will the Medical Minister be pleased to state—

(a) How the income of the Pathological Laboratory, X-Ray Department, Surgical Department Gynaecological Department and the E. N. T. Department was distributed during the last three years amongst Officers, Assistants and other Employees and what amount was retained for the College (percentage is to be given in each case)?

(b) The names with designation of Officers and Employees of the above mentioned five departments and the amount received by them from fees of their respective departments during the last three years ?

(Amount received by each recipient to be shown year by year separately ?

Shri RUPNATH BRAHMA (Minister) replied :

50.(a)—The incomes are distributed according to Subsidiary Rules 40(i), 44(5) and 48, *i. e.*, 60 per cent of the income for Pathological work is distributed among the Government servants undertaking the work. Fees from operations are distributed as follows:—

30 per cent to Government.

60 per cent to Operator.

5 per cent to Anaesthetist.

5 per cent to other Assistants.

Fees for X-Ray is equally divided between the Government and the Operator.

(b) Information has been called for from the Principal.

Cost of X-Ray Photograph in the Assam Medical College

Shri BIMALA KANTA BORAH asked :

51. Will the Medical Minister be pleased to state—

- (a) What is the actual cost of an X-Ray photograph and what fee is charged for such a photograph (not for General ward patients) in the Medical College ?
- (b) Whether Government propose to consider the question of reducing the existing rate of fees charged for such X-Ray photographs in the interest of poor public ?
- (c) Whether Government propose to reduce the rates of fees charged for examination of urine, stool, blood, heart, etc., in the Medical College for poor and middle class people who take their treatment not from the General ward but from outside it ?
- (d) Whether Government propose to reconsider and examine the system of distribution of certain percentage of the fees amongst the officers and employees of different departments and to replace it by a better system, in the interest of public service ?

Shri RUPNATH BRAHMA (Minister) replied :

51. (a)—Fee charges are according to the Rules prescribed *vide* Subsidiary Rule 44 which is placed on the Library Table.

(b)—The question of reduction of fees does not arise as the indigent patients are already exempted from payment, *vide* Subsidiary Rule 44(2).

(c)—As (b).

(d)—No.

Dispensary and Hospital on the southern side of Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

52. Will the Minister, Medical be pleased to state—
- (a) Whether it is a fact that there is no Dispensary or Hospital on the southern side of Barpeta Subdivision, e.g., the Mouzas Bagribari, Mondla Baghbar and Rupsi ?
 - (b) Whether Government will take some steps to give medical facilities to the people of this vast area of the Subdivision ?
 - (c) If so, when and where ?
 - (d) Whether Government are aware that the people of the Mouza Rupsi have constructed one dispensary Building at Kalgasia ?
 - (e) If so, whether Government will take this dispensary as Public Health Dispensary ?
 - (f) If not, why ?

Shri RUPNATH BRAHMA (Minister) replied :

52. (a)—No, there is one Local Board Dispensary on the southern side of Barpeta Subdivision at Jania.
- (b) & (c)—It is proposed to open a State Dispensary at Tarabari during the current year.
- (d) & (e)—Government have no information of the construction of a Dispensary building at Kalgachia. They have, however, proposed opening a State Dispensary there during the current year.
- (f)—Does not arise.

Refugees in the Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

53. Will the Minister-in-charge of Relief and Rehabilitation be pleased to state—
- (a) How many refugee families are there in Barpeta Subdivision ?
 - (b) How many of them have got professional loans, business loans and agricultural loans ?
 - (c) How many of them have got lands for their Rehabilitation ?

- (d) Whether it is a fact that many actual refugees have not received their rehabilitation loans and lands have not been given to them ?
- (e) Whether it is a fact that many refugees after getting maximum amount of loans and lands for rehabilitation, have left their places to other districts and to some States ?
- (f) If so, how many families have left the places in such way and why ?

Shri MOTIRAM BORA (Minister) replied :

53 (a) to (f)—The required information is being collected.

Recurring grant given to Middle English Madrassa in Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

54. Will the Education Minister be pleased to state—

(a) When the Middle English Madrassa at Kamarpara and Gandharipara in Barpeta Subdivision was started ?

(b) Why recurring grant is not given to these Madrassas as yet ?

(c) When they will get the recurring grants ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

54. (a)—(i) Kamarpara—1952.

(ii) Gandharipara—1953.

(b)—Recurring grant is given to selected deserving Madrassas only.

(c)—Their cases will be considered subject to availability of adequate fund.

Lower Primary Schools in Golaghat Subdivision**Shri DEBESWAR RAJKHOWA** asked :

55. Will the Minister-in-charge of Education be pleased to state—

- (a) The number of Lower Primary Schools that existed in the Golaghat Subdivision before 1952, Mouza-wise ?
- (b) The number of Lower Primary Schools that are in existence till now in the Golaghat Subdivision after 1952, Mouza-wise ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

55. (a) & (b)—Informations are being collected.

Re : Schedule forms in the Nowgong Sub-Registry Office

Shri LILA KANTA BORAH asked :

56. Will the Minister-in-charge of Registration be pleased to state—

- (a) Whether it is a fact that the Nowgong Sub-Registry office is running short of necessary forms for registration ?
- (b) If so, how many documents are now lying with the Sub-Registry office and since when ?
- (c) Whether it is a fact that these forms are to be supplied by Government ?
- (d) What are the reasons for failure to supply the same ?

Rev. J. J. M. NICHOLS-ROY (Minister) replied :

56. (a)—Yes.
 (b)—2,920 documents were lying pending in Nowgong Sub-Registry office on 31st July 1956. These were admitted to registration from 15th March 1956 onwards.

(c)—Yes, the forms are to be supplied by the Government in the Printing and Stationery Department.

(d) No annual indent before the beginning of the new year for supply of the forms was received from the Sub-Registrar, Nowgong. Moreover after the indent has been received

the Private Press which got the contract to print the forms could not do their work in time. However, the Press concerned has been asked to supply the forms in question since requisitioned by the Sub-Registrar. He has also been asked to furnish a list of the forms which are out of stock so that arrangement for supply of the same may be made.

Shri LILA KANTA BORAH: Will the Government be pleased to authorise the Deputy Commissioner to print the forms locally ?

Rev. J. J. M. NICHOLS-ROY (Minister): Forms may be printed locally wherever it is found necessary, but in this case it is not found necessary.

Shri LILA KANTA BORAH: May I know, Sir, the name of the Press where these Forms are printed ?

Rev. J. J. M. NICHOLS-ROY (Minister): Forms are printed in one of the biggest press as in Assam, *i.e.*, in the Tribune Press.

Re: Compensation made by the Government for acquiring lands of the villages Dharapur and Garigaon

Shri RADHIKA RAM DAS asked :

57. Will the Minister-in-charge of Revenue be pleased to state—

- (a) Whether the Public Works Department had acquired lands of the villages Dharapur and Garigaon for the construction of embankment of the Khanajan Sluice Gate in the year 1953 ?
- (b) If it is a fact that at the time of acquisition of the said land, valuable crops and vegetables were damaged ?
- (c) If it is a fact that the value of the land and crops damaged were assessed at about Rs.26,000 ?
- (d) If it is a fact that after a long time the Revenue Department asked the Deputy Commissioner, Kamrup, to draw the said amount and to pay the same to the people concerned before the 31st March, 1956 ?

- (e) If it is a fact that the money could not be drawn by the Deputy Commissioner, before the 31st March, 1956 and consequently it lapsed ?
- (f) If it is a fact that the Deputy Commissioner Kamrup, again wrote to the Government for sanctioning the said amount ?
- (g) If it is a fact that the said amount has not been paid as yet ?
- (h) Whether Government propose to enquire into the matter and take necessary action against the officer responsible for the lapse of Government money and keeping the matter hanging so long ?
- (i) Whether Government propose to take steps for immediate payment of the said amount to the people ?

Shri MOTIRAM BORA (Minister) replied :

57. (a)—Government have acquired some land in village Dharapur for Public Works Department for Flood Control purposes in December, 1955.

(b)—Yes.

(c)—The value of the land, crops and trees have been assessed at Rs.25,643-10-0 (Rupees twenty-five thousand, six hundred forty-three and annas ten).

(d)—After going through the necessary formalities required under Land Acquisition Act, the estimated amount of compensation was sanctioned by Revenue Department without delay and communicated to Deputy Commissioner, before the closing of the financial year 1955-56.

(e) & (f)—Yes.

(g)-(i)—Yes, Government have re-sanctioned the said amount on 1st August, 1956 and the pattadars concerned have been asked by the Collector, Kamrup, to take their compensation on or before the 15th September, 1956.

Various loans sanctioned to flood and erosion affected people of Kamrup District

Shri HARESWAR GOSWAMI asked :

58. Will the Minister-in-charge of Revenue be pleased to state—

(a) What amount of Agricultural Loan was sanctioned to Gauhati Subdivision for the years 1954-55 and 1955-56 ?

(b) What amount of the said loan was actually distributed (amount to be shown Mouza-wise) ?

(c) What is the number of applications received for such loan for the period in question from the different Mouzas of the Gauhati Subdivision ?

59. (a) What amount of Rehabilitation loan has been sanctioned this year for flood and erosion affected people of Rampur, Chayani, Dakshin Sarubangshar and Pub and Pachim Samarias (amount to be given Mouza-wise) ?

(b) Whether Government have specified the loanees who are entitled to get such loan ?

(c) Whether Government will see that all the applicants residing in the North of Palasbari-Samaria Bund get such loans ?

60. (a) The number of erosion affected people in the riverine villages of Chayani, Rampur, Dakshin, Sarubangshar, Pub Samarias and Paschim Samaria ?

