



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

The Assembly met in the Assembly Chamber, Shillong at 10 A.M., on Tuesday,  
the 21st September, 1948.

PRESENT :

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

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

**Jorhat-Niamati Railway Line**

**Mr. J. S. HARDMAN** asked :

\*16. (a) Will Government be pleased to state whether the Assam Railway  
propose to close down the Jorhat-Niamati Line ?

(b) Do Government propose to press for the line to be kept open until  
the existing railway bridge is adapted for road transport ?

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

16. (a)—It is not proposed to close down the Jorhat-Niamati Line at  
present.

(b)—Does not arise.

**Kokilajan Bridge**

**Mr. J. S. HARDMAN** asked :

\*17. Will Government be pleased to state when the work of decking the  
Kokilajan Bridge is expected to be completed ?

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

17.—The Railway Authorities have agreed to re-deck the Kokilajan Bridge  
and the Government have requested them to complete the work within this  
winter.

**Mr. J. S. HARDMAN** : Are Government aware that there is a very urgent  
need for decking the Kokilajan Bridge ?

**The Hon'ble Srijut RAMNATH DAS** : Yes, Sir, and therefore, we have  
taken steps.

**Mr. J. S. HARDMAN** : Are Government aware that the decking of this  
bridge was completed by the Military authorities within a week ?

**The Hon'ble Srijut RAMNATH DAS** : We are not aware of that, Sir.



### Improvement of Road Communications in Karimganj Subdivision

**Moulana MD. MUFAZZAL HUSSAIN** asked :

\*18. (a) Are Government aware that frequent floods in Karimganj Subdivision damage the crops every year ?

(b) With a view to prevent floods and to protect the crops do Government propose (i) to raise the Public Works Department road running from Karimganj to Badarpur along the Southern side of rivers Kushiara and Barak, (ii) to take necessary steps to enlarge the small culverts in the Railway line between Badarpur and Karimganj and (iii) to fix a sluice gate in the River Kachua near Chargula Railway Station to check water while its current goes upwards ?

\*19. (a) Are Government aware that there has been a demand for the last few years to extend the Bhanga-Marjatkandi Road upto Kalinagar beyond Netaji Nagar connecting the Cachar Trunk Road and Manacherra-Anipur Road for the convenience of the peoples of Ratabari and Badarpur Police Stations ?

(b) Do Government propose to take up the project immediately giving it first priority ?

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

18. (a)—Yes.

(b)—A sum of Rs.1,377 has been allotted for preliminary survey work in connection with preparation of a scheme for improvement of flood affected portion in Kaliganj area, Police Station Karimganj, Cachar, and also for examining the proposal mentioned in the question.

(i) This is under consideration.

(ii) This is under consideration.

(iii) This is under consideration.

**Babu KAMINI KUMAR SEN** : Sir, with regard to (b) (iii), may I know whether any enquiry has been made to find out the feasibility of constructing a sluice gate in the river Kachua near Chargula Railway Station ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : The matter will be investigated by the Government.

**Babu KAMINI KUMAR SEN** : May we know how long it will take to finish the investigation ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I hope, Sir, the investigation work will be taken up during the dry season.

†**Maulavi MAKABBIR ALI MAZUMDAR** : Are Government aware that this flood water is carried by the river Barak from the District of Cachar and whether Government propose to take any step to prevent the flood water ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : I have already stated that there will be a survey and this matter will be considered by the Government after the survey has been finished.

**Dr. C. G. TERRELL** : Sir, are Government aware that the Public Works Department officer in the Karimganj area is greatly handicapped for lack of transport facilities as he is dependent on Assam Transport who could give him



only one truck which is permanently attached to him, and as such for the carting of stone and other essential work he is greatly handicapped as he requires up to six trucks for these requirements at times ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY :** Does that question arise, Sir ?

**The Hon'ble the SPEAKER :** It does arise.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY :** I realise that Public Works Department officers are handicapped on account of the lack of transportation.

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

19. (a) & (b) Government are aware of the demand. The Assam Road Communication Board recommended the Road Bhangra-Marjatkandi-Adoirkuna Road and fixed its priority as IV. It will be taken up in its turn.

#### Prevention of floods at Dibrugarh

**Maulavi ABDUL HALIM** asked :

\*20. Will Government be pleased to state what steps are being taken to prevent constant floods at Dibrugarh ?

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

20.—The mouth of the Noa Dehing has been opened and 40 per cent. of the water from Buri Dehing is flowing down it. Further measures will be taken this winter.

**Maulavi ABDUL HALIM :** Sir, may I know from the Hon'ble Minister what action has been taken at present ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY :** At present, Sir, no action is taken because we have to wait till the flood water goes down. As soon as rain stops the work will be undertaken.

**Srijut DANDESWAR HAZARIKA :** Have Government taken any step for ascertaining the reasons of recurring flood in Dibrugarh ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY :** Well, Sir, as far as Government know the Dibrugarh flood was not due to water of Noa Dehing flowing to Buri Dehing but for local rainfall which has been very excessive this year.

#### Dhubri-Kachugaon Road

**Srijut SARAT CHANDRA SINHA** asked :

\*21. (a) Are Government aware—

(i) that the scarcity of rice and paddy at Dhubri and its surrounding places was due mainly to Dhubri-Kachugaon Road being quite unfit for any vehicular traffic during the last rainy season ?

(ii) that this important road remains a fair weather road for all practical purposes ?



- (iii) that this is the only road connecting the paddy growing areas of Tamarhat and Gosaigaon ?
- (b) Will Government be pleased to state—
- (i) whether this road is included in the Post-War Reconstruction Scheme ?
- (ii) if so, what progress has been made up till now ?
- (c) Do Government propose to give high priority to this road in view of the fact that this connects the main supply centre of paddy ?

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

21. (a) (i)—This may be so. But this Government have no information.
- (ii)—No. This is an all weather Kuchha road maintained by Local Board, Dhubri.
- (iii)—It may be so.
- (b) (i)—No. But 12·37 miles only of this road is being improved from the Central Road Fund.
- (ii)—More than a lakh c.ft. of earthwork was done to end of June 1948.
- (c)—Government has taken up some portion of this road as stated in reply to Question (b) (i)—For the present there is no proposal for the remaining length.

**Srijut SARAT CHANDRA SINHA** : Sir, regarding Question (a)(ii), are Government aware that during the last rainy season all vehicular traffic were stopped, the road being in a deplorable condition ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : The information we received is that this road belongs to the Local Board and as such the Local Board is to look after this road. But if the Local Board comes forward through the proper channel with a proposal to take over this road by Government due consideration could be given.

†**Maulavi MD. ABUL KASHEM** : Sir, has the Government information whether the reasons mentioned in the question (a)(i) are real or not ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** : Sir, we have taken the statement of the hon. Member to be correct. There is no reason to deny this statement, nor is there any necessity to make enquiry to verify the fact.

### Floods caused by Dehing River

**Mr. J. S. HARDMAN** asked :

\*22. Will Government be pleased to state what measures are being taken to prevent extensive flooding in the Dehing River ?

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

22.—The mouth of the Noa Dehing has been opened and 40 per cent. of the water from Buri Dehing is flowing down it. Further measures will be taken this winter.



**Mr. J. S. HARDMAN:** Sir, Will Government be pleased to state what expenditure has been incurred on repairs to a dam in the river system of the Upper Dehing?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** That is a new question, Sir. I require notice of this.

**The Hon'ble the SPEAKER:** The hon. Member's question was that what measures are being taken to prevent extensive flooding in the Dehing River and the reply has already been there. This is altogether a new question.

**Mr. J. S. HARDMAN:** Sir, it arises for this reason that some measures were taken to repair a dam in the Buri Dehing River. I would like to know to what extent that work has been completed. That is the purpose of my question.

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Sir, I really do not know how this question can arise. We have taken up the work of opening the mouth of Noa Dehing. Its mouth being silted up in previous years there was a very high flood in 1946, and after opening of the mouth 40 per cent of the water from Buri Dehing is flowing down the Noa Dehing. If any other measure is found to be necessary it will be taken by Government this winter.

**Mr. J. S. HARDMAN:** May I take it, Sir, that there has been no work done on the repair of the dam, some 30 miles beyond Ledo?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I want notice to examine this question.

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

#### Special Officer for Sugarcane

**Srijut BHADRA KANTA GOGOI** asked:

44. Will Government be pleased to state—
- Who is the Special Officer for Sugarcane deputed by Government in Naujan field?
  - What is his academical qualifications?
  - Whether it is a fact, that the said Special Officer was serving in a Tea Company some where in Upper Assam?
  - Whether he was dismissed from service by that Company?
  - If so, what was the cause of his dismissal from the Company?

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

44. (a)—Mr. A. Sen.  
 (b)—I.Sc. (Cal. University); Diploma in Agriculture (Bihar); Sugar Chemist (*ex* Agricultural Chemist, Bihar Government).  
 He has completed a course in Co-operative Banking and Society Organisation (Bihar) and specialised himself in chemical fertiliser Tractor cultivation, Oil Engine Pumping Plants for long distance irrigation, etc.  
 (c) & (d)—Government have no information.  
 (e)—Does not arise.



\*Srijut BHADRA KANTA GOGOI: গভৰ্ণমেণ্টে জনাবনে যে এই মানুহজনক appointment দিওঁতে কাৰ recommendation ত appointment দিছিল ?

The Hon'ble the SPEAKER: কোন question টোৰ supplementary question আপুনি কৰিছে ?

Srijut BHADRA KANTA GOGOI: Question 44 (a), Sir.

The Hon'ble Srijut RAMNATH DAS: Director of Agriculture এ temporary ভাবে appointment দিছিল।

Srijut NILMANI PHOOKAN: Was the appointment advertised by the Assam Public Service Commission ?

The Hon'ble Srijut RAMNATH DAS: When he was appointed there was no advertisement because it had to be made immediately. But subsequently the appointment was advertised and the Assam Public Service Commission recommended their nominees.

Maulavi ABDUL HALIM: Was he appointed temporarily ?

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

\*Srijut BHADRA KANTA GOGOI: প্রশ্ন (c) আৰু (d) ত উত্তৰ দিছে যে Government have no information". গভৰ্ণমেণ্টে মোৰ পৰা জানি লবনে যে তেওঁ Upper Assam ৰ কোনো এখন বাগানত কাম কৰিছিল আৰু তেওঁৰ দোষৰ বাবে তেওঁক সেই কামৰ পৰা dismiss কৰিছিল ?