(b) The number of families now living in the North side of the Embankment in these Mouzas ?

(c) How many of the persons residing in areas mentioned at (a) and (b) above have been given land elsewhere ?

(d) Whether Government propose to provide land to the rest elsewhere ?

(e) If so, what effective steps have been taken to that end ?

Shri MOTIRAM BORA (Minister) replied :

58. (a)—Rupees 1,60,000 in 1954-55 and Rs.78,000 in 1955-56.

(b) & (c)—The information is not available with Government. A report has been called for from the Local Officers.

59. (a)—Rupees 3,59,400 was sanctioned for Nalbari, Rangiya, Gauhati, Kamalpur, Hajo and Chaygaon Circles. Mouza-wise figures cannot be given till the same are received from the Local Officer.

(b)—The loans have been sanctioned for those families whose houses fall within the embankments.

(c)—All applications will be considered on merits.

60. (a) to (c)—The information is not available and has been called for from the Local Officer.

(d)—Instructions have already been issued to Local officers to provide lands to such people wherever possible.

(e)—The informations has been called for from the local officer.

Shri HARESWAR GOSWAMI: Here also, Sir, I find even the most trivial information is also being collected by Government. These questions were submitted as long as 15 days before and the information sought for is also readily available.

Mr. SPEAKER: Mr. Goswami, what questions you are referring to ?

Shri HARESWAR GOSWAMI: I am referring to questions Nos. 58 (b) and (c).

May I know, Sir, whether it is a fact that some people in the northern side of the embankment who are outside the embankment, and irrespective of the fact that they have no paddy land there have been allotted homestead land on the other side of the embankment ?

Shri MOTIRAM BORA (Minister): This again, Sir, is such a big question that it also cannot be replied off hand.

On receipt of the questions, Sir, we have called for information from the various sources. Information can only be given when they are received.

Shri HARESWAR GOSWAMI: Sir, these informations are available from the offices of the Deputy Commissioner and the Sub-Deputy Collector.

Shri MOTIRAM BORA (Minister): When did my Friend send these questions ?

Shri HARESWAR GOSWAMI: I sent those questions quite earlier.

Shri MOTIRAM BORA (Minister): What is your idea of sending questions 'earlier'? Is it 15 days? That is not quite sufficient, Sir. On receipt of the questions, they have to be examined, scrutinised, tabled and replies have to be called for from the district and subdivisional heads. It requires time, Sir. They should have been sent at least a month before.

Shri HARESWAR GOSWAMI: I have one observation to make, Sir. So far the information which are being collected should be sent to us.

Mr. SPEAKER: All right. After they have been collected, let the information be passed on to him.

Re: Evicted families from Government Khas Lands in village Chengelimary, Mouza Bijni in Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

61. Will the Minister, Revenue be pleased to state—
- (a) Whether Government is aware that some families were evicted in village Chengelimary, Mouza Bijni in Barpeta Subdivision within this Summer season ?
 - (b) Whether it is a fact that those evicted families were on those Government Khas lands since many years ?
 - (c) Whether it is a fact that they applied before the Minister, Revenue and before the local officers at Barpeta for the settlement of those Government Khas land ?
 - (d) Whether it is a fact that before passing the final orders upon those petitions and without giving any notices to them they were evicted, their house demolished, and crops damaged ?
 - (e) Whether it is a fact that those evicted families are landless *bonafide* cultivators ?
 - (f) Whether Government will enquire into the matter and take steps to settle these lands with those evicted persons ?

Shri MOTI RAM BORA (Minister) replied :

61. (a) & (b)—The information is not available but has been called for from the local officers.

(c)— Shri Hanif Ali and others filed a petition before Government and a report was obtained from Subdivisional Officer, Barpeta from which it appeared that the lands applied for were settled with others under the colonisation scheme and Pattas were also issued. The petitioners had encroached on these Patta lands and a suit over this was pending in the Civil Court. Some of the Patta lands were annulled for non-payment of revenue and the Subdivisional Officer was to consider the cases of those encroachers who were landless while settling these annulled lands.

(d) — (f)—Government have no information and a report has been called for from the local officer.

Re : Allotment of land at Sonkuchi and Theka-betbari Professional Grazing Reserves in Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

62. Will the Revenue Minister be pleased to state—

(a) Whether it is a fact that many of the allottees of land at Sonkuchi and Theka-betbari Professional Grazing Reserves in Barpeta Subdivision have not as yet got their lands delivered to them by the Revenue staff with necessary demarcation of boundaries ?

(b) If so, why ?

Shri MOTIRAM BORA (Minister) replied :

62. (a) & (b)—The information is not available but has been called for from the local officers.

Re : Schedule forms in the Court of Subdivisional Officer at Barpeta

Maulavi TAJUDDIN AHMED asked :

63. Will the Minister-in-charge of Printing and Stationery be pleased to state—

(a) Whether he is aware that Barpeta Court is running without some necessary forms ?

(b) If so, what are those forms ?

(c) Whether Government propose to take some steps for supplying those forms ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

63. (a)—Shortage of some forms in the office of the Subdivisional Officer, Barpeta including the courts came to the notice of Government some time back.

(b)—The forms in short supply in the courts were:—
Form Nos. 72, 106, 152, 153, 179, 245, 247, 262, 263, 268,
335 and 336 in Schedule VIII.

(c)—Most of the forms in short supply in the court except Form Nos. 72, 245, 262 and 335 which are under printing have already been supplied. In addition, the Subdivisional Officer, has also been duly authorised to have all his requirement of essential forms for the whole office, including the courts, locally printed to meet his requirement for one full year.

**Re: River eroded families in the Barpeta
Subdivision**

Maulavi TAJUDDIN AHMED asked:

64. Will the Minister-in-charge of Revenue be pleased to state—

(a) The number of families eroded by rivers this year in the Barpeta Subdivision?

(b) How many of them have been rehabilitated?

Shri MOTIRAM BORA (Minister) replied:

64. (a)—271.

(b)—The information is being obtained from the local officer.

**Re: Under-trial prisoners of the Barpeta Magistrate
Lock-up**

Maulavi TAJUDDIN AHMED asked:

65. Will the Minister-in-charge of Jails be pleased to state—

(a) Whether it is a fact that the under-trial prisoners of Barpeta Magistrate Lock-up are to carry water from the River which is on the other side of the Public Works Department Road?

(d) Whether Government has received report to the fact that the Warders of the Magistrate Lock-up treat the under-trial prisoners very ruthlessly?

(c) Whether Government will enquire into this matter and take steps to stop this?

(d) Whether Government will appoint a Board of Non-official Visitors for the Barpeta Magistrate Lock-up?

Rev. J. J. M. NICHOLS-ROY (Minister) replied :

65. (a)—The under-trial prisoners carry water from the Lock-up well just outside the Lock-up and also from Maranadi on the other side of the Public Works Department Road immediately adjacent to the Lock-up.

(b)—Government are not aware of such reports.

(c)—Does not arise.

(d)—As there is no provision for appointment of Non-official Visitors for Magistrate's Lock-up, the question does not arise.

Re: Irregularities done by Sri Durgadhar Gogoi, the Project Executive Officer of Majuly.

Shri MAL CHANDRA PEGU asked :

66. Will the Minister-in-charge of Community Projects be pleased to state—

(a) When the Deputy Development Commissioner (Community Projects) of Assam at Shillong had received a report from the present Project Executive Officer of Majuly Community Development Block alleging against the irregularities of Official procedure, settlement of contracts without any advertisement, official accounts, etc., done by his predecessor, Sri Durgadhar Gogoi, the then Project Executive Officer of Majuly ?

(b) What action has been taken by Government against Sri Durgadhar Gogoi on the strength of the report submitted by his fellow officer, *i. e.*, the present Project Executive Officer of Majuly Community Development Block ?

(c) Whether the Jeep provided by Government to the Majuly Project Executive Officer was being plied by the then Project Executive Officer Mr. Gogoi, without the Jeep being repaired ?

Shri MOHI KANTA DAS (Deputy Minister) replied :

66. (a)—On the 24th July, 1956.

(b)—The matter is under investigation.

(c)—A report has been called for.

Re: Settlement of land requisitioned from the Barduar Tea Estate

Shri HARESWAR GOSWAMI asked :

67. Will Government be pleased to state—

(a) How many acres of land have been requisitioned from the Barduar Tea Estate in the Gauhati Subdivision ?

(b) How many acres of such land has been settled with landless people ?

(c) If the answer to (b) above is in negative, what is the reason for non settlement ?

Shri MOTIRAM BORA (Minister): replied.

67. (a)—1,148 (One thousand one hundred and forty-eight) acres of land have been requisitioned.

(b)—No land has been settled with landless people as yet.

(c) Forest Department has not disposed of standing trees on the requisitioned land as yet and the Department has been asked to expedite.

Shri HARESWAR GOSWAMI: Sir, what is the reason for delay in settling land with the landless people ? This is with regard to Borduibam Tea Estate.

Shri MOTIRAM BORA (Minister): Sir, there was an appeal pending before the Government and that took some time. After the appeal was disposed of some survey had to be made and then settlement had to be made and all these take some time.

Shri HARESWAR GOSWAMI: When was the appeal disposed of ?

Shri MOTIRAM BORA (Minister): This cannot be replied off hand. I think some 4 or 5 months back.

Shri HARESWAR GOSWAMI: How long will the Government take to settle the land with the people ?

Shri MOTIRAM BORA (Minister): As long as it is necessary, Sir (*loud laughter*).

Re: Pay of the Veterinary Doctors, Field Assistants and Menials of Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked :

68. Will the Minister-in-charge, Animal Husbandry and Veterinary be pleased to state—

(a) The names of the Veterinary Doctors, Field Assistants and Menials of Barpeta Subdivision in respect of increment of pay since 1954 ?

(b) Whether they have got the arrear increment pay upto-date ?

(c) If not, since when they have not received it ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied :

68. (a), (b) & (c)—Information have been called for.

The Assam Appropriation (No. III) Bill, 1956

Mr. SPEAKER: The next item of business is the Assam Appropriation Bill (No. III), 1956.

Here is a Message from the Governor of Assam.

“The 31st August, 1956

Message

Under the provision of Article 207 of the Constitution of India, I, Saiyid Fazl Ali, Governor of Assam, recommend the introduction in the Legislative Assembly of Assam of the Assam Appropriation (No. III) Bill, 1956 and also the consideration of the said Bill by the said Assembly.

S. FAZL ALI,

Governor of Assam.”

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to introduce the Assam Appropriation (No. III) Bill, 1956 and to move that the Bill be taken into consideration.

Mr. SPEAKER: The Motion moved is that the Assam Appropriation (No. III) Bill, 1956 be taken into consideration.

(The Motion was put and adopted).

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that the Assam Appropriation (No. III) Bill 1956 be passed.

Mr. SPEAKER: The Motion moved is that the Assam Appropriation (No. III) Bill, 1956 be passed.

(After a pause).

(The Motion was put by the Chair as a question before the House and was adopted).

The Assam Appropriation (No. IV) Bill, 1956

Mr. SPEAKER: Then Appropriation (No. IV) Bill, 1956.

I read the message.

“Governor of Assam.

Raj Bhavan, Shillong.
The 28th August, 1956.

Message

Under the provision of Article 207 of the Constitution of India, I, Saiyid Fazl Ali, Governor of Assam, recommend the introduction in the Legislative Assembly of Assam of the Assam Appropriation (No. IV) Bill, 1956 and also the consideration of the said Bill by the said Assembly.

S. FAZL ALI,

Governor of Assam.”

Shri MOTIRAM BORA (Minister): I beg to introduce the Assam Appropriation (No. IV) Bill, 1956 and to move that the Bill be taken into consideration.

Mr. SPEAKER: The motion moved is that the Assam Appropriation (No. IV) Bill, 1956 be taken into consideration.

(After a pause).

(The Motion was put and adopted).

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that the Assam Appropriation (No. IV) Bill, 1956 be passed.

Mr. SPEAKER: The Motion moved is that the Assam Appropriation (No. IV) Bill, 1956 be passed.

(After a pause).

(The Motion was put and adopted).

Government Resolution re : the approval of an expenditure of Rs. 3,64,261 under the head "50.—Civil Works—State (excluding Establishment and Tools and Plant)"

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.3,64,261 under the head "50.—Civil Works—State (excluding Establishment and Tools and Plant)" for the items below. The amount involved will be met from the sanctioned grant.

"50.—Civil Works—State (excluding Establishment and Tools and Plant)"—

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly ..	3,92,52,700	2,87,30,000	6,79,82,700
II.—Sub-head under which the appropriation will be accounted for—			
NORMAL—			
A.—Original Works—			
(a) Buildings—			
General Administration—			
Voted	81,926	..	81,926
Industries and Supplies—			
I.—Sericulture and Weaving	7,700	..	7,700
Civil Works.. .. .	50,000	..	50,000
Total—(a) Buildings	1,39,626	..	1,39,626
(b) Communications—			
Ordinary Roads	41,455	50,750	92,205
Ordinary Roads—			
Restoration and flood damages	1,05,830	..	1,05,830
Boat, Bridges and Ferries	17,400	9,200	26,600
Total—(b) Communications	1,64,685	59,950	2,24,635
Grand total	3,04,311	59,950	3,64,261

The details are given herewith in the Explanatory Notes.

EXPLANATORY NOTES

(i) Necessity of each scheme has been explained against each in Appendix 'A'.*

(ii) In the Normal Budget there is a considerable amount of provision for new works for construction of buildings of the other Departments of Government for which selection of sites and preparation of estimates have not yet been finalised and as such it is anticipated that the amount provided for the works in the Budget will not be fully utilised and the savings thus accrued are proposed to be utilised on the works mentioned in Appendix 'A' which have cropped up after the current year's Budget have been passed.

Mr. SPEAKER: The Motion moved is that this Assembly do approve of an expenditure of Rs.3,64,261 under the head "50.—Civil Works—State (excluding Establishment and Tools and Plant)" for the items below. The amount involved will be met from the sanctioned grant.

"50.—Civil Works—State (excluding Establishment and Tools and Plant)".

(After a pause).

(The Motion was put before the House as a question and was carried.)

Government Resolution re: the approval of an expenditure of Rs.1,55,950 under the head "81.—Capital Accounts of Civil Works outside the Revenue Account"

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.1,55,950 under the head "81.—Capital Accounts of Civil Works outside the Revenue Account" for the items below. The amount involved will be met from the sanctioned grant.

“81.—Capital Accounts of Civil Works outside the Revenue Account.”

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly ..	2,74,85,700	27,63,300	3,02,49,000
II.—Sub-head under which the Appropriation will be accounted for—			
DEVELOPMENT SCHEMES (SECOND FIVE-YEAR PLAN)—			
A.—2—Original Works—			
(a) Buildings—			
Medical	1,05,950	..	1,05,950
Civil Works	50,000	..	50,000
Total	1,55,950	..	1,55,950

The details are given herewith in the Explanatory Notes.

EXPLANATORY NOTES

(i) Necessity of each scheme has been explained against each in Appendix ‘A’.*

(ii) There is a considerable amount of provision in the Public Works Department Budget for construction of buildings for other Departments of the Government. But as most of the schemes have not yet been finalised and in some cases sites of the buildings have not yet been selected, it is anticipated that the amount provided for these buildings will not be fully utilised during the current year and the amount required for the works mentioned in the Appendix ‘A’ are proposed to be met out of the above savings.

Mr. SPEAKER : The Motion moved is that this Assembly do approve of an expenditure of Rs.1,55,950 under the head “81.—Capital Accounts of Civil Works outside the Revenue Account” for the items below. The amount involved will be met from the sanctioned grant.

“81.—Capital Accounts of Civil Works outside the Revenue Account.”

(After a pause.)

(The Motion was put as a question before the House and was carried.

Government Resolution re: approval of an expenditure of Rs.500 under the head "39.—Public Health"

Shri RUPNATH BRAHMA (Minister): Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.500 under the head "39.—Public Health" by re-appropriation from Savings from the sanctioned grant as indicated below:—

"39.—Public Health—

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
1. Grant originally voted by the Assembly.. ..	76,54,600	10,30,700	86,85,300
2. Sub-head under which the re-appropriation will be accounted for—			
(1) 39.—Public Health—Sixth Schedule—Development Schemes (Art. 275) A.—I.—Public Health Establishment—(a) Superintendence and other establishment—(i) Public Health Propaganda—5.—Grants-in-aid—Deputation of two Propaganda Officers to the certificate course in Health Education at the All-India Institute of Hygiene and Public Health, Calcutta.	..	500	500
3. Sub-head from which the amount is to be re-appropriated.			
(1) "39.—Public Health—General—A.—Public Health Establishment—(i) Superintendence".	500	..	500

Details have been given herewith the Explanatory Notes.

EXPLANATORY NOTES

2.(1) The expenditure is required in connection with the deputation of two Officers in the Certificate Course of Health Education during 1956-57 at the All India Institute of Hygiene and Public Health, Calcutta.

3.(1) The savings in the above head is anticipated to non-entertainment of some staff due to dearth of qualified candidates.

Mr. SPEAKER: The Motion moved is that this Assembly do approve of an expenditure of Rs.500 under the head "39.—Public Health" by reappropriation from savings from the sanctioned grant as indicated in the Resolution.

(After a pause).

(The Motion was put as a question before the House and was carried.)

The Assam Municipal Bill, 1956

***Shri HARESWAR GOSWAMI:** Mr. Speaker Sir, I beg to move that delete the words "and other socially and educationally" occurring in line four of sub-clause (3) of clause 11 and add the words "where they are not represented" after the words "Backward Classes" occurring in the fifth line.

Sub-clause (3) of clause 11 reads: "Of the total number of Commissioner as determined under sub-section (1), not more than two may be appointed by the State Government to represent scheduled castes, scheduled tribes and other socially and educationally backward classes, and the remainder shall be elected. The State Government may, at any time, direct that all the Commissioners of any Municipal Board shall be elected." My amendment seeks to remove the words "socially and educationally" and to retain only the words "Backward Classes". Then after the words "Backward Classes" I went to put the words "where they are not represented".

Sir, as I have said in the consideration stage of the Bill, we are opposed to the principle of nomination; as a matter of fact this has been the accepted principle of everybody nowadays that in the elective organisation the persons who will man them should be elected by the people and they should not be nominated. We do not have any nominated members in this House, nor in Parliament (A voice—There is in Parliament). Yes, there is one Christian Member in the Parliament. Otherwise we do not have principle of nomination in vogue. In the Parliament the Christian community has been given representation by means of nomination because they are not likely to be elected. In the same way, here also, if the scheduled castes, scheduled tribes and backward classes are not represented by election, then by all means they should be given representation by means of nomination. Therefore, I have purposely used the words "where they are not represented". Where they are represented, they should not be brought in by way of nomination.