The Hon'ble Srijut RAMNATH DAS: এতিয়া সেই information ৰ আৰু বকাৰ নাই। কিয়নো, Public Service Commission এ তেওঁৰ নাম recommend কৰি পঠিওৱা নাই।

Srijut NILMANI PHOOKAN: Public Service Commission এ st nominee জনৰ নাম পঠিয়াইছেনে ?

The Hon'ble Srijut RAMNATH DAS: হয়, এতিয়া পঠিয়াইছে।

Srijut NILMANI PHOOKAN: এই temporary মানুহজনক ওচাই এতিয়া Public Service Commission ৰ nominee জনক লোৱাত কিবা লোকচান আছে ন ?

The Hon'ble Srijut RAMNATH DAS: লোকচান নাই। Public Service Commission এ যি জনৰ নাম দিছে তেওঁক লবলৈ গভৰ্ণমেণ্টে সিদ্ধান্ত কৰিছে।

\*Maulavi MAHAMMAD ROUFIQE: May I know whether the post is going to be made permanent ?

The Hon'ble Srijut RAMNATH DAS: The appointment is under the Post-War Development plan. So it is difficult to say now whether it would be made permanent or not.



**\*Srijut SARAT CHANDRA SINHA:** May I know whether Government appointed Mr. A. Sen without looking into his records ?

**The Hon'ble Srijut RAMNATH DAS:** His records are with Government. We looked in to his records, Sir.

**\*Maulavi ABDUL HALIM:** যেতিয়া hon. Member এজনে allegation আনিছে গভর্ণমেন্টে এই সম্বন্ধে enquiry কৰিবনে ?

**The Hon'ble Srijut RAMNATH DAS:** Enquiry কৰাত কোনো বাধা নাই। কিন্তু এতিয়া কথাটো হৈছে enquiry কৰাৰ কোনো প্ৰয়োজন আছে নে নাই। কিয়নো আমি তেওঁক কামৰ পৰা বিদায় দিবলৈ ওলাইছো।

**\*Maulavi ABDUL HAQ:** Enquiry কৰা এই নিমিত্তেই প্ৰয়োজন যে ভৱিষ্যতে যাতে গভর্ণমেন্টে এই বকমে appointment নিদিয়ে।

**The Hon'ble Srijut RAMNATH DAS:** প্ৰয়োজন অনুসৰি appointment দিয়া হয়।

#### Traffic over the Katakhal Railway Bridge

**Babu BIDYAPATI SINGHA** asked :

45. Are Government aware—

(a) That during the last world-war all kinds of motor vehicles could pass over the Katakhal Railway Bridge ?

(b) That at present due to the objection of the Railway authorities all the motor vehicles are to cross the River Katakhal by a ferry near the said Railway bridge causing delay in vehicular traffic ?

46. Do Government propose to move the Railway authorities to allow motor traffic over the Katakhal Railway bridge as they did during the war ?

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

45. (a)—Yes.

(b)—Yes, due to removal of the decking on the bridge.

46.—Government have taken up the matter with the Railway authorities.

**\*Maulavi MAKABBIR ALI MAZUMDAR:** Sir, are Government aware that this Railway bridge has been reconstructed by the Railway authorities with stronger materials ?

**The Hon'ble Srijut RAMNATH DAS:** I am not aware of it, Sir.

**Dr. C. G. TERRELL:** Sir, I would like to know whether, in view of the fact that Government have taken up the matter with the Railway authorities and that widening or reconstruction of the bridge has been undertaken, we can expect the bridge ready to open for road traffic in the near future ?

**The Hon'ble Srijut RAMNATH DAS:** Sir, the Railway authorities have agreed to open the bridge to road traffic and they are going to do that after the redecking of the bridge is completed.

\*Speech not corrected.



**\*Babu KAMINI KUMER SEN:** Sir, May I know when the road traffic will be allowed ?

**The Hon'ble Srijut RAMNATH DAS:** As I have stated as soon as the redecking is completed, Sir.

### Damage to paddy crops in Sutnga Doloiship

**Mr. LARSINGH KHYRIEM** asked :

47. (a) Are Government aware that the people of village Nongsning and Tangnud of Sutnga Doloiship in the Jowai Subdivision filed a representation to the Subdivisional Officer, Jowai, regarding damage done to their paddy crops by storm and insects in October last and that in addition this year their *jhum* cultivations were left unburnt due to continuous rainfall ?

(b) Are Government aware that due to this unforeseen calamities the people affected are at the point of starvation ?

(c) If the replies to Questions (a) and (b) above are in the affirmative, do Government propose to give them the necessary relief immediately ?

**Srijut MAHENDRAMOHAN CHUDHURY (Parliamentary Secretary)** :

replied :

47. (a)—The damage by storm and insects was first reported on the 6th January 1948 through the hon. Member, who forwarded the same to the Subdivisional Officer, Jowai on the 17th January 1948. The report was received long after the harvest, so no estimate of the alleged damage could be made. It is a fact that this year's *jhums* were not properly burnt owing to early rains.

(b)—These two villages of Nongsning and Tangnud are short of Food but they have been getting help from Local Organisations.

(c)—The Local Officers have taken up the question of relief for these two villages but there has been some delay owing to the difficulty in procuring paddy through the Dolois of Jowai, Shangpung and Nongkhlich. The Local Officers have been instructed to render immediate help. Government have sanctioned Rs 1,700 for relief as recommended by the Local Officers.

**Mr. LARSINGH KHYRIEM:** In answer to my Question (c), Sir, it was stated there that there has been some delay owing to the difficulty in procuring paddy through the Dolois of Jowai, etc. May I know, Sir, what were those difficulties which prevented procuring rice from these Doloiships ?

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary)** :

The difficulty is with regard to communications, Sir.

### State Bus Service between Jorhat and Sibsagar

**Srijut HARINARAYAN BARUAH** asked :

48. Will Government be pleased to state—

(a) Whether Government are considering the desirability of starting State Bus Service between Jorhat and Sibsagar ?

(b) If so, when ?

(c) If not, do Government propose to increase the number of buses on that route ?

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

48. (a)—Yes.

(b)—The date has not yet been decided on.

(c) Does not arise.



**Srijut HARINARAYAN BARUAH:** কিমান দিনৰ মূৰত এই লাইনটো লব বুলি গভৰ্ণমেণ্টে ধাৰ্য্য কৰিছে ?

**The Hon'ble Srijut RAMNATH DAS:** এতিয়া অৱশ্যে কোনো দিন ধাৰ্য্য কৰা নাই, সেই কাৰণে এই বিষয়ে একো কব পৰা নাই। অহা বছৰত দিন ধাৰ্য্য কৰিলেহে এই সম্বন্ধে কব পাৰিম।

### Supply of Railway sleepers

**Srijut PURNA CHANDRA SARMA** asked :

49. (a) Will Government be pleased to state the quantity of Railway sleepers supplied to the Railway authorities from each district during 1947-48 ?

(b) Is it a fact that some sleepers were rejected by the Railway authorities from the supply from Nowgong District ?

(c) If so, why ?

(d) Will Government be pleased to state the areas under Forest plantation, district by district, till 31st March 1948 and the proposed areas under the Post-War Development Scheme ?

**The Hon'ble Srijut RUPNATH BRAHMA** replied :

49. (a)—

	B. G.	M. G.	Spl. Sleepers
Lakhimpur ... ..	10,239	2,31,780	...
Sadiya... ..	622	6,572	...
Sibsagar ... ..	...	...	...
Nowgong... ..	2,612	9,641	...
Darrang ... ..	179	1,998	...
Kamrup ... ..	5,797	5,543	116
Goalpara East ... ..	11,572	14,790	137
Goalpara West ... ..	13,257	16,430	180
Khasi and Jaintia Hills ... ..	589	674	...
Garo Hills ... ..	7,285	3,281	...
Total ... ..	32,152	2,90,709	423

(b)—Yes.

(c)—This is not known to Government as the final passing authority is the Railways and apparently the sleepers, according to them, were not up to their specifications.

(d)—

Areas under Forest Plantation upto 31st March 1948	Proposed areas under the Post-War Development Schemes during 1948-49
Nowgong— 2,167 Acres	261 Acres.
Goalpara West— 5,113 „	405 „
Kamrup— 1,602.2 „	100 „ (Approximately).
Lakhimpur— 2,410 „	332 „
Darrang— 1,897 „	670 „
Cachar— 4,460.3 „	95 „



Areas under Forest Plantation upto 31st March 1948	Proposed areas under the Post-War Development Schemes during 1948-49
Sibsagar— 2,369 Acres	100 Acres (Approximately).
Khasi and Jaintia Hills— 2,023 Acres	95 „
Assistant Conservator of Forests, Ranga- pahar— 267.4 Acres	226 „
Sadiya— 6,598 „	512 „
Garo Hills— 3,978 „	30 „
Goalpara East— 2,498 „	259 „
<b>Total</b> <u>34,782.0 Acres</u>	<u>3,085 Acres.</u>

**Srijut PURNA CHANDRA SARMA:** With reference to (a), may we know whether the quantity for each district is allotted by the Government or contracted by the contractors themselves?

**The Hon'ble Srijut RUPNATH BRAHMA:** This is generally allotted by the Department, Sir, in consideration of the requirement of the demand.

**Srijut PURNA CHANDRA SARMA:** Is the contract with the Railway authorities made by the Government or by the parties themselves?

**The Hon'ble Srijut RUPNATH BRAHMA:** Through the Department.

**Srijut PURNA CHANDRA SARMA:** Are Government aware that these sleepers have to be carried to Nahorkatiya where these are either accepted or rejected by the Railway authorities and it becomes very difficult for contractors to get back those rejected sleepers?

**The Hon'ble Srijut RUPNATH BRAHMA:** It is not unusual, Sir, that some of the sleepers are not up to the mark required by the Railway authorities and it may be that some were unacceptable. These sleepers are generally selected according to specifications.

**Srijut PURNA CHANDRA SARMA:** Do not Government recognise the difficulty of getting back those sleepers from Nahorkatiya to the place of origin?

**The Hon'ble Srijut RUPNATH BRAHMA:** That is not the difficulty there only, it is generally experienced by all contractors everywhere.

**Srijut PURNA CHANDRA SARMA:** Did not the Government discuss in the last Conference the question of supply of sleepers to the nearest Railway station by the contractors?

**The Hon'ble Srijut RUPNATH BRAHMA:** The decisions arrived at the Conference have not yet come up to me.



**Srijut PURNA CHANDRA SARMA:** Will Government be pleased to state why Lakhimpur District was allowed such a big quantity of sleepers while other districts got less ?