Secondly, Sir, under sub-clause (4), "Backward Classes" have been defined. It reads, "The Scheduled Castes and Scheduled Tribes specified under Articles 341 and 342 of the Constitution of India and socially and educationally Backward Classes as notified from time to time by the State Government shall be deemed to be the Scheduled Castes, Scheduled Tribes and the socially and Educationally Backward Classes respectively within the meaning of this Act." My point is that the expression "Backward Classes" should not be qualified by the words "socially and educationally" because the words "Backward Classes" have

a distinct connotation, which is understood by every one. Even the Backward Classes Commission, which has submitted its report only the other day, has not used any qualifying words to the expression "Backward Classes". Now, once we put in the words "socially and educationally backward classes", it will mean classes which are socially and educationally backward over and above the classes which are notified by the State Government or by the proper authority as "Backward Classes." That will open the gate for any number of classes to be considered as "Backward Classes". Therefore, in this case a stricter definition is required and for the purpose of stricter definition it is necessary to delete the qualifying words "socially and educationally". Under sub-clause (4), it has been clearly stated that "Backward Classes" will mean only those classes which will be notified by the State Government from time to time as "Backward Classes" and only those people should be given representation by nomination. But, as I said, Sir, I am against this principle of nomination and so I have suggested that only when these people fail to secure representation through election they should be nominated. So, Sir, in case of Scheduled Castes, Scheduled Tribes and Backward Classes, we may agree to nomination only when they are not represented by election and only for those classes who are universally known as Scheduled Castes, Scheduled Tribes and Backward Classes or who are notified as such by the State Government.

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

Mr. SPEAKER : The Motion moved is, delete the words "and other socially and educationally" occurring in line four of Sub-clause (3) of Clause II and add the words "where they are not represented" after the words "Backward Classes" occurring in the fifth line.

Maulavi ABDUL MATLIB MAJUMDAR (Minister): Mr. Speaker, Sir, I oppose this amendment. The words suggested in the amendment did not occur in the existing Municipal Bill. It would be unwise not to give benefit to the Scheduled Caste and the Scheduled Tribes people who are socially and educationally backward. I do not understand why my honourable Friend seeing the conditions of our towns as it is comes up with his amendment. We have practical experience that if the people belonging to the Scheduled Castes and Scheduled Tribes are not represented they cannot have their voices heard with other advanced communities in the Municipal affairs, and as such I do not see any reason why they should be

debarred from having their voice heard in the town Committees and Municipalities. So, Sir, we are trying to give them representation by making provision in the Bill. In view of this the amendment suggested by my honourable Friend is redundant.

If we read the sub-clause (3) of Clause 11 which runs as follows:—

“Of the total number of Commissioners as determined under sub-section (1), not more than two may be appointed by the State Government to represent Scheduled Castes and the Scheduled Tribes and other socially and educationally backward classes, and the remainder shall be elected. The State Government may, at any time direct that all the Commissioners of any Municipal Board shall be elected”. It is implied here that other communities other than the Scheduled Castes and the Scheduled Tribes and other socially and educationally Backward Classes have already been represented by election. For these reasons, as there is necessity for getting representation of the people who are not able to fight with other advanced communities and get their voices heard, it is necessary to have this provision as it is. For these reasons I oppose this amendment.

Mr. SPEAKER: The question is, delete the words “and other socially and educationally” occurring in line four of Sub-clause (3) of Clause 11 and add the words “where they are not represented” after the words “Backward Classes” occurring in the fifth line.

(The Motion was negatived).

***Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that substitute the words “in accordance with rules prescribed under this Act” occurring in clause 12 by the words “on the basis of adult franchise”.

Clause 12 runs as follows:—

“The election of Commissioners shall be conducted in accordance with rules prescribed under this Act”.

Sir, It will be seen if clause 14 is also taken into consideration that this clause has nothing to do as clause 14 prescribed the qualifications of voters. My whole objection is to clause 14 which restricts the voting right of certain people

*Speech not corrected,

and denies it to certain other people. According to it, only "person of the full age of twenty-one years being a citizen of India, who has been for a period of not less than twelve months immediately before the first of January of the year for which the Municipal electoral roll is being prepared, hereinafter referred to as 'the prescribed date', resident within the limits of a municipality and occupies a holding assessed to tax under Section 68 of the Act or an inhabitant thereof" and then it goes on to define the various qualifications "shall on registration in the prescribed manner be qualified to vote at the election of the Commissioners of such municipality". Now, Sir, I move this amendment on the basic principle, namely, now that we have taken adult franchise, now that we have introduced adult franchise in the Panchayats, we have also experimented it in the Local Boards, we have it in the Assembly and the Parliament, it is also necessary that this principle should be followed also in the election of Town Committees because up till now no one has been able to come forthwith any plausible argument against adult franchise. On the contrary, every one has applauded the principle of adult franchise. And it was a glorious thing in our country that immediately after independence we conducted an election of such vast magnitude on the basis of adult franchise. It has given a very broad base to our democracy. Having accepted that principle in the election of Panchayats where there are people who are as illiterate as in other parts of the country, they have been able to carry out the experiment successfully. The other day when this was being put forward, the Minister-in-charge of Local Self-Government said that at least some people who pay tax they will be entitled to vote. As a matter of fact his arguments hold no water.

Mr. SPEAKER: What is your objection ?

***Shri HARESWAR GOSWAMI:** Sir, clause 12 said that the election shall be in accordance with rules prescribed under this Act, and then section 14 deals with the qualification of voters as also clause 68—my objection is that actually the whole election can be taken on the basis of adult franchise.

Mr. SPEAKER: Yes, but we use that in the Municipalities.

***Shri HARESWAR GOSWAMI:** That I have said, it should be on the basis of adult franchise. Now, coming to clause 14, I have also corrected that line. I have given the words "lives on a holding".....

Mr. SPEAKER: What does clause 68 say ?

***Shri HARESWAR GOSWAMI:** Clause 68 is a different thing.

***Maulavi Md. UMARUDDIN:** Sir, may I point out one thing ? I see that my Friend's amendment does not fit in with clause 14. Clause 12 provides for rules setting the procedure for conduct of election, and clause 14 lays down the principle. So, Sir, I say his amendment does not fit in. It is inappropriate. I hope my Friend will agree with me.

***Shri HARESWAR GOSWAMI:** It does fit in because I have said that election should be conducted in accordance with the principle of adult franchise, and to give immediate effect to it.

***Maulavi ABDUL MATLIB MAJUMDAR (Minister)** We have a separate set of rules for that, Sir.

***Shri BISHNURAM MEDHI (Chief Minister):** Sir, under section 301 it has been provided that the State Government can make rules for all the provisions coming under this section.

***Shri HARESWAR GOSWAMI:** Sir, I want to be very categorical that the election should be on the basis of adult franchise.

Mr. SPEAKER: Election is to be conducted under some prescribed rules. It does not deprive you from conducting the election on the basis of adult franchise or anything. There may be other rules to deprive you from that.

***Shri HARESWAR GOSWAMI:** Rule making power is already there. Under section 301 they can make any rule in the world. Now under section 12, I want to put that election will be conducted on the basis of adult franchise. Now for implementation of the provisions under section 301, necessary rules have to be made. Then the question of franchise comes under Clause 12. My point is to lay down very categorically about the way in which election is to be conducted, whether it should be conducted on a limited franchise or on the basis of wider franchise.

Mr. SPEAKER: That comes under Clause 14.

***Shri HARESWAR GOSWAMI:** That will come afterwards. But here also I can speak about adult franchise. Because whether I run it on the basis of adult franchise or of limited franchise, it comes within the purview of the conduct of election. If the L. S.-G. Act would have been in my possession, I could have shown that similar provision is made there. There also the qualification of voters comes under section 12. If you fail in clause 14, what will happen? The Act will have to be implemented. Under section 14 it is adult franchise. Clause 12 has no mention about franchise. It is only the method of conducting the election.

With regard to the point of order I want to say that the conduct of election means the basis on which the election is to be conducted; whether on the basis of limited franchise or on the basis of adult franchise, all these things come under it.

Mr. SPEAKER: You want to include the right of franchise?

***Shri HARESWAR GOSWAMI:** Sir, once it is accepted, that conduct of election also includes the basis as to how the election is to be held and then the question of adult franchise also comes in.

Mr. SPEAKER: Let me see what is the dictionary meaning of 'conduct'. It means--"direction and management".

***Shri HARESWAR GOSWAMI:** Here if the word 'conduct' means 'direction', my submission is that it means how it will be conducted; whether on the basis of limited franchise or not. It comes under the purview of 'direction'.

Mr. SPEAKER: I find it difficult to fall in line with you and I rule out the amendment. You can go to next amendment.

***Shri HARESWAR GOSWAMI:** Sir, I beg to move that:

- (i) Substitute the word "occupies" occurring in the 7th line of clause 14 by the words, "live on".
- (ii) Delete the words, "and who" occurring in the eighth line of clause 14.

(III) Delete items (I), (II), (III) and (IV) of Clause 14.

Sir, I will read out the clause 14. "Every person of the full age of twenty-one years, being a citizen of India, who has been for a period of not less than twelve months immediately before the 1st of January of the year for which the municipal electoral roll is being prepared, hereinafter referred to as "the prescribed date", resident within the limits of a municipality and occupies a holding assessed to tax under Section 68 of the Act or an inhabitant thereof."

Sir, my amendment will broaden the scope of franchise. It will include all persons living in the holding. Sir, the other day the Minister-in-charge was saying that we should not broaden the franchise because that will bring in people who are not paying any taxes. That will not be good.

Mr. SPEAKER : What is the difference between "occupation" and "lives on" ?

***Shri HARESWAR GOSWAMI :** A particular person who pays tax and is the head of the family may be considered as "occupier" and other persons cannot be considered as "occupiers".

Mr. SPEAKER : I think that does not mean so.

***Shri HARESWAR GOSWAMI :** Occupation means who actually occupies, but other persons who occupy along with him may not be considered as such.

My amendment wants to delete the sub-clauses (i), (ii) (iii) and (iv). This will then mean that if I have been living there for 12 months before the prescribed date then I am entitled to vote. The Minister-in-charge stated that the only people who pay certain tax should be allowed to have a vote, but according to the provision of the Bill in Clause 14 it is found that a graduate even if he does not pay anything will be entitled to vote. So, his own argument does not seem to be consistent. He wants to allow those who pay certain tax to vote. This may mean also that a man even if he pays a small amount as tax will be entitled to vote. In view of this, in my amendment I do not want to bring the question of other qualifications as laid down in sub-clauses (i) to (iv). What I want is that if anybody who is staying in the municipal area for the last 12 months and who pays a tax he should have the right to vote and this indirectly means adult franchise and

I recommend this because after experimenting adult-franchise in so many other elections there is no reason why we should not have this adult-franchise in the case of Municipal election also. Why should we discard adult-franchise in Municipal election? So, Sir, the argument put forward by the Minister-in-charge will not hold water. He himself does not include those categories of people who are not Graduates, Matriculates or passed Middle Vernacular or Middle English examinations. Why such people should be eliminated from the voters' list while they are otherwise entitled to franchise in the Assembly election and Parliamentary election. My point is when certain categories of people are entitled to other elections as such how such people can be deprived of that right in the case of Municipal election? As a matter of fact the Municipal exchequer will be given a certain amount of relief because the Assembly voters' list comprising all the town dwellers will also hold good in this case and there will be no necessity to print new voters' list. We have seen that during the last Local Board elections, if the voters' list had to be newly printed it would have caused the Local Boards heavy expenditure. Therefore, the Assembly voters' list was accepted as voters' list for Local Boards and thereby adult franchise was given effect to. So, in the case of Municipalities also, once everybody is given the right to vote, the cost of printing the voters' list will be eliminated and this is all the more important at this time when the Municipalities are running short of funds.

Mr. SPEAKER : Excuse me. You want to delete all the items. Do you propose to give voting rights to the travellers and sojourners also?

***Shri HARESWAR GOSWAMI :** No, Sir, the provision for 12 months' residence will remain. This is in the main clause, which reads "Every person of the full age of twenty-one years, being a citizen of India, who has been for a period of not less than twelve months immediately before 1st January of the year for which the Municipal electoral roll is being prepared, *resident within the limits of a Municipality*, etc". This will stand. I only want to delete these provisions: (i) has, during the twelve months immediately preceding the prescribed date, paid in respect of any rates an aggregate amount of not less than one rupee: (ii) is a member of joint family of which any member is a voter under item (i); (iii) being a Graduate of any University, etc.; (iv) is a manager or person in-charge of a company, firm, society or business owning or occupying any land or building within the limits of the Municipality, etc.

Mr. SPEAKER : Why ?

***Shri HARESWAR GOSWAMI :** Because those who are not connected with any firm, etc., will not be eligible. Suppose, he is a labourer without the prescribed educational qualification and living in a single room, he will not be eligible.

Mr. SPEAKER : Do you think that workers will be excluded under this clause ?

***Shri HARESWAR GOSWAMI :** Yes, Sir.

Mr. SPEAKER : Suppose, the workers occupy a piece of land.

***Shri HARESWAR GOSWAMI :** But that comes in relation to a businessman and not to a labourer. It is clearly stated, "is a manager or person in-charge of a company, firm, society or business owning or occupying any land or building". The labourer is excluded.

Mr. SPEAKER : I doubt whether the worker will be excluded. Suppose, he stays in a holding which is assessed to tax.

***Shri HARESWAR GOSWAMI :** The owner will be assessed, not he.

Mr. SPEAKER : Mr. Goswami, I think you follow me. The occupier of the holding is assessed to tax, and not the man.

***Shri HARESWAR GOSWAMI :** Sir, he must occupy a holding assessed to taxes, and he must be a member of a joint family, and during the twelve months immediately preceding the prescribed date, he must pay in respect of any rates an aggregate amount of not less than one rupee, and the Bill excluded also the people having no Middle English or Middle Vernacular educational qualifications and also those people who are carrying on business.

Mr. SPEAKER : For carrying on Pan-Bidi business ?

***Shri HARESWAR GOSWAMI :** Sir, the voter may carry on any business. My submission is that the Minister-in-charge has not been able to put forward any plausible reason for excluding those classes of people, and that is the reason that we should enforce adult franchise.

Mr. SPEAKER : You have got adult franchise here.

***Shri HARESWAR GOSWAMI :** But there is restriction. So it is not adult franchise. -I do not want to have those qualifications put down in the sub-clauses.

Mr. SPEAKER : The Motion moved is : (i) *substitute* the word "occupies" occurring in the 7th line of clause 14 by the words, "lives on." (ii) *Delete* the words "and who" occurring in the eighth line of clause 14. (iii) *Delete* items (I), (II), (III) and (IV) of clause 14.

Maulavi Md. UMARUDDIN : Mr. Speaker, Sir, Mr. Goswami who has moved the amendments has already indicated that the provisions contained in clause 14 of the Bill fall short of adult franchise by a very small margin ; because if we go through the provisions contained in clause 14 of the Bill very carefully we will find that every person of the full age of 21 years, being a citizen of India, who has been resident for a period of twelve months immediately preceding the prescribed date, and paid in respect of any rates an aggregate amount of not less than one rupee, or (ii) is a member of joint family of which any member is a voter under item (i), whether he is a literate or not. So these two categories of persons living in a Municipality cover 60 to 70 per cent of the total population. Now sub-clause (iii) provide for the inclusion of another category of persons possessing in addition to the general fundamental qualifications—other qualification of literacy, etc., as prescribed therein provided they occupy holdings assessed to tax, not less than rupee 1, thereby a bother 20 to 25 per cent of the population will be brought within the purview of the franchise. Then again by sub-clause (iv) another small section of people concerned in business is also being included. Thus we find only one class of people is excluded, *i.e.*, the floating population without any educational qualification as prescribed in sub-clause (iii).

Now my Friend has argued why should we discriminate between the Local Board and the Municipal Board? Sir, there are good reasons for making this discrimination. The functions of the Local Board are not as important as that of the Municipal Board and the Local Board has to deal only with a few subjects, namely Rural water-supply, construction of village roads and maintenance of a few dispensaries, etc., etc. But the Municipal Board deals with very many vital subjects, such as construction,

maintenance of roads for the benefit of people living within the Municipal limit, sanitation, health, water supply, lighting, latrines and so many other things. These are very vital matters concerning every aspect of the life of an individual living within the Municipal area. Therefore, Sir, Municipal voters should be responsible people. So, we do not want to bring in under this category such kind of people who may not have any stake or any permanent interest in the affairs of the Municipality and at the same time may disturb the balance of election. For example, there may be some agitators who have no stake in the well being of the town but only come there to create trouble and make the running of the Municipal administration difficult. We expect that under the Second Five-Year Plan the Municipal Boards should shoulder greater responsibilities in the spheres of town planning and for that purpose Government have been giving them a large amount of money as loan. We, therefore, want really a responsible body of men to handle these large amounts of money fairly and equitably and without any wastage. But in the present set-up we bring in practically every adult who becomes a voter. But as I have said there are certain people whose exclusion from the voters' list will not materially affect the benefits which will accrue from the Municipal Board. All that we want to see is how the Municipal Board has been running, whether it is running to the best interests of the people. That a few persons are excluded from becoming voters is not at all a material question. When we take the question of franchise we should see whether any responsible persons who have greater stake in the town are included as voters or not. It does not matter if we exclude those who have no stake at all. In my opinion they should be excluded because they may only cause trouble to the proper functioning of the Board. Every safeguard should be provided for making the work of the Board smooth and for allowing the money of the Board to be handled by responsible persons to the satisfaction and benefit of all who have greater stakes in the affairs of the town. With that end in view these rules have been framed, but if we find after experience that they need modification, that can be easily done and adult franchise may be introduced. With these words, I oppose the amendments of my Friend, Mr. Goswami.

Maulavi ABDUL MATLIB MAZUMDAR (Minister):
Mr. Speaker, Sir, the other day while discussing the Motion for consideration of the Select Committee's Report, I stated that the words 'adult franchise' should not be used as slogan or catch words. But I beg to submit that somehow or other my Friend, Mr. Goswami, is trying to use this adult franchise as

such. According to him every adult member living in a town should be a voter in the Municipal election. But, Sir, that will lead us to trouble. We should use adult franchise where it is necessary. But here as has been rightly pointed out by my Friend, Mr. Umaruddin, that this constitution of Municipalities or Town Committee signifies that some people gather together, they want to live a corporate life, they want to have some essential services for which they were prepared to pay and they pay it. That is the main idea. Incidentally, Sir, Municipalities and Town Committees cannot be the same. I cannot accept, Sir, the statement that there must be some people living in the town who have not got the means to pay one rupee as tax annually. My Friend has rightly pointed out that if there are such people living in the town they will be a menace to the peace of the town itself. In every town there must be people doing business. Even if there are some labourers, they now-a-days earn more than one or two or even three rupees daily. As such, I do not know why they should not have the capacity to pay one rupee as tax annually. The matter has been discussed threadbare and it has been pointed out that the provision of the Bill does not exclude any person qualified to be included in the Town Committee.

For these reasons, Sir, I oppose this amendment of my Friend.

Mr. SPEAKER: The question is—(i) *substitutue* the word “occupies” occuring in the 7th line of clause 14 by the words, “lives on”. (ii) *Delete* the words, “and who” occuring in the eighth line of clause 14 and (iii) *delete* items (i), (ii), (iii) and (iv) of clause 14.