**The Hon'ble Srijut RUPNATH BRAHMA:** What is the object of that question, Sir ?

**Srijut PURNA CHANDRA SARMA:** My point is, I want to know why Lakhimpur District was allotted such a big quota for supply of sleepers total of which comes to about 2,40,000 while other districts were allotted lesser quantity ?

**The Hon'ble Srijut RUPNATH BRAHMA:** It depends on the availability of timber in different areas.

### Dhubri Electric Supply Company

**Maulavi ABUAL MAJID ZIAOSH SHAMS** asked :

50. (a) Are Government aware that due to complete stoppage of Electric Supply to Dhubri Town by the Supply Company the residents of Dhubri are in great distress ?

(b) Will Government be pleased to state what steps they took or propose to take for valuation of the assets of the Dhubri Electric Supply Company ?

(c) Are Government aware that there are responsible parties in Dhubri Subdivision who are ready to form a Public Limited Company for taking over the concern ?

(d) Is it a fact that repeated representations have been made to the Authorities for restoration of Electrical Energy to Dhubri at an early date ?

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

50. (a)—Yes, Government are fully aware of the fact.

(b)—No steps have been taken for the valuation of the assets of the Dhubri Electric Supply Company as neither the Municipality nor the Government are willing to purchase the undertaking. If any private party elects to purchase the concern he can quote his price. If the Licensee does not agree to it, the price will have to be settled by arbitration.

(c)—Government are not aware of any genuine offer for taking over the concern. There was only one offer with quotation of price but even this was withdrawn.

(d)—Yes, Government have received some representations.

**Srijut SARAT CHANDRA SINHA:** What steps have Government taken on the representations for restoration of electrical energy to Dhubri ?

**The Hon'ble Srijut RAMNATH DAS:** Steps could not be taken for the fact that a few months after the revocation of the licensee, the Comilla Union Bank filed a suit against Government and the High Court of Calcutta has issued an injunction to us not to dispose or deal with any materials belonging to the Electric Supply Company concerned. The suit was pending for long. Recently we have heard that judgment has been declared and the suit has been dismissed as against Government. We are awaiting the order of the Court to take steps which could not be taken under that injunction.



**Srijut SARAT CHANDRA SINHA:** Will Government welcome any offer from the public ?

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

**\*Raja AJIT NARAYAN DEB OF SIDLI:** Was any offer received by Government ?

**The Hon'ble Srijut RAMNATH DAS:** An offer was received but that was not genuine as it was withdrawn.

### Scheme for drainage of the low-lying areas of South of Nalbari

**Srijut GAURI KANTA TALUKDAR** asked :

51. Will Government be pleased to state—

(a) When the scheme for the drainage of the low-lying areas south of Nalbari in Kamrup district was first investigated and when the same was accepted by the Embankment and Drainage Department ?

(b) Whether there was any survey work done in respect of this project ?

(c) If so, when ?

(d) Whether the route of the drainage was ever demarcated ?

(e) If so, (i) when and (ii) where did it start from, (iii) through which villages did it pass and (iv) where did it end ?

(f) What will be the length of the drainage ?

(g) The area of land expected to be reclaimed ?

(h) Whether anything practical has been done in furtherance of the scheme ?

(i) Whether any progress has been done up to the end of March 1948 ?

(j) If so, what are they ?

52. Having regard to the urgent demand for such a drainage for reclamation of a vast area of revenue-paying land, do Government propose to execute the scheme without further delay ?

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

51. (a)—In March 1944.

(b)—Yes.

(c)—During the cold seasons 1944-45 and 1945-46.

(d)—Not demarcated as yet as the plans are not yet quite ready.

(e)—It starts at Jaha village, passes through—

Gangapur ... ..

Baithabhanga ... ..

Darangipara ... ..

Supkata ... ..

Bauraputa ... ..

} Villages and others.

It ends near the 26th mile of the Nalbari-Hajo Road.



(f)—About 4 miles long.

(g)—About 2,236 acres.

(h)—Detailed survey has been completed.

(i) & (j)—Plans and estimate are under preparation.

**Srijut GAURI KANTA TALUKDAR:** With regard to (e), Sir, will Government be pleased to state whether the proposed drain will flow into a river?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I cannot tell off-hand, Sir, but if the hon. Member wants the information, I shall be able to give him afterwards.

**\*Maulavi ABDUL HAI:** With regard to (b), is it not a fact that some work has already been started?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Details have been completed but no work has been started.

**\*Maulavi ABDUL HAI:** But my information is that some work has already been started.

**The Hon'ble Rev. J. J. M. NICHOLS ROY:** Such work as surveying, tracing and so on may be taken by some people as if work has been started, but from our standpoint it is only survey work that has been done, Sir.

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

52.—Yes, in the coming winter.

#### **Digging of a canal from the Barak river near Dilkosh Tea Estate**

**Babu BIDYAPATI SINGHA** asked:

53. (a) Do Government propose to take necessary steps for digging a canal from the Barak near the Dilkosh Tea Estate with a view (i) to draining out the surplus water of the Barak and thereby gaining a vast area of waste land and (ii) expediting clearing of flood water in the Southern part of Silchar Town?

(b) If not, do Government propose to enquire about the feasibility of the project?

(c) As an alternative measure, do Government propose to make a sluice gate at the mouth of the river Amjur to check flood water in the area concerned?

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

53. (a)—There is no such proposal at present.

(b)—Government may order this to be investigated.

(c)—This is under investigation.

**\*Babu BIDYAPATI SINGHA:** Are Government aware of the fact that the silt to be carried by the proposed canal would fill up the lowlands which are occasionally subjected to floods?



\***The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Government are not aware of that fact, Sir, but that matter will no doubt be investigated.

\***Babu BIDYAPATI SINGHA:** Are Government also aware of the fact that the proposed canal would be only one mile long?

\***The Hon'ble Rev. J. J. M. NICHOLS-ROY:** No, Sir, we are not aware of that.

### Requisition of Misamari Colony

**Srijut DHIRSINGH DEURI** asked :

54. Will Government be pleased to state—

- (a) Whether the Misamari Colony was requisitioned for Military purposes in the year 1942?
- (b) How many Pattaholders were thus compelled to leave their lands?
- (c) How many of them were Tribal people?
- (d) Whether those Pattaholders were asked to settle somewhere in the Grazing Reserve?
- (e) Whether it is a fact that the lands requisitioned were released in the year 1946 and the notice was served asking the original Pattadars to take possession of their respective lands?
- (f) How many of the original Pattaholders took possession of the lands?
- (g) Whether it is a fact that again notices were served on the raiyats in the Misamari Field on the 20th May, 1948 to vacate?
- (h) Whether any original Patta holders were allowed to occupy lands in the Misamari Colony under the New Scheme.
- (i) On what basis, lands within the said colony are distributed?
- (j) What is the total number of allottees at present in the said Colony?
- (k) How many of them are from the Tribal Community?

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

54. (a)—Yes.

(b)—Number of Pattadar families is 531.

(c)—The number of Tribal Pattadar families is 241.

(d)—Yes, the evicted Pattadars were allowed temporarily to settle in the village Grazing Reserves of Jiagabharu, Rikamari, Bandarhabi pathar and Bhebheri beel.

(e)—Yes.

(f)—199 families are now residing within the area.

(g)—A notice was served on the raiyats in the month of April and May, 1948 that the area formerly requisitioned for the Defence Department will be acquired by Government for a Co-operative Colony.

(h)—Yes, the option of first refusal has been given to the original Pattadars and in fact the original Pattadars, who have no land elsewhere and those who lived within the area as tenants of others will be given settlement in the first instance.

(i)—Each allottee is proposed to be given a holding of twenty bighas of land which would include homestead and paddy land. Besides this land will be made available for collective farming for the surplus members of any family.



(j)—Final allotment has not yet been made. There are now 231 families within the Colony—out of whom 199 are old Pattaholders and 32 families are new.

(k)—106 out of the old Pattadars and 2 out of the 32 new comers.

### Owguri Grazing Reserve in Simoluguri Mouza

**Srijut HARINARAYAN BARUAH** asked :

55. (a) Will Government be pleased to state why eviction proceedings have not been started as yet against the encroachers of the Owguri Grazing Reserve in Simoluguri Mouza, Jorhat ?

(b) Are Government aware of the public apprehension that a breach of peace is imminent between the encroachers and the local inhabitants ?

(c) Are Government aware that new encroachers have poured into the reserves ?

(d) If not, do Government propose to enquire into it ?

(e) Are Government aware that the entire Grazing Reserve has been occupied by the encroachers and there is no land to graze the cattle of the agriculturists ?

**Srijut MAHENDRAMOHAN CHAUDHURY (Parliamentary Secretary)** replied :

55. (a)—Eviction has not been started on humanitarian grounds as the rainy season still continues. It will, however start after 1st November 1948 and is expected to be completed during the next cold weather.

(b)—Government have no information to that effect, but Deputy Commissioner will take all steps necessary to prevent breach of peace, if any.

(c)—No, but the Deputy Commissioner will take steps against any new encroachment.

(d)—Government are in touch with the local officers.

(e)—No.

**Srijut HARINARAYAN BARUAH**: মোৰ প্ৰশ্নটো আছিল—“Will Government be pleased to state why eviction proceedings have not been started as yet against the encroachers of the Owguri Grazing Reserve in Simoluguri Mauza, Jorhat.” আৰু গভৰ্ণমেণ্টৰ reply হৈছে—“Eviction has not been started on humanitarian grounds as the rainy season still continues.....”

গভৰ্ণমেণ্টে অনুগ্ৰহ কৰি জনাবনে যে ঔগুৰি গ্ৰেজিং ৰিজাৰ্ভৰ বেদখলকাৰী সকলক উচ্ছেদ কৰিবৰ নিমিত্তে প্ৰথমতে কেতিয়া গভৰ্ণমেণ্টে order দিছিল ?

\* **Srijut MAHENDRAMOHAN CHAUDHURY (Parliamentary Secretary)**: সেইটো নতুন প্ৰশ্ন ।

**Srijut HARINARAYAN BARUAH**: সেইটো নতুন প্ৰশ্ন নহয় ।

**The Hon'ble the SPEAKER**: আপোনাৰ প্ৰশ্নত এই কথাটো জানো আছে ?

**Srijut HARINARAYAN BARUAH**: গভৰ্ণমেণ্টৰ উত্তৰ সন্তোষজনক নহয় । সেই কাৰণে মই শুধিছো যে গভৰ্ণমেণ্টে প্ৰথমে কেতিয়া বেদখলকাৰী বিলাকক উচ্ছেদ কৰিবলৈ order দিছিল ।

\***Srijut MOHENDRAMOHAN CHAUDHURY (Parliamentary Secretary)**: মই কৈছো যে এইটো নতুন প্ৰশ্ন । নতুন প্ৰশ্নৰ উত্তৰ দিব লাগিলে সময় লাগিব ।



**The Hon'ble the SPEAKER :** এই প্ৰশ্নটোৰ উত্তৰ আপুনি দিব পাৰেনে ?

\* **Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : নোৱাৰো ।

**Srijut DANDESWAR HAZARIKA :** I think it is not a new question. The same question has been replied that "eviction has not been started on humanitarian grounds as the rainy season still continues." It applies to the eviction order that has been issued but only on humanitarian grounds the order has not been given effect to. So, may I know from the Government when this order was issued ?

**Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : Government have decided to evict the encroachers as soon as the rainy season is over, *i. e.*, after 1st November 1948.

**The Hon'ble the SPEAKER :** Will the hon. Member kindly read the reply ?

**Srijut DANDESWAR HAZARIKA :** The question was: "Are Government aware of the public apprehension that a breach of peace is imminent between the encroachers and the local inhabitants". The reply to the question is: "Government have no information....." May I know from the Government whether after receipt of this question they cared to make an investigation into the matter ?

**Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : Government have replied to the question after making necessary enquiry.

**Srijut HARINARAYAN BARUAH :** Regarding 55 (b), Sir. এই সম্পৰ্কে ১৮ চেপ্তেম্বৰ "অসমীয়াত" আৰু ১৩ চেপ্তেম্বৰ "জনমভূমিত" যি বিবৃতি প্ৰকাশিত হৈছে সেইটো গভৰ্ণমেণ্টে পাইছেনে ?

**Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : গভৰ্ণমেণ্টে এতিয়ালৈকে পোৱা নাই, কিন্তু মই নিজে কাগজত এইটো পঢ়িছো ।

**Srijut HARINARAYAN BARUAH :** গভৰ্ণমেণ্টে এই সন্দেহ কিবা action লৈছে নে ?

**Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : কেৱল খবৰ কাগজৰ বিপোর্টৰ ওপৰত নিৰ্ভৰ কৰি কোনো ব্যৱস্থা লোৱা অসম্ভৱ ।

**Srijut HARINARAYAN BARUAH :** উত্তৰত কৈছে—"Government have no information to that effect, but the Deputy Commissioner will take all steps necessary to prevent breach of peace of, if any."

মাননীয় পালিয়ামেণ্টেৰি চেফ্ৰেটেবী ডাঙৰীয়াই স্বীকাৰ কৰিছে যে তেখেতে কাগজত বিবৃতি দেখিছে ; তথাপি তেখেতে কৈছে যে Government have no information. এতিয়া গভৰ্ণমেণ্টে সেই বিষয়ে কি ব্যৱস্থা হাতত লব খুজিছে জনাবনে ?

**Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : কাগজৰ বিপোর্টৰ ওপৰত নিৰ্ভৰ কৰি সকলো সময়তে ব্যৱস্থা হাতত লব পৰা নাযায় ।



**Srijut NILMANI PHOOKAN**: সেই ফালৰ বাইজৰ পৰা এই বিষয়ে কিবা প্ৰস্তাবাদি আহিছেনে ?

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary)**: গভৰ্ণমেণ্টে তেনে কোনো প্ৰস্তাবাদি পোৱা নাই।

**Srijut DANDESWAR HAZARIKA**: Apart from the Press report, will Government be pleased to take it from me that the situation is causing alarm and will they take early steps ?

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary)**: Government are prepared to accept the statement made by Mr. Hazarika.

### Government Middle English Schools in Garo Hills

**Mr. MANIRAM MARAK** asked :

56. (a) Are Government aware that there is not a single Government Middle English School in the Garo Hills District ?

(b) If so, is there any proposal by Government to convert in the immediate future any of the existing Aided Middle English Schools into a purely Government Middle English School ?

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary)** replied :

56. (a)—Yes.

(b)—Yes. Government is considering to provincialise the Baghmara Middle English School from the next financial year.

**Mr. MANIRAM MARAK**: At present there are six or seven Aided Middle English Schools in the Garo Hills. Is there any proposal to convert any other Middle English Schools into purely Government Middle English Schools ?

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary)**: In other schools the *status quo* will be maintained ?

**Srijut SARAT CHANDRA SINHA**: His question is whether other Schools will be provincialised ?

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary)**: No.

### Statement *re*: land-slide near Sadiya in the North-East Frontier Tract

**\*Srijut BHADRA KANTA GOGOI**: মাননীয় সভাপতি ডাঙৰীয়া, আজি কেই দিন মানৰ আগতে সদীয়া অঞ্চলত পাহাৰ খহি ৫০০ মান মানুহৰ প্ৰাণ হানি হৈছে বুলি শুনা গৈছে। লগতে Assistant পলিটিকেল অফিচাৰৰো কোনো শুংসূত্ৰ পোৱা নাই বুলি সংবাদ আহিছে। কি ঘটনা ঘটিছে সেই সম্বন্ধে গভৰ্ণমেণ্টৰ পৰা ভালকৈ জানিবলৈ ইচ্ছা কৰো।

**The Hon'ble Srijut GOPINATH BARDOLOI**: মাননীয় সভাপতি মহোদয়, এই কথা উত্থাপন কৰাৰ আগতে মই এই সম্বন্ধে কব খুজিছিলোঁ। এই ঘটনা ঠিক সদীয়াত ঘটা নাই—সদীয়াৰ পৰা বহুত ওপৰত ঘটিছে। এটা ওখ পাহাৰৰ এটা অংশ খহি পৰিছে। সেই পাহাৰৰ তলত এখন গাঁও আছিল, সেই গাঁও খনৰ মানুহৰ কোনো চিন-চাৰ



পোৱা নাই। বোধকৰে তাত ১,০০০ মান মানুহ নহব, ৩০০/৪০০ মান হে হব পাৰে। দুখৰ বিষয় এই সন্দেহে কোনো সঠিক খবৰ পোৱা নাই। কেম্পবেল নামেৰে এজন এচিষ্টেণ্ট পলিটিকেল অফিচাৰ সেই সময়ত সেই গাঁৱতে আছিল বুলি খবৰ পোৱা গৈছিল। মই যোৱাৰ আগতে এই খবৰ পাইছিলো—আজি ৫৬ দিন কোনো খবৰ পোৱা নাই। পাহাৰৰ মাটি পৰি গোট্টেই গাঁৱৰ মানুহ বিলাকক পুতি পেলাইছিল। মাটি খান্দি চোৱা হৈছে কিন্তু ইমান ডাঙৰ ডুখও খহি পৰিছে যে সেই মাটি খান্দি আঁতৰোৱা সহজ কথা নহয়। এই খবৰ মই যোৱাৰ আগতে পাইছিলো। এতিয়াও গভৰ্ণমেণ্টৰ তৰফৰ পৰা খবৰ কৰা হৈছে, কিন্তু কি খবৰ আহিছে মই কব নোৱাৰো। এই ভোখৰ ঠাই গভৰ্ণৰ এলাকাধীন, গভৰ্ণৰে ইণ্ডিয়া গভৰ্ণমেণ্টৰ এজেন্ট হিচাপে চলায়। এই সন্দেহে বিশেষ কিবা খবৰ পালে মই আপোনালোকক জনাম।

### The Assam State Acquisition of Zemindaris Bill, 1948

**The Hon'ble the SPEAKER:** Now we come to the next item. The Hon'ble Srijut Bishnu Ram Medhi to introduce the Assam State Acquisition of Zemindaris Bill, 1948.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I thought, Sir, if it would not be better to take that item last after we have finished the existing business of the agenda, as the Bill in question is likely to take some time. We have 21st, 23rd and 24th for all the Bills; and I think we could very well take the Assam State Acquisition of Zemindaris Bill after we have finished other business which might possibly be done in two days, leaving entirely one day for this Bill.

**The Hon'ble the SPEAKER:** The Hon'ble Minister-in-charge is ill. So may I know the view of the Hon'ble Leader of the Opposition? The proposal of the Hon'ble Premier is that item No.2 should be taken after we have finished other business, in view of the fact that this Bill may take a longer time.

**Maulavi SAIYID MUHAMMAD SAADULLA:** Very well, we will show this concession to the Hon'ble Premier. But I understand that the Hon'ble Revenue Minister will not be sufficiently strong to come and pilot this legislation this Session. So far as regards the Hon'ble Premier's proposal we have no objection.

**The Hon'ble the SPEAKER:** He will require some time to study the Bill.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Can it be taken up on Thursday?

**The Hon'ble Srijut GOPINATH BARDOLOI:** We will try to finish the pending business of the House first and after that we shall try to come up with this Bill.

### The Assam Cattle Diseases Bill, 1948

**The Hon'ble the SPEAKER:** Item No.3. Consideration of the Assam Cattle Diseases Bill, 1948. This Bill will be considered clause by clause to-day. I see there are no Amendments up to clause 4. There are four Amendments to clause 5. The first Amendment stands in the name of Maulavi Muhammad Abul Kashem.



**Maulavi MUHAMMAD ABUL KASHEM:** I beg, Sir, to move that for sub-clause (1) of clause 5, the following be substituted:—

“All cattle detained in a quarantine station shall remain under the charge of the Veterinary Officer in-charge of the station, who shall arrange for feeding and upkeep with the help of menials provided for the purpose.”

In sub-clause (1) of clause 5, there is provision in the Bill as amended by the Select Committee that all cattle detained in a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep. The person happens to be either the owner of the cattle or a person who being the servant of the owner brings the cattle to the station. Subsequently it is there that the Provincial Government will make appropriate arrangement for supply of fodder, water and other facilities. It is just and reasonable that only a Government servant should remain in charge, otherwise there will be dual control, and there will be difficulty for the cattle owners during the period. In the quarantine station the cattle will be detained as long as it is deemed necessary. In a hospital for men and women doctors remain in charge, so here also a doctor should remain in charge of it and menials should be entertained in a quarantine station.

With these words I move that this amendment be accepted to do away with dual control of supplying food and water and also to save the trouble to the owner of the cattle or person in charge of the cattle who will bring those to the quarantine station.

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

“That for sub-clause (1) of clause 5, the following be substituted:—

‘All cattle detained in a quarantine station shall remain under the charge of the Veterinary Officer in charge of the station who shall arrange for feeding and upkeep with the help of menials provided for the purpose.’