(The Motion was negatived.)

***Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that *delete* item (c) of the second proviso to clause 16. Sub-clause (e) says, “Provided further that the validity of such election shall not be questioned in any such petition on the ground of acceptance or refusal of nomination of candidates provided further that an appeal in the manner prescribed shall lie to the District Judge against such acceptance or refusal of nomination.” This whole clause deals with setting aside an election and election petitions. Now clause 16 says, that if the validity of an election is to be

questioned then a petition can be filed before the District Judge, either a Deputy Commissioner or a Subdivisional Officer but sub-clauses (a), (b) and (c) contradict that, namely, (a) on the ground that the name of any person qualified to vote has been omitted from the electoral roll; or (b) on the ground that the name of any person not disqualified to vote has been inserted in the electoral roll; or (c) on the ground of acceptance or refusal of nomination of candidate provided further that an appeal in the manner prescribed shall lie to the District Judge against such acceptance or refusal of nomination. Here, up till now it was possible to file election petition before a District Judge on the ground of improper rejection or acceptance of election paper. Now, if this clause is accepted then it will mean that on that ground any election petition can be filed. But this clause again says that an appeal shall lie before the District Judge against such acceptance or refusal of nomination. If on this principle an election petition can be filed before a District Judge then there is no reason why this clause should be inserted here. If it is intended that the validity of an election can be challenged even before the election is actually completed, that is, immediately after scrutiny, that is not clearly stated here. Unless this is done, this clause becomes redundant. If this clause is kept then the whole thing will be meaningless and it will create more confusion because on the one hand it goes on to say that there may be no election petition over the validity of an election on the ground of improper acceptance or rejection of nomination paper then it again says that on that ground there can be filed an appeal to the District Judge. Sir, if it is intended, as I have said, that the District Judge can entertain appeal regarding the validity of an election on the ground of illegal or improper acceptance or rejection of nomination paper between the time of filing nomination paper and holding the election, then this should be clearly stated. Therefore, I think this clause should not be there, otherwise, as I have already said, it becomes redundant.

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

Maulavi ABDUL MATLIB MAZUMDAR (Minister):
Mr. Speaker, Sir, I oppose this amendmend. Although it has been laid down that an election cannot be nullified on certain grounds, but in certain deserving cases the Court may be invoked to come to the rescue of a candidate. The reason is very simple.

Shri HARESWAR GOSWAMI: On what right ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister): That is laid down in the Rules. As I have said, Sir, I cannot accept this amendment.

(The Motion was put by the Chair as a question before the House and was negatived.)

***Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that *add* the words "A nominated member or" occurring between the words "other than" and "an officer" in lines 4 and 3 of the sub-clause (2) and (3) respectively of clause 33, and also to move that in the second paragraph of sub-clause (4) of clause 33 (I) *delete* the words "ordinarily" occurring in the 1st line (II) *delete* the word "except when the State Government is of opinion that it is necessary to appoint a Government official" occurring in the 2nd, 3rd and 4th lines.

Now, this clause deals with appointment or election of Chairman and Vice-Chairman. Here it says, "At the first meeting of the Municipal Board after a general election, called at the instance of the Deputy Commissioner, the Commissioner shall elect one of their own member other than an officer of Government appointed under sub-section (2) and section 11 to be Chairman subject to the approval of Government. The Chairman so elected pending approval of the Government shall be competent to discharge the duties of his office".

Here I want to put in the words "a nominated member or", between the words "other than" and "an officer" so that no nominated member can be elected as the Chairman. Similarly in clause 33 in sub-clause (4) *delete* the word "ordinarily." "When the Commissioner fails to elect a Chairman or a Vice-Chairman under the two preceding sub-sections the State Government shall appoint by name one of the Commissioners to be Chairman or Vice-Chairman as the case may be.

The Commissioner so appointed shall ordinarily be a non-official except when the State Government is of opinion that it is necessary to appoint a Government official."

This word "ordinarily" will come and "except when the State Government is of opinion that it is necessary to appoint a Government official" will also come. This means that the

person, the Commissioner will appoint, shall be usually a non-official. If my amendments are accepted it will mean that the person, whom the Commissioner shall appoint, shall be a non-official. When we give nomination only to certain classes of people who are not represented, *i.e.*, the Scheduled Castes, Scheduled Tribes and Backward classes, there is no question of appointing such people who have been giving nomination only as Chairman or Vice-Chairman. As a matter of fact, people generally want only those to be Chairman or Vice-Chairman who occupy the membership of an elected body only by virtue of election. That is, in fact, is the most healthy principle, and therefore, my request is that these amendments should be accepted so that there may not be any scope for nominated member to be elected as Chairman or Vice-Chairman. What, we desire, is that no official should be elected as Chairman except in case of Tinsukia and Shillong. Similarly, it should also be the principle that not only that non-official should be nominated as Chairman, no official member who has been given nomination only to represent certain class of people should be allowed to be Chairman. If the Commissioner fails to elect as Chairman or Vice-Chairman, Government should elect as Chairman or Vice-Chairman only an elected member. This is a very wrong principle, as I said yesterday and am repeating it again to-day, to appoint as Chairman or Vice-Chairman any person who is not an elected member. The Hon. Minister-in-charge of Local Self-Government has stated to-day that Tinsukia is a cosmopolitan town and therefore, if any man is allowed to be elected as Chairman, that will jeopardise the interest of the citizens. Sir, I confess, I have never heard an argument of that sort. Similarly at Shillong also there is no reason why we should have Government officer as Chairman. Therefore in all these cases we have seen that non-officials who are elected as members of the Municipality, they should only be elected as Chairman or Vice-Chairman. If the Commissioner cannot elect a Chairman, then only a non-official should be elected as Chairman but no official should be elected as Chairman.

Mr. SPEAKER: The Motion moved is that *add* the words "A nominated member or" occurring between the words "other than" and "an officer" in line 4 and 3 of the sub-clauses (2) and (3) respectively of Clause 33 and also that in the second paragraph of sub-clause (4) of clause 33—*delete* the words "ordinarily" occurring in the 1st line; *delete* the words, "except when the State Government is of opinion that it is necessary to appoint a Government official" occurring in the 2nd, 3rd and 4th lines.

Maulavi Md. UMARUDDIN : Mr. Speaker. Sir, my Friend wants to exclude the members nominated from standing for election as Chairman or Vice-Chairman.

Shri HARESWAR GOSWAMI : I can read out your speech in the Local Board (*laughter*).

Maulavi Md. UMARUDDIN : But now the principle of nomination has already been accepted by the House.

So, Sir, once we accept the principle of nomination that certain class of people who are backward, or who belong to the Scheduled Caste or Scheduled Tribes be represented in the elective bodies such as the Local Boards and Municipal Boards, we at once accept also the principle that they stand equal to the elected members in all respects. Then where is the reason and logic of the objection to such member being elected to Chairmanship or Vice-Chairmanship in the Municipal Board? After giving a person the status of a member, it is inconsistent in my opinion to try to disqualify him from becoming a Chairman. This discriminatory treatment would almost amount to ostracism. I am sure, we all here want that members of the Backward Class, Scheduled Castes and Scheduled Tribes, etc., to be represented in our local bodies so that they may also get equal opportunity to associate themselves with the administration of the Municipalities with the members of other advanced communities. Having done that, it does not stand to reason how you can now expect to deprive them of a right once acceded to. Another thing that occurs to me is this: if a nominated member is such as can command the confidence of the elected members, there is no reason why he should not be made the Chairman. Sir, the idea of election is based on the wholesome principle of determining the representative character of a person on the support of the majority of the people. If a nominated member is of such eminence that he can command the confidence of the majority of the people, there is no reason why he should be deprived of the right of being elected as Chairman. If we not want to deprive these people of the Backward communities from becoming the Chairman, this will only go to show that the well-being of these people are not our aim. We want the advancement of the backward people.

My Friend also objects to Government servants becoming Chairman. On this point I would like to say that this is entirely an emergent provision. At times it may so happen that unless Government step in, regular administration of some Municipal bodies may come to a stand still. Government

have got to see to the interests of the rate payers. Some-time there may be some dead-lock and Government have to dissolve certain municipality, and arrange for fresh election. In between the time a Municipal Board is dissolved and fresh election is held, Government may be required to carry on the administration of the Municipality. In such emergencies, Government will naturally have to place the Municipal administration on the shoulder of a trusted person and may have to appoint an official who because of his very status can be confidently relied upon when no really reliable non-official is available. In such a case it is definitely necessary to vest the Municipal administration on a Government officer. This is, however, a situation which we do not usually expect. But the possibility is always therefor which necessary safeguard should be provided. Ours is a democratic Government and I do not think any democratic Government will take recourse to such provision except in a case of emergency.

With these words I oppose the amendments of my Friend, Mr. Goswami.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Mr. Speaker, Sir, I am afraid, it is difficult for me to accept that the nominated member cannot accept the office of the Chairman of the Municipal Board. Sir, what do we find in the case of election of members to the Council of States? The hon. Member of the Legislatures elect some people who represent them in the Council of States and some of them may become Ministers. So as pointed out by Mr. Umaruddin if the nominated member commands the faith of the electorate—the majority of the people—it only stands to reason that for the mere fact of their nomination they should not be debarred from becoming Chairmen of the Boards. Then, Sir, it is very clear that this provision is only to meet some emergency. Sir, it is not always possible to have a non-official of the type who can bear the burden, of the Municipality. Now if a suitable non-official is not found out, will the Municipality go without a Chairman? For such a case, Sir, the provision has been made for official Chairman. As a matter of fact, in a very few cases we have used this rule. Sir, this completes my observations. Sir, the reasons for having the clauses as they are in the Bill, clearly explain the position and I therefore oppose these amendments.

Mr. SPEAKER : The question is : Add the words, “a nominated member or” occurring between the words, “other than” and “an officer” in lines 4 and 3 of

sub-clauses (2) and (3) respectively of clause 33 and that in the second paragraph of sub-clause (4) of clause 33—

(i) *Delete* the word, “ordinarily” occurring in the first line;

(ii) *Delete* the words, “except when the State Government is of opinion that it is necessary to appoint a Government official” occurring in the second, third and fourth lines’.

(The Motion was negatived.)

(The amendments were negatived.)

Now the question is that clauses 2 to 337 do form part of the Bill.

(This was adopted.)

(*After a pause.*)

The question is that the long title and preamble and the Schedules do form part of the Bill.

(This was adopted.)

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Speaker, Sir, I beg to move that the Assam Municipal Bill, 1956, as reported by the Select Committee, be passed.

Mr. SPEAKER: The Motion moved is that the Assam Municipal Bill, 1956, as reported by the Select Committee, be passed.

(The Motion was put and adopted.)

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Speaker, Sir, I beg to submit that after prolonged deliberations we have finished this rather voluminous Bill. In this connection I want to express my gratefulness to some of my colleagues who in a Cabinet Sub-Committee took great pains in going through the provisions of the Bill. They made additions and alterations and that helped us a great deal. The Select Committee in their deliberations cleared many points. I am extremely grateful to the members of the Select Committee who took great pains to come to Shillong more than once from long distances and helped us in the task of improving this Bill. I was rather enthused to see so many Members taking so much pains in improving the provisions of this Bill.

Sir, it goes without saying that we have passed a legislation which concerns the most vocal section of our population, I mean the educated section—the intelligensia of the country. Unless my Friends in the Select Committee had taken so much pains to go through the various provisions of the Bill it would not have been possible for us to come to an end in such a short time. Sir, I also express my thankfulness to the officers who also took great pains to prepare this important Bill for consideration of the House. I also express my gratefulness to the hon. Members of this House who have kindly co-operated in completing this important legislation.

With these words, Sir, I take my seat.

The Assam Cinemas (Regulation) (Amendment) Bill, 1956

***Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, so far as the first amendment is concerned, I have a desire to take it last because if my amendments are lost, this amendment will not fit in.

Mr. SPEAKER : All right.

***Shri HARESWAR GOSWAMI :** I take No. 2. Mr. Speaker Sir, I beg to move that in the proposed sub-section (3) of Section 9 sought to be substituted by clause 5— (i) for the words “application for review of order and the approval of State Government”, substitute the words, “appeal against the order of the State Government before the authority constituted for the purpose”. (ii) Delete the words beginning with “and thereupon the State Government” to the rest of the sub-clause ending with the words “to any of the applicants”.

Delete sub-section (4) of proposed Section 9 sought to be inserted by clause 5.

So far as section 9 of the Principal Act is concerned it is sought to be substituted by clause 5 of the amending Bill. Proposed section 9 reads as: “(i) Any person aggrieved by the decision of the Licencing Authority under any provision of this Act except an order passed under Section 4 may appeal to the State Government or to such officer as the State Government may authorise in this behalf and the State Government or such officer, as the case may be, may make such orders as it or he deems proper”.

Here, Sir, so far as appeal is concerned the State Government can hear appeal from the persons aggrieved by the decision of the Licensing Authority.

So far as "reviews are concerned the sub-section runs as "(3) Any person considering himself aggrieved by an order passed under Section 4 for granting a license with the approval of the State Government may file an application for review of the order and the approval, to the State Government within a period of 30 days from the date of the order and thereupon the State Government after giving a hearing to the parties concerned may reject the application for review".

Now, under the new clause 3 the old clause 4 is amended and this clause gives the power to the State Government not only to approve or disapprove a person recommended by the Licensing Authority but it can itself go through the application of all other persons even not recommended by Licensing Authority. As far as it goes, it is all right. But against the order of the Licensing Authority there will be appeal which will be heard by the State Government or by a person authorised by the State Government. But in the case of the other item is concerned, namely, that the State Government does not approve a person recommended by the Licensing Authority but approves somebody else in which case the person aggrieved can file an application before the State Government for review, I have my objection. Now, my Amendment wants to substitute the words "application for review of order and the approval of State Government" by the words "appeal against the order of the State Government before the authority constituted for the purpose". When the State Government does the function of the Licensing Authority, the person concerned loses a right of appeal. If the Licensing Authority gives a license to another person then the person aggrieved has a right of appeal. If the Licensing Authority's recommendation is not approved by the State Government and the State Government gives its own decision then the person aggrieved will not have a right of appeal, but he will have a right of review only. So far as appeals are concerned, they are on facts of law, but so far as reviews are concerned, they are rarely on facts of law. A person who could not succeed at the hands of the Licensing Authority and also at the hands of the State Government he has no other weapon but to appeal for review and thereby he loses a right. So, the right of review should be given to another authority to be constituted by the State Government and that authority should be not below the rank of a High Court Judge and that authority will hear appeal from the State Government also. When the State Government itself passes the order it cannot hear appeals against that order, but when the State Government passes an order

appeal against such order can be heard by a person not below the rank of a High Court Judge and that authority and decision should be final. So, if one's grievance is not redressed through appeal for review, he should also have the right of appeal and that appeal will lie before a person not below the rank of a High Court Judge and that order will be final.

Sub-clause (4) reads as, "All appeals pending on the date of the commencement of this Act shall be disposed of in accordance with the provisions of this Act and for that purpose all appeals against an order under Section 4 of the Principle Act shall be deemed to be application for review under sub-section (3) of Section 5 of this Act". Sir, although this House is competent to pass any law it wants to pass, but thereby we find that by doing so we take away certain vested right already given to a person. We should consider this aspect of the matter also. This amending Act gives a retrospective effect although it does not clearly say so, as it seeks to convert into review all the appeals pending before the State Government in which the State Government formally passed an order as the Licensing Authority. By doing so we will be taking away a very valuable right from the persons concerned. So, Sir, that right should not be taken away by us and that right should not in any way be prejudiced. Let them enjoy that right as is given by the parent Act. Therefore my submission is that in this particular case the retrospective effect should not be there and the appeals which are pending before the State Government should be treated as appeals and the right given by the parent Act should not be taken away.

Section 6 of the Amending Bill runs as, "Section 4 of this Act shall be and shall be deemed always to have been substituted for Section 4 of the Principal Act and shall deemed to have come into force from the date on which the Principal Act came into force". Here also there is another case of giving retrospective effect, and instead of this I want to put as—

"The State Government shall for hearing appeals against its orders under Section 4 constitute an appellate authority with a person not below the rank of a High Court Judge and the orders of this authority shall be final.

This Authority shall also have the power to review on points of law any order passed by the State Government under Section 9 (i). Such application must be filed within thirty days from the date of the order”.

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

Mr. SPEAKER: Motion moved is:

That in the proposed sub-section (3) of Section 9 sought to be substituted by Clause 5—

- (i) for the words “application for review of order and the approval of State Government”, *Substitute* the words “appeal against the order of the State Government before the authority constituted for the purpose”.
 - (ii) *Delete* the words beginning with “and thereupon the State Government” to the rest of the sub-clause ending with the words “to any of the applicants”.
3. *Delete* sub-section (4) of proposed Section 9 sought to be inserted by Clause 5.

Clause 6

4. For the existing Clause 6 *Substitute* the following:—

“6. The State Government shall for hearing appeals against its orders under Section 4 constitute an appellate authority with a person not below the rank of a High Court Judge and the orders of this authority shall be final.

This Authority shall also have the power to review on points of law any order passed by the State Government under Section 9(1). Such application must be filed within thirty days from the date of the order”.

***Shri BAIDYANATH MOOKERJEE (Minister)**: Mr. Speaker, Sir, I am extremely sorry I cannot oblige my Friend by accepting even one of his amendments.

Sir, so far as the first amendment is concerned, it is quite clear that the intention of the principal Act was that the right of giving approval was vested in the State Government. My Friend wants to take away that power from the State Government and thereby practically changin the basic principle of the existing law. Sir, what was the intention of the Legislature when this Act was first passed? Sir, as I said, the other day, there is some anomaly; the licensing authority with the prior approval of the Government issues the licence and after that if any party is aggrieved the party appeals to the Government. There lies the anomaly. When the Government gives its approval or disapproval, whatever it might be, the same authority is also hearing the appeal. The proper legal procedure, therefore, should be not appeal but review. But the appeal also remains because only in case of granting of licences the question of review will arise; in cther case, *e. g.*, suspension of the licence, fine, etc., the question of appeal will remain.

Now, Sir, regarding the second amendment, that also cannot be accepted because Government cannot sit in appeal against its own order; when an order is to be reconsidered, the proper course should be hearing of review and not appeal.

As regards the third amendment, this also cannot be accepted. To avoid any future controversy the Act should be made as clear as possible. It is probably well-known to my lawyer Friends present here that in many Acts in the absence of provision regarding pending cases, many suits are pending before the High Court. After all, what is the intention of this amending Bill? The intention is this: there is some anomaly and we want to get rid of that anomaly. If we do not make that particular point clear so far as the pending cases are concerned, the anomaly will remain.

Now, Sir, regarding the other point, I may be excused when I say that I have really failed to understand and I do not know if all my Friends present here have understood—the real significance of the words “not below the rank of a High Court Judge”. I have failed to understand this expression, because there cannot be anybody else to be “not

below the rank of a High Court Judge" but the High Court Judge himself. I could understand if the expression was "a person having the qualifications of a High Court Judge". But as it is, Sir, there cannot be anybody else except the High Court Judge. I shall be very much obliged to my Friend if he enlightens me whether my presumption is correct. If my presumption is correct, this amendment cannot be accepted.