**Srijut GAURI KANTA TALUKDAR:** Sir, I fail to appreciate the difficulty which has been pointed out by our hon. Friend, Mr. Kasheem. The Bill provides that all the cattle that are brought within the quarantine station should be in charge of the owner of the cattle and that he will be responsible for their feeding and grazing. But such dealers are expected to be people from outside. They may not have the opportunity of getting the necessary fodder and water etc. For that reason it is provided that the veterinary officer in charge of the quarantine shall be required to make provisions for fodder, water and other necessary materials. Our Friend wants that cattle owners who bring the cattle to a quarantine station should be exempted from the responsibility of feeding the cattle. And the entire responsibility he wants to throw upon the Government. He wants that the Veterinary Officer in charge should undertake the full responsibility for feeding and maintaining the cattle. This is a strange and most unreasonable proposal which I hope nobody will support. I also do not see why he talks of a dual control. All that the Bill wants is that the cattle will be in charge of the owner who will have to feed and look after the cattle. The duty of the Veterinary officer will be to see that the cattle are not taken away from the quarantine station and to see that the owners get all facilities in feeding and maintaining their cattle in the quarantine station. If that be so, where is the dual control, I fail to see. It will be a dangerous proposition if Government were to look after these cattle and feed them. If this responsibility is thrown upon the Government it will be a tremendous burden. I therefore request my Friend to withdraw the Motion.



**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, in the clause that has been suggested by the Select Committee it is said that all cattle detained in a quarantine shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep. I do not follow what is meant 'by person in charge' whether the person in charge of the quarantine or of the cattle. It ought to be made clear.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, "the person in charge" means either the owner or the person who is entrusted by him with the cattle.

**Babu KAMINI KUMAR SEN:** This should be made clear. It seems he is the person in charge of the quarantine station.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Sir, I am sorry I am not prepared to accept this amendment. As Mr. Talukdar has pointed out, cattle can be properly looked after only when they are in charge either of the owner or some person acting for him. If all the cattle are put in charge of the Veterinary Assistant Surgeon, or whoever he may be on behalf of Government, certainly, Sir, the cattle will not be properly looked after and in transit their condition will be very bad. There is another point, Sir, and this is a matter of policy. If Government have to arrange for the upkeep of the cattle during the time they remain in the quarantine station Government will have to maintain a big staff for this purpose which will entail a substantial financial burden. It is provided in the Bill that the Government will provide all facilities so that water, fodder and other things necessary for the upkeep of the cattle for the time being are within the reach of the owner or the person who acts on his behalf. But it is for the owners to supply these things to the cattle. So, looking from all points of view it is better for all concerned, the owners and the Government, that the cattle be looked after by the owners themselves or their attendants. For these reasons, Sir, I am not prepared to accept this amendment and I request my hon. Friend to withdraw it.

**Maulavi MUHAMMAD ABUL KASHEM:** I am sorry, my points have not been taken in the light in which I raised them. But as I have no other alternative, I beg leave of the House to withdraw my amendment.

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

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

**The Hon'ble the SPEAKER:** The next amendment stands in the name of Maulavi Mahammad Nazmal Haque.

**Maulavi MAHAMMAD NAZMAL HAQUE:** Mr. Speaker, Sir, I beg to move that in the second line of sub-clause (2) of clause 5, after the word "water" the words beginning with "and may recover" and ending with "be prescribed" be deleted.

Sir, the purpose of the Bill is to do good to the cultivating classes who will purchase cattle imported to our Province. But if the cattle-owner has to pay all the charges including feeding, upkeep, vaccination, marking, etc., when the cattle are in a quarantine station, this will mean a great hardship on him. The purpose of my amendment is to exempt the owners from such charges. If my amendment is accepted the clause will read thus: "The Provincial Government shall make appropriate arrangements for the supply of cattle-food, grazing and water."



This should be done to give relief to the cultivating classes, who will have to pay an increased price for the cattle. With these few words, I commend my amendment to the acceptance of the House.

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

“ That in the second line of sub-clause (2) of clause 5, after the word ‘water’ the words beginning with ‘and may recover’ and ending with ‘be prescribed’ be deleted”.

**Srijut GAURI KANTA TALUKDAR :** Mr. Speaker, Sir, here again my hon. Friend wants that the cattle kept in a quarantine station by dealers should be exempted from any charge for supplying food, water and other facilities. I do not see why Government should not be entitled to realise the cost of fodder and other necessary things supplied for the maintenance of the cattle. In my opinion it is an extremely unreasonable proposal that make the Government liable for feeding the cattle brought by traders for carrying on a lucrative business in Assam. I would, therefore, request my hon. Friend not to press his amendment,

**Maulavi MUHAMMAD ABUL KASHEM :** Mr, Speaker, I rise to support the amendment moved by Maulavi Nazmal Haque. I am really surprised to see that my hon. Friend, Mr. Talukdar, has missed the view-point with which my hon. Friend, Mr. Haque, brought his amendment. He is only thinking in terms of the small amount that will be spent by Government while the cattle are in the quarantine station. Now, Sir, what is the purpose of this Bill ? The purpose is to protect the cattle of the Province from contagious diseases which spread due to import of cattle from outside. Now, Sir, as our aim is to keep our cattle free from all diseases we should see that this Bill is given effect to in the truest sense and no importer brings any cattle into this Province without first placing them in a quarantine station. If any charge is levied on the cattle kept there the importers will try to evade the operations of this Act and find out other ways of importing cattle into this Province. But if Government do not grudge this little amount the importers will surely abide by the law. Moreover, Sir, if any charge is levied in the quarantine station, who will pay it ? My hon. Friend thinks that this will be paid by the owners. Certainly not. They will shift this burden to the purchasers of this Province and this will mean indirect taxation on them. We all know, Sir, that our Province is suffering from the shortage of breeding bulls and cows and so the importers should be encouraged at all costs. But my hon. Friend does not consider the effect of these charges on the importers. Will they not go to some other Province for their business where there is no such barrier ? Certainly they will do that. So, if we want to benefit the people of our Province, we must not put this barrier. In view of this, I would appeal to the Hon'ble Minister and the hon. Members of the House to consider whether only for a few rupees or some expenditure in one or two stations in the Province which will not be more than Rs.2,000, the importers should be harassed in this way.

Then, there is another point, Sir. When the Veterinary Officer of the station and his subordinates will get the opportunity to realise some money from the cattle owners, there is no certainty that they will not extract some money which is not actually leviable. So, I think the officers should not be allowed to have any money transaction. I, therefore, request the Hon'ble Minister in charge and the hon. Members of the House not to take amiss the point raised by my hon. Friend, the Mover, Maulavi Md. Nazmal Haque and accept his amendment without any grudge.



**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I beg to oppose this amendment. Sir, the whole idea behind this quarantine station is that Government want to check all cattle that will be imported into this Province for commercial purpose. We expect that only the business people will import cattle from outside the Province. Government will have to maintain an establishment for the storage of cattle fodder and other necessaries and also they will have to make some arrangement for the proper up-keep of the cattle. So, it is only reasonable that the cattle owners should pay a very small sum for the facilities that they will easily get due to Government activities in that direction. The suggestion that has been made by my hon. Friend, Maulavi Muhammad Abul Kashem, does not appeal to me because our Veterinary Officers and their subordinates are expected to levy the fee which will not be a harassment to the cattle owners. It is rather an insinuation on them. If our Government officers are not entrusted with the duties like that, the administration will not be possible. Sufficient instructions will be given to the officers so that they remain just and reasonable in enforcing the measure.

Then, he has made another suggestion that if Government enforce the quarantine law, attempt will be made to evade the same in other ways. Sir, that may be possible and every legislation contains such consequences. Sir, if Government make this law, they will enforce it properly and look into the matter and see that it is not abused. Proper measures will have to be taken so that cattle may not be brought into the Province stealthily and the border will have to be guarded against this. So, Sir, the suggestions of my hon. Friend, the Mover, do not appeal to me and I think the provisions of the Bill are just and reasonable. I therefore request my hon. Friend to withdraw his amendment.

**\*Maulavi MUHAMMAD NAZMAL HAQUE:** Sir, though I am not satisfied with the arguments put forward by the Hon'ble Minister, I beg leave of the House to withdraw my amendment.

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

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

**The Hon'ble the SPEAKER:** Then, Amendment No.3.

**✓ Maulavi MUHAMMAD ABUL KASHEM:** I do not like to move my \*amendment because it is identical with the previous one.

**The Hon'ble the SPEAKER:** Now Amendment No.4.

**✓ Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, I beg to move that in the first and second lines of sub-clause (3) of clause 5, for the words "Every person in charge of cattle shall, during the period of their detention," the words "The Veterinary Officer in charge of a quarantine station shall, during the period of detention of cattle" be substituted.

Sir, my view point in moving this amendment is that I do not understand what "Every person" means, and after going through the Bill I could only infer that it might be the person engaged by the owner or owner himself or

\*Speech not corrected

**\*Maulavi MUHAMMAD ABUL KASHEM:** to move:

That in the second line of sub-clause (2) of clause 5, after the word "water" for the words beginning with "and may recover" and ending with "be prescribed", the words "free of all charges" be substituted.



it might be some person appointed by Government to be in charge of cattle. So, just to get rid of the difficulty and confusion, I move that the Veterinary Officer in charge of cattle shall, during the period of their detention, take reasonable precaution against their straying from the limit of the quarantine station or from the place allotted for their halt. Because I find it very difficult to operate this clause if the charge is given to the owners of cattle to see that their cattle do not stray away from the limit of the quarantine station as there is no check or punishment provided in the Bill for them. Hence, my suggestion is that the Veterinary Officer should be held responsible to see that the cattle kept in the quarantine station are not allowed to go outside the area specified. With these words, I request the Hon'ble Minister to accept the amendment moved by me.

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

"That in the first and second lines of sub-clause (3) of clause 5, for the words 'Every person in charge of cattle shall, during the period of their detention,' the words 'The Veterinary Officer in charge of a quarantine station shall, during the period of detention of cattle' be substituted."

**Srijut GAURI KANTA TALUKDAR:** Mr. Speaker, Sir, clause 5 (3) of the Bill provides that every person in charge of cattle shall during the period of detention, take reasonable precautions against the straying of their cattle from the limits of the quarantine station. But our hon. Friend, Maulavi Muhammad Abul Kashem, wants that the task of looking after the cattle should be placed on the officer in charge of the quarantine station and not on the owner of the cattle. This suggestion is certainly very unreasonable. There may be several importers of cattle and a large number of cattle may be kept within the limit of a quarantine station. The owners of the cattle will be the best and the right persons to see that none of the cattle stray away from the quarantine station and not the Veterinary officer. And why should the Government be burdened with such heavy responsibility? I therefore, request the hon. Friend to withdraw the Motion.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr Speaker, Sir, as has been pointed out by hon. Srijut Gauri Kanta Talukdar, if a number of cattle are kept in a quarantine station, it will not be possible for the Veterinary Officer and his staff to look after all the cattle properly. They should be looked after by the owners themselves or persons appointed by them. Therefore, Sir, I do not see any reason to accept the amendment of my hon. Friend and I request him to withdraw it.

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, I beg leave of the House to withdraw my amendment.

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

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

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

"That clauses 1 to 5 of the Bill, as amended by the Select Committee, stand part of this Bill."

The question was adopted.



**Maulavi MUHAMMAD ABUL KASHEM:** I beg to move that clause 6 be deleted and the subsequent clauses be renumbered accordingly.

Here mention has been made for realisation of charges under clause 6(I) but it did not say anything regarding sub-clause (2) of clause 5, so this is quite a different thing and that is why I bring this amendment, that this clause be deleted. In sub-clause (1), there is the provision that in the quarantine station the owners will have to pay fees for vaccination and marking. It seems that if this fee is realised for vaccination and marking the owners will be hard hit. So in my opinion, no fee should be charged.

And, secondly, it is stated that if such fee is not paid, the Veterinary Officer of the station has been given immense power to seize as many cattle as will, in his opinion, suffice to defray the fee leviable under sub-clause (1) and forthwith report the fact to the Deputy Commissioner or such other officer as may have been appointed by the Deputy Commissioner in this behalf. If the Veterinary Officers are authorised for realisation of this charge to seize cattle in the quarantine station the number of such seizure is not fixed, because in some cases it may be that the cattle will be more than one. Surely there will be hardship on the cattle owners. That is why the powers should not be given to the Veterinary Officers to realise the charges of vaccination and marking.

And in sub-clause (3) also it is provided that the Deputy Commissioner or other officer so appointed may if satisfied that such fee has not been paid, issue such notice or proclamation as may be prescribed and cause the cattle so seized to be sold by auction and the proceeds of the sale applied to the payment. This clause shows that normally those cattle will be detained and the Deputy Commissioner will make arrangement for their auction, in which case the owner may not get the reasonable price because the proclamation of sale of the seized property would not be very wide and as such the price will not be reasonable. Thus it will cause hardship to the owners. Therefore, my request to the Hon'ble Minister and my hon. Friend, Mr. Talukdar, who wants to oppose this amendment, to see that they rise above party-politics and see whether actually we can give free-vaccination and free-marking and give relief to the cattle owners because of the fact that these cattle will not go outside the Province. In that case, cattle will be able to come to the Province without handicap. So, I hope, my amendment will be accepted and the cattle owners are given the facility of having their cattle vaccinated and marked free of cost especially because of the fact that they would get free inoculation in the Province after purchases made by our people.

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

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

"That clause 6 be deleted and the subsequent clauses be renumbered accordingly."

**Srijut GAURI KANTA TALUKDAR:** Mr. Speaker, Sir, I find that our Friend, Maulavi Abul Kashem, is moved with sympathy for the importers of cattle who are shrewd businessmen engaged in making money in this Province. But he seems to have no sympathy for the poor people of the Province whom he asks to bear the burden of expenses in connection with maintaining, feeding, vaccinating and marking the cattle.



**\*Maulavi ABDUL HAI:** Mr. Speaker, Sir, may I know whether the cattle are taken to the quarantine station before selling or after selling ?

**Srijut GAURI KANTA TALUKDAR:** Certainly before selling when they are brought into the Province.

**\*Maulavi ABDUL HAI:** May I know whether the owners will charge at the time of selling and the money will be realised from the purchaser ?

**Srijut GAURI KANTA TALUKDAR:** When the cattle are brought from outside for the purpose of selling in this Province certainly the importers will have to incur some expenditure. And I know these expenses will be realised from the purchasers of cattle. As a matter of fact in every commercial transaction the people have to bear indirect taxation. But that is no sound reason for asking the Government to bear such expenditures. The Bill provides that the cattle brought from outside under certain circumstances shall have to be vaccinated and marked so that the purchasers may know that it is safe to purchase such cattle marked and passed by the Veterinary Officers. I do not see any reason why for this marking and vaccination the importers should not pay the necessary fees. Our Friend also objects to the procedure for seizing and selling in auction a few cattle for realising the fee that may be levied if the owner of the cattle does not care to pay the same. I fail to see the reasonableness of this objection why should our Friend assume that the importers will not be able to pay the same ? And if they want to evade the payment why they should not suffer ? Our Friend says that it will cause great hardship to the owner of the cattle as the cattle sold in auction might not fetch proper price. But if it so happens who is to blame, the wilful defaulter or the Government ?

For these reasons I request my hon. Friend to withdraw his amendment.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I beg to oppose this Amendment. All these charges are quite usual and are rather incidental. I have already submitted that Government will have to maintain an establishment and for this some extra expenditure has got to be met. The House will realise that all the cattle have got to be brought to a quarantine station, as has already been pointed out, and for this establishment charges have got to be met from the Provincial revenues. If people from outside want to bring their cattle for trade purpose, then for the inoculation of those cattle the burden of expenditure will fall on the poor people of the Province. I of course feel, Sir, for only a few cattle owners, as has been pointed out by my hon. Friend, Maulavi Abul Kashem, there might be some hardship. It may cause hardship only to those who would be defaulters, that is, those who want to escape payment after having received services in the quarantine stations. In that case sub-clauses (2) and (3) will come into force. If they make their payment readily without any attempt at evasion there will be no hardship. This is not a curious thing, Sir. If we compare the provision in the Civil Procedure Code we find that when the defaulter's property is brought to the custody of the Court all this consequential procedure is followed. So, Sir the clause 6 is only in usual course of transaction of the whole Act. It is very necessary and it means only a normal procedure. Therefore, I request my hon. Friend to withdraw his Motion.



**Maulavi MUHAMMAD ABUL KASHEM:** Sir, I have no alternative but to beg leave of the House to withdraw my Amendment.

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

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

**The Hon'ble the SPEAKER:** I find there are no Amendments upto clause 14.

Now the question is:

"That clauses 6 to 14, both inclusive of the Bill, as amended by the Select Committee, stand part of the Bill."

The question was adopted.

**Maulavi MD. NAZMAL HAQUE:** Sir, I beg to move that in the first line of sub-clause (2) of clause 15, for the word "may" the word "shall" be substituted.

Sir, clause 15 makes a provision for compulsory inoculation in particular areas. It means that when cattle diseases become prevalent in a particular area, under sub-clause (1) of clause 15 all the animals will have to be inoculated. In view of this, Sir, I do not understand why discretionary power for inoculation is necessary to be given to the Veterinary Officer. So, Sir, I bring this Amendment that in place of the word "may" the words "shall" be inserted.

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

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

"That in the first line of sub-clause (2) of clause 15, for the word 'may' the word 'shall' be substituted."

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, I want to support the Amendment moved by my hon. Friend, Maulavi Nazmal Haque.

Sir, it is known that if there be any cattle disease in a particular area, there will be compulsory inoculation of all the animals in that area. If so, why Government propose to give an option to the officer to inoculate the animals in that area.

In view of this, Sir, I would request the Government to accept this Amendment and to bind themselves to inoculate all the animals of an area whenever any contagious disease or Rinderpest becomes prevalent.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I beg to oppose this Amendment. In the sub-clause (2) it is written "A Veterinary Officer may inoculate any animal of the species specified in a notification under sub-section (1)". It does not mean that every individual cattle will be specified in a gazette notification. It means to specify certain species. The word "may" in sub-clause (2) is an enabling word as it authorises the Veterinary Officers to include an animal which might fall within a certain species for inoculation. Therefore this does not mean to include all animals for inoculation at the time when disease comes. So, Sir, the insertion of the word "shall" does not bring



in the desired change. I think the hon. Mover will read the clause again and see whether the word "may" is not better than the word "shall". The Veterinary Officer will inoculate those animals which he thinks proper to do. There will be some animals under this specified species which are not in certain circumstances fit for inoculation. So, Sir, in this clause discretion is left with the Veterinary Officer. Of course if the Veterinary Officer inoculates some animals and leave some without inoculation that will defeat the aim of the Act, but I do not think, Sir, that he will do so. There should be some discretion left to him, but the word "may" here is for another purpose. So, I submit, Sir, that the clause should remain as it is and I would ask my hon. Friend, the Mover, to withdraw his amendment.

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

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

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

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

The question is:

"That Clauses 15 and 16 (inclusive) of the Bill, as amended by the Select Committee, stand part of the Bill.

The question was adopted.

**Maulavi MUHAMMAD ABUL KASHEM:** I beg Sir, to move that in the second and third lines of clause 17, the words "if requested by the owner of the inoculated animal", be deleted.

Though I am not certain whether my Motion would be accepted or not, I would first of all request the Hon'ble Minister to carefully weigh the facts and then judge and not be prejudiced. Here in this Bill we have made provision, Sir, that no uninoculated cattle should be imported into the Province. So, if there be any cattle marked 'inoculated' in any quarantine station and if the owner does not hold any certificate with him, that man may again be asked to bring the cattle to the quarantine station, so this process will continue with the result that the owner will be put to great hardship. Here it is stated "if requested by the owner" then and there the Veterinary Officer will issue a certificate that the animal has been inoculated and marked, but Sir, what do we find in actual practice? Our people or the importers of cattle are not so much educated and are mostly illiterate, they will not know that they have to ask for a certificate from the Veterinary Officer that the animal has been inoculated or marked; they will simply come out and again be harassed or they may be asked to take the cattle again to some quarantine stations if these are taken to some border area for sale. Again, Sir, we find in the case of seizure of commodities by police officers and other officers of new Departments, that these officers do not generally give a list of such seized commodities to the owner from whom those commodities were seized. The result is that when they would go to lodge a complaint that such and such commodities were seized from them, they would fail to produce a copy of the list as and when they could not produce it, they would be put to trouble. Now, if my Motion is accepted, whether the owner or the person in charge of the cattle asked for a certificate or not, the Veterinary Officer shall have



to issue it to the owner for the cattle that he takes from him or puts it in a quarantine station. This procedure, Sir, will serve both the owner and the Veterinary Officer who will have to spend only a few minutes to issue a certificate and with a view that he may not have to take much time, the form may be made as small as possible. Government will not be required to spend a lot of money on it.

Therefore, Sir, in consideration of these views put forward by me, I think the Hon'ble Minister will please accept this very small amendment which is meant to improve the Bill for the benefit of the people at large and the owners of cattle particularly.

**Dr. C. G. TERRELL :** I think this is a very reasonable Amendment, Sir, as it will be in the interest of the cattle themselves.....

**The Hon'ble the SPEAKER :** I beg your pardon, the hon. Member will please wait till I have put the Motion. I have not as yet put it.

Amendment moved :

“That in the second and third lines of clause 17, the words ‘if requested by the owner of the inoculated animal’ be deleted”. Yes, Dr. Terrell may proceed.

**Dr. C. G. TERRELL :** Mr. Speaker, Sir, in supporting this Amendment I would like to say a word or two because I think it is a very reasonable suggestion, it is also in the interest of the cattle because it might prevent unnecessary reinoculation which might be harmful to the animal and I think it is quite reasonable that the Veterinary Officer should supply a certificate of inoculation to the owners. I hope the Hon'ble Minister will see his way to accept this Amendment.

**The Hon'ble Mauavi ABDUL MATLIB MAZUMDAR :** Mr. Speaker, Sir, I beg to oppose this Motion. A general provision like that would involve extra work on the Veterinary Officer. That is one thing, Sir. I will first reply to the hon. Mr. Kashem's views. It does not apply to quarantine stations. This clause applies only to cattle inoculated within the Province. In the case of cattle which is taken out of the Province and one that come out of a quarantine station, a certificate will be granted. There is another point. Even if a provision like that is put in, it will not be useful in the long run because, if any hon. Member has seen proceedings in a law court in cases relating to cattle, he must have noticed that it is very difficult to fix persons in a particular identification of cattle. As time will pass on, these certificates will not be of much use. There are similar cattle in the same village and there may be cases where such certificates will cause trouble and will give rise to complications between owner and owner. It will be a source of deception to the Veterinary Officer in times of inoculation in future occasions. So Sir, a certificate like that is not necessary. But as I have already submitted in cases where it is felt that it is necessary a Veterinary Officer at his discretion will grant such certificate, otherwise this may cause trouble.

The previous clause, Sir, says for the purpose of identification the Veterinary Officer may mark the inoculated animal by branding or tattooing with letters or numerals or with both. If necessity is felt by the officer, he will do so. A certificate may not give accurate details. I submit, also, it is not so very necessary. For this reason I think the original clause should be retained and the amendment should not be accepted. I would therefore request the hon. Mover to withdraw his amendment.



**\*Maulavi ABDUL HAI:** On a point of information, Sir. The Hon'ble Minister says that this sort of certificate is not necessary. If so, what is the necessity for this then?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** There may be cases where it may be necessary. Supposing the owner wants to take the cattle to the market for sale or he wants to take it outside the Province for business purposes; and for this the Veterinary Officer will grant a certificate. Ordinarily it will not be necessary.

**Mr. J. S. HARDMAN:** Mr. Speaker, Sir, May I ask the Hon'ble Minister if it is a fact that a certificate is to be given to the owner at his request and not at the discretion of the Veterinary Officer? The Veterinary Officer shall if requested by the owner of the inoculated cattle issue a certificate. There is no discretion on the part of the Veterinary Officer but the discretion rests with the owner of the inoculated animal to ask for a certificate or not. I am apprehensive that the observations which the Hon'ble Minister has made may obscure the real meaning of the clause.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** If an amendment to that effect is brought we will discuss that. I may say in passing that there may be cases where the Veterinary Officer will exercise his discretion. When a case is made out by the owner for a certificate the Veterinary Officer shall have to give a certificate.

**\*Maulavi ABDUL HAI:** Is it not a fact that the owner has to make out a case that the animal has been vaccinated and then the Veterinary Officer will be bound to grant him a certificate?

**\*Maulavi MUHAMMAD ABUL KASHEM:** I beg leave of the House to withdraw my amendment.

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

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

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

"That clauses 17 to 24 of the Bill, as amended by the Select Committee, stand part of the Bill."

The question was adopted.

**The Hon'ble the SPEAKER:** I shall now put the Schedule.

The question is.

"That the Schedule to the Bill, as amended by the Select Committee, stands part of the Bill.

The question was adopted.



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

"That the title and Preamble of the Bill, as amended by the Select Committee, stand part of the Bill."

The question was adopted.

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Mr. Speaker, Sir, I beg to move that the Assam Cattle Diseases Bill, 1948, as amended by the Select Committee, be passed.

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

"That the Assam Cattle Diseases Bill, 1948, as amended by the Select Committee be passed".

*(After a pause)*

As no hon. Member is taking part, I put the question. The question is:

"That the Assam Cattle Diseases Bill, 1948, as amended by the Select Committee, be passed."

The question was adopted.

#### **The Assam Maintenance of Public Order (Amendment) Bill, 1948**

**The Hon'ble the SPEAKER:** The next item of business is the consideration clause by clause of the Assam Maintenance of Public Order (Amendment) Bill, 1948. There are three amendments to this Bill. The first amendment stands in the name of Maulavi Mahammad Roufique.

**Maulavi MAHAMMAD ROUFIQUE:** Mr. Speaker, Sir, the amendment that stands in my name runs thus:

"That in clause 2, the first proviso to proposed Section 3, be deleted."

Sir, the object of my amendment is crystal clear. It wants to do away with the first proviso to clause 2 which runs thus:

"Provided that the Provincial Government may, if and so often as it deems expedient, before the date on which under this section any such order would otherwise have ceased to be in force, after a further consideration of all the circumstances of the case direct that the order shall continue in force for such period not exceeding in the case of detention orders one year from the date of commencement of actual detention under the initial order, as may be specified in the order ;"

I want to oppose it because in it is contained a provision which is very harsh and very drastic, and as a matter of fact, it is opposed to the very sense of justice and democracy. Sir, it is indeed an irony of fate that so soon after the achievement of independence—independence that has been won not through bloody revolution but through peaceful means, the Government which claims to enjoy the confidence of the people, which claims to have the backing of the whole people should seek to arm themselves with extraordinary executive powers.



Sir, the issue involved in this Bill is really very important because it concerns the liberty of the people, the liberty for which the people have fought and died. Now, Sir, this clause provides that a man may be put in jail without trial, and without any evidence being adduced, in a Court of Law. Now, Sir, had such a legislation been made during the bureaucratic regime, the sky would have been rent with cries of protest and agitation would have been made from one end of the country to the other describing the measure as a Black Act. Nowadays, Sir, the people have begun to think whether they are really living in a democratic State under a popular Government, backed by popular will or living under dictatorial rule when they find that Government are assuming powers to put them behind the prison bars without trial, to requisition and take possession of private property, and also to deprive individuals of their amenities of life, e.g., the motor cars and other vehicles owned by them may be seized and taken over by Government. It is really amazing that such a state of things should come so soon after the people have achieved independence. Now, Sir, throughout the whole Bill you look in vain for any provision which safeguards against the misuse of the provisions of this Bill. There is not a word, not a sentence, which goes to indicate that a wrong man will not be put to suffering. According to the provisions of this Bill, a man's liberty may be curtailed and he may be put into jail on the mere report of a Police Officer. There is no means provided to check whether the report is got-up or concocted. Where is the guarantee that it will not be misused? I can cite two recent instances from Nowgong where two people were arrested under the Assam Maintenance of Public Order Act. In one case, one Maulavi Abdul Mohib, who is reported to have been a jail-mate of Srijut Haladhar Bhuyan, held some meetings in the villages for collecting money, saying that Pakistan was financially poor and some money was needed to help Pakistan! His only fault was that he collected money in the name of Pakistan. Pakistan certainly did not depute him to collect money from Assam to enrich their coffers; probably he had some dishonest motive in collecting money, not for the coffers of Pakistan, I am sure, but for his own pocket. But he could have been prosecuted under the ordinary law of the land instead of bringing him under the provisions of the Assam Maintenance of Public Order Act. This is a clear misuse of the provisions of the Act. In another case, Sir, there was a blind singer who was roaming in the Hojai hat and singing "আমাদের শরীরের রক্ত দিয়া গড়িব পাকিস্তান"

One youngman Md. Abul Kalam was put under arrest for asking the blind singer to sing that song, which used to be sung during prepartition days and which was, and is, not proscribed.....

**Srijut GRURI KANTA TALUKDAR:** On a point of information, Sir. Is the hon. Member sure that that was the only reason for which he was arrested?

**Maulavi MAHAMMAD ROUFIQUE:** Yes, I have gone through the report of the Police Officer and that was his only fault.....

**Srijut SARAT CHANDRA SINHA:** On a point of information, Sir. May I know whether that song was sung to do mischief?

**Maulavi MAHAMMAD ROUFIQUE:** Where is the scope for mischief? We are not at war with Pakistan. Even Pandit Jawaharlal Nehru is pro-Pakistan. No Member here harbours any ill feeling against Pakistan. This was a pre-partition song and was not proscribed and the blind singer did not know the present-day set-up. The only fault for which the youngman was arrested was that he had pro-Pakistan feelings.



**Srijut SARAT CHANDRA SINHA :** May I know whether he wanted to create a Pakistan in Assam ? He sung “পড়িন পাকিস্তান।”.

**Maulavi MAHAMMAD ROUFIQUE :** No. The Hon'ble Premier was telling the House the other day that the country was faced with menace from the Communists. I hold no brief for the Communists. I have no good feeling towards Communism and I want Communism to be finished in Assam. If you get hold of an outsider who preaches Communism, by all means extern him and we shall fully support Government in that respect. But one thing has got to be considered, and that is that a number of our youngmen have gone over to the Communists. These young people, who are the hopes of the coming generation and who are our own flesh and blood, have gone over to the Communist camp not out of belief in Communism or Communist ideology but because they have gone out of despair and disgust with the state of affairs prevailing in the country. This is a thing to be paused over and considered by all concerned.

Now, Sir, in the absence of any provision for safeguard how can we support the Government ? Even during the bureaucratic regime, if I remember aright, in case of Regulation III prisoners their cases were used to be examined by the High Court Judges if their detention was considered necessary beyond six months. Our Government should have made such a provision in the Bill that if detention of any person is considered necessary after he has served his period of detention for six months, Government would have his case examined by some judicial officers so that the wrong man is not sent to prison.

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

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

“That in clause 2, the first proviso to proposed section 3, be deleted”.

(Adjournment)

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

*After lunch*

**The Hon'ble the SPEAKER :** Is there any hon. Member who wishes to take part in the amendment moved by Maulavi Mahammad Roufique ?

**Maulavi ABDUL HAI :** Mr. Speaker, Sir, I rise to lend my support to the amendment moved by my hon. Friend, Maulavi Mahammad Roufique. Undoubtedly this piece of legislation is going to curtail the liberty of the people of Free India. During the regime of bureaucratic Government this sort of legislation, which is condemned by one and all the people of India, had some justification. But after the 15th of August 1947, I don't think our own popular Government should have resorted to this sort of legislation. It is really regrettable that certain circumstances should have compelled Government to resort to this legislation as has been explained by the Hon'ble Premier at the time of introducing the Bill. But we wonder to find that they now want to extend the time to such a long period as one year. It is very regrettable to put certain persons behind the prison bar without any proper trial only on some report from the police officers. It is not unknown what sort of reliance can be given to this sort of report. If there is no provision to check this sort of report, I think, this legislation, though it may be required for certain good purposes, will be misused wholly. A period of one year is not a matter of joke. The popular Government, as they call themselves, should show that they are popular not only in paper but also in action and that they are



for the people. If this amendment is accepted by Government, it will bring credit to them and they will get full support from every section of the people, because the intention of it, as has been explained by the Hon'ble Premier, is only to check those persons who are working prejudicially to the interests of the Dominion as well as of this Province. But if in the name of keeping peace of the public, Government try or become a party to fulfil the aim of trapping those persons, who offer reasonable criticisms, by having recourse to this legislation, then surely they will bring discredit upon themselves. We have got certain instances of this sort of action; of course, we hold no brief for any body. The *Assam Tribune* has been banned by Government, the only fault of the paper being that they criticised some of the Ministers' actions. Sir, for wholesome and healthy criticisms if any paper or any person is hauled-up surely it cannot be said that the Government is taking steps for keeping peace of the public. On the other hand, it can be said that they are going to have a Fascist rule and that in order to shut the mouth of the people they are taking this sort of legislation. I would also cite a glaring instance of this kind. An illiterate person of Goalpara arranged the marriage of his son. The son insisted on him to have invitation cards printed as all people were doing. Accordingly he got the invitation written by a relative of his who is not well literate as he also copied the letter from some other marriage invitation cards almost *in toto* and it was sent for printing. At the top of the card was written "Pakistan Zindabad" And for this the father, the writer, the printer and the publisher were arrested and kept behind the prison bar for more than one month—(Maulavi Md. Nazmal Haque:—More than one month—it may be about three months.)—They were kept behind the prison bar for about three months. I show how it was copied almost *in toto* and how illiterate the man was. The marriage was fixed on the 15th of the month but at the bottom of the letter the printing date has been shown as 17th. And though the man was illiterate, he, the writer, the printer and the publisher were put behind the prison bar. This is how the principles of the Bill are interpreted and applied by the local executive officers. It has been said by the Hon'ble Premier that there are sufficient safeguards for the freedom of the people, but actually the people are unnecessarily harassed in the way I have related. For this reason the amendment has been brought so that it should not take a long time for Government to try their case. If they are to be detained their case must be enquired into and must be placed before some Court of Law so that some trial may take place before they are kept in detention.

Under the circumstances, it is a quite reasonable suggestion made in the amendment and, I hope, Government will give due consideration for the acceptance of this amendment.

**The Hon'ble the SPEAKER:** As no other hon. Member is taking part the Hon'ble Premier may reply.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I must oppose the amendment. Firstly, because of the fact that the object of the Bill is negated and frustrated if this amendment is to be accepted. I shall deal with it presently, but before I do so, I would reply to certain general principles which have been referred to by my hon. Friend, the Mover of this amendment. I think, in moving his amendment he was actually opposing the principles of the Bill itself, for really I thought that there was hardly any necessity for going into that matter as the House already agreed to it. In my preliminary speech, while introducing this Bill, I referred to the circumstances which made Government to continue the Act of 1947, with the amendment that is proposed here. It is true that in a legislation of this kind it is necessary to have certain powers on



behalf of the Executive Government which in normal times cannot be given. Then I said that I subscribed to the principle of the Bill and the hon. Members also subscribed, when I said that special and extraordinary circumstances required extraordinary measures. The circumstances which prevailed, specially the circumstances which prevailed in India from the 15th August, 1947—the day of freedom—were not those circumstances, special and extraordinary? And if they are not, I do not know what circumstances can be called extraordinary? Did not we have the ugly spectacle of cruelest bloodshed—almost rivers of blood flowing—on account of communal hatred and vice, between people of one Dominion with another Dominion and of one community against another? Did not we lose our best in India, I mean, Mahatma Gandhi under those tragic circumstances? The House should agree and I am glad that they did agree to a legislation of this kind. I also referred to certain special circumstances in my preliminary remarks in introducing this Bill.

It has been raised by my hon. Friend that certain particular persons have been wrongly dealt with by authorities on behalf of Government. There may have been a case here and there in which necessary attention which ought to have been given was not given and that is the reason why this Bill has been brought into being. This amendment gives authority to Government to exercise certain powers given to the district authority.

My Friend has referred to certain particular cases of which I am unaware and for which he wants to obstruct the passing of the Bill, the object of which, the House has agreed, as correct in principle. I may assure the House that if there is any case in which action is taken in a manner which is not desirable, I am free to be referred to and I shall surely look into it. I cannot see any reason why for one individual case the Bill should be opposed in principle.

Now in the amending Bill what is proposed to be done? That in place of District Magistrates, whose power of detention is 2 months, any further extension of imprisonment is to be made by a decision of Government. Therefore, the Government will be in a position more or less to act as supervisory authority over the action of the District Magistrates.

Then, the second object of the amending Bill is to fill in the lacuna that was caused by the decision of the High Court, namely, that a fresh order has got to be issued by the Government in order that the person whom it is proposed to be detained can be detained. It means, in the normal course of procedure to release a person and arrest him again, instead of doing this, we want to have it done by extending the term of his imprisonment. But the amendment says that in case a man is found causing unnecessary hardship to the people and in order to keep law and order, Government could extend the time even while the person is in custody under order of a District Magistrate. As a matter of fact, the whole object of the Bill is provided in this proviso; and if you take the proviso out, the Bill loses all meaning whatsoever. I hope, therefore, since the House has agreed to the principles of this Bill, the hon. Member will be pleased to withdraw his amendment.

Finally, I want to assure the House that if there be any case of an individual being dealt with in an improper manner and if such a case is brought to the notice of the Government, Government will certainly take such steps as may be necessary and justified in the circumstances, to see that no person is detained longer than required.

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



**Maulavi MAHAMMAD ROUFIQUE:** Mr. Speaker, Sir, I have listened to the arguments put by the Hon'ble Prime Minister in opposing the amendment. I said that the Bill suffers from great defects as there is no provision of safeguard.

**The Hon'ble the SPEAKER:** The hon. Member is not to make a speech but he is to say whether he proposes to withdraw his amendment?

**Maulavi MAHAMMAD ROUFIQUE:** Before withdrawing it, I should like to say something.

Now the Hon'ble Premier has been pleased to give us an assurance that utmost care will be taken to see that a man is not allowed to suffer unnecessarily. Although there is nothing like this in the Bill itself, I think, this assurance will go a long way to mitigate the rigours of the Bill. Now this assurance being given, I beg leave of the House to withdraw my amendment.

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

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

**The Hon'ble the SPEAKER:** Amendment No.2 also stands in the name of Maulavi Mahammad Roufique.

**Maulavi MAHAMMAD ROUFIQUE:** I don't think that I need move this \*Amendment, because it is consequential. If my first Amendment had been accepted, then this Amendment would have been necessary. But as it has not been accepted and as I have withdrawn the same, I do not think it is necessary for me to move this Amendment.

**The Hon'ble the SPEAKER:** Mr. Roufique may now move his next Amendment.

**Maulavi MAHAMMAD ROUFIQUE:** I beg to move that in clause 3, in the last line of the proposed section 4 A, after the word "issued" a "comma" and the word "omitted" be inserted.

Sir, I think the word "omitted" has been omitted and I have brought this Amendment to point out the omission of the word "omitted". By this Amendment I want to complete the sentence which will read as follows: "Any order made, direction issued, act or thing done or omitted under the provisions of the Act before the commencement of the Assam Maintenance of Public Order (Amendment) Act, 1948, which would have been validly and properly made, issued, done or omitted under the Act if section 3 of the Act had been as provided by the Assam Maintenance of Public Order (Amendment) Act, 1948, shall be deemed to be and to have been validly and properly made, issued, omitted or done thereunder". Here the word "omitted" was omitted. So it should be inserted as I have suggested above.

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

"That in clause 3, in the last line of the proposed section 4A, after the word 'issued' a 'comma' and the word 'omitted' be inserted."

\*Maulavi Mahammad Roufique to move:—

That in clause 2, the word "also" occurring in the first line of the second proviso of proposed section 3, be deleted.



**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I think the hon. Member for having brought that to our notice and I would accept the Amendment. But for a little improvement in the drafting and also in order to maintain the same order of words which was maintained in the previous phrases, I suppose, my hon. Friend and for that matter the House, will agree to have the Amendment like this: "properly made, issued, done or omitted". At previous stages the order was "properly made, issued, done or omitted" and I would like to give the same order even in the sentence which is supposed to be amended by my hon. Friend over there. At present the Amendment is like this: "properly made, issued, omitted or done." What I would like to put is: "to have been validly and properly made, issued, done or omitted". I suppose that will maintain the order of words in the same way as in the previous phrases. So if that is agreed to, I suppose, I can accept the Amendment.

**Maulavi MAHAMMAD ROUFIQUE:** Yes.

**The Hon'ble the SPEAKER:** The Amendment as amended by the Hon'ble Premier will be this: "That in clause 3, in the last line of proposed section 4A, for the words 'issued or done', the words 'issued, done or omitted' be substituted." It will read thus: "properly made, issued, done or omitted thereunder."

Then I put the question.

The question is that in clause 3, in the last line of proposed section 4A, for the words "issued or done" the words "issued, done or omitted" be substituted.

The question was adopted.

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

"That clauses 1 to 3 of the Bill as amended stand part of the Bill."

The question was adopted.

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

"That clause 4 of the Bill stands part of the Bill".

The question was adopted.

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

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

The question was adopted.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I beg to move that the Assam Maintenance of Public Order (Amendment) Bill, 1948, as amended, be passed.

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

"That the Assam Maintenance of Public Order (Amendment) Bill, 1948, as amended, be passed."

The question was put and adopted.



**The Assam Assessment of Revenue Free Waste Land Grants Bill, 1948**

**The Hon'ble the SPEAKER:** Now the next item is consideration of the Assam Assessment of Revenue Free Waste Land