Then, Sir, my Friend who is an astute lawyer tried to mislead the House by saying that we are going to give retrospective effect to this legislation. There is no question of giving retrospective effect. Our sole intention is that if there be any pending cases, the provisions of this amending Act will apply to them. Beyond that there is no question of giving any retrospective effect. Regarding the question of delay and taking away the power of the High Court Judges to any extent it is well known to all the legislators present here that Article 226 of the Constitution gives powers to the High Court to such an extent that the Hon'ble High Court may be approached very easily. So, to say that there will be no scope for approaching the High Court is misleading the House. (Shri Hareswar Goswami:—I never said that). I am sorry if I misunderstood my Friend.

***Maulavi MUHAMMAD UMARUDDIN:** Sir, I want one point to be clarified. Mr. Mookerjee just now said that there was no question of giving retrospective effect. As I understand the clause, in respect of cases where any order has been passed by Government under the existing Section 4, I think they will be covered by this amendment.

***Shri HARESWAR GOSWAMI:** Yes, and this is called retrospective effect.

***Shri BAIDYANATH MOOKERJEE:** Only in respect of pending cases, but the cases which have already been decided will not come under the purview of this Act. As I have said times without number, Sir, the intention of bringing this Act is to remove some anomaly. This anomaly is this. A is giving approval a certain thing and the same A is hearing appeal. So, it cannot be appeal, it should be review. This is the point.

Sir, by this legislation we are not going to take away any right from any citizen. The only point is that certain procedure has been laid down here to remove the anomaly in the existing Act.

My Friend raised the point that it has not been made clear whether Government will receive applications (Shri Hareswar Goswami:—That I have not raised now.) Very well, he seems to be satisfied on that point after he heard me the other day. Regarding retrospective effect also, I hope he will now understand that there is no question of giving retrospective effect in the sense in which the expression is understood. The only thing is that we want to make the position with regard to the pending cases clear. Of course, it may be very good for the lawyers if some anomaly or loop-hole remains. I need not say any anything more, but I expect that as a legislator, my Friend will join hands with me to make the position clear. Sir, I may give one instance to the point; in the Town Tenancy legislation, because this particular point was not made clear, there are hundreds of cases pending in the Gauhati High Court.

Nobody can raise any objection when the lawyers argue on this point in the Court. So it should be our earnest desire that we should make the best legislation so that it cannot be questioned in any court of law.

I hope, Sir, my hon. Friend after hearing me will withdraw the amendments to the Bill.

Mr. SPEAKER: The question is—

2. That in the proposed sub-section (3) of Section 9 sought to be substituted by clause 6—

(i) for the words “application for review of order and the approval of State Government”, substitute the words “appeal against the order of the State Government before the authority constituted for the purpose”.

(ii) Delete the words beginning with “and thereupon the State Government” to the rest of the sub-clause ending with the words “to any of the applicants”.

3. Delete sub-section (4) of proposed Section 9 sought to be inserted by clause 5.

4. For the existing clause 6 *substitute* the following :—

“6. The State Government shall for hearing appeals against its orders under Section 4 constitute an appellate authority with a person not below the rank of a High Court Judge and the orders of this authority shall be final.

This Authority shall also have the power to review on points of law order passed by the State Government under Section 9 (1). Such application must be filed within thirty days from the date of the order.”

(The Amendments were negatived).

Mr. SPEAKER : Amendment No.1 falls through now.

The question now is that Clauses 2 to 11 as well as title and preamble do form part of the Bill.

(This was adopted)

Shri BAIDYANATH MOOKERJEE (Minister) : Mr. Speaker, Sir, I beg to move that the Assam Cinemas (Regulations) (Amendment) Bill, 1956, be passed.

Mr. SPEAKER : The Motion moved is that the Assam Cinemas (Regulations) (Amendment) Bill, 1956, be passed.

(The Motion was put and adopted.)

Parting Speech before Prorogation of the Assembly

Mr. SPEAKER : We have now finished the business of the House. Now I think this is the last occasion we are meeting. We hope, perhaps this may not be the last and we may meet again as Members of this august Assembly.

On this occasion it reminds me the lines of a famous poet—

“Our sweetest songs are those
That tell of saddest thoughts”.

Though it is a sad thing to part yet in future it will bring lost of associations to remember.

Mr. Leader of the House, Mr. Goswami and hon. Members, I wish to express that my colleagues were very helpful by their constructive suggestions and criticisms of the Government policy although they sometimes may not have been exactly in tune with the Government. It is bound to be so because people sometimes slightly differ and we differ to agree only.

I thank most heartily the hon. Members of this House for giving me their ungrudging co-operation in conducting the business and I feel if I have been able to do anything in this House, it was with the greatest possible help and co-operation from all sides of the House.

I thank you again for the last time and for the last meeting—*Au revoir*—Adieu until we meet again.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, I, on behalf of myself and the hon. Members sitting on this side of the House, want to speak a few words. I do not know whether there will be another session of the Assembly which depends on the exigency of the situation. But when the Speaker himself makes a statement, I consider it desirable to say a few words before the House is prorogued.

It is really a pleasure for us that we have been meeting here in this Assembly for more than four years, and that we have been receiving full co-operation and constructive suggestions from the hon. Members of the House. I am also grateful to the Hon'ble Speaker who has all along shown courtesy to us all and tried to uphold the dignity of this august House. The mutual respect for each other's views helped to maintain the best cordial relations amongst all members of this House. I hope we will all work in this spirit, not only in this House but also outside the House so that we can build India according to our new ideas not only in the solution of the internal problems but also the international problems in the present world. With the good wishes and blessings from the hon. Members of this House, even if we are not returned to this House we will be able to discharge our responsibilities and serve the country in our humble way. I heartily thank the hon. Members of this House for rendering us full co-operation and help in discharging our duties and responsibilities in this House.

I do not claim myself as a politician or a diplomat. Sometimes I used to speak more bluntly thereby creating some sort of unpleasant reaction in some members. The hon. Members will believe that whatever statement I made on the floor of this august House that is made with a *bonafide* intention without any malice and with a view to do justice to the matter in question. I hope the hon. Members will forgive and forget if at any time due to use of blunt expression their feelings have been wounded.

I thank you again for offering us constructive suggestions and full co-operation in upholding the dignity of this august House.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I on behalf of those Members sitting opposite to the Government bench take this opportunity of expressing our thanks to the Members who have been able to stand our criticisms. If we criticised anything we did so not out of any jealousy and ill-feeling. Because we thought that our point of view might not be the same as that of the Government Bench, and as such we made our suggestions and criticisms. According to the tradition of this House everyone should be prepared to face criticisms and also to offer suggestions. But if our expression and criticisms were harsh on anybody, I hope, the hon. Members will take it that they were never personal ones.

Sir, I do not know how many of us will come back again to this House as Members of this Assembly to help the Government by giving helpful suggestion so that our people will be able to lead a democratic life.

So, Sir, on this occasion I again on behalf of hon. Members sitting on this side of the House express our sincere thanks for giving us this opportunity by you as well as by the Members sitting on the side of the Government Bench.

With these few words, Sir, I thank you again for giving us the opportunity to speak.

Prorogation

Mr. SPEAKER : Now, I announce the Prorogation order received from the Governor.

“ORDER

In exercise of the powers conferred by clause (2) (a) of Article 174 of the Constitution of India, as amended up to date, I Saiyid Fazl Ali, hereby prorogue the Assam Legislative Assembly at the conclusion of its sitting on the 7th September, 1956.

Raj Bhavan, Shillong.
The 6th September, 1956.

SAIYID FAZL ALI,
Governor of Assam.”

The Assembly was then prorogued.

Shillong.
The 26th April, 1957.

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

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AGENTS IN INDIA

1. Messrs. Thacker Spink & Co., Calcutta.
2. Messrs. W. Newman & Co., Calcutta.
3. Messrs. S. K. Lahiri & Co., Calcutta.
4. Messrs. R. Cambay & Co., 6 and 8/2, Hastings Street, Calcutta.
5. Messrs. D. B. Taraporevala Sons and Co., 103, Meadow Street, Fort, Post Box No.187, Bombay.
6. The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
7. The City Book Company, Post Box No.283, Madras.
8. The Director, The Book Company, Limited, Book Sellers and Stationers, 4/4A, College Square, Calcutta.
9. The Manager, The Imperial Publishing Co., 99, Ry. Road, Lahore.
10. Messrs. Chapala Book Stall, Shillong.
11. Messrs. Sirbhumi Publishing Co., Calcutta.
12. The Proprietor, 'Graduates Union,' Gauhati.
13. Mr. Banwarilal Jain (Book Seller), 1719/2002, Mati Katra, Agra (India).
14. Messrs. Low Book Society, 65/3, Harrison Road, Calcutta.
15. The Director, Benares Corporation, University Road, P.O. Lanka.
16. Messrs. Law Book Society, 4A, Wellington Square, Calcutta.
17. Messrs. Bodh Raj Marwah, Booksellers, Shop No.63, Pusa Colony Market, Delhi-Karol Bagh, New Delhi.
18. The Oxford Book and Stationery Co., Scindia House, New Delhi/17, Park Street, Calcutta.
19. Messrs Mokshada Pustakalaya, Publishers and Book Sellers, Gauhati.
20. Messrs Popular Book Depot (Regd.), Book-sellers, Publishers, etc., Lamington Road, Bombay-7.
21. Messrs B.H.U. Press Book Depot, Book-sellers, Publishers, etc., Banaras-5 (India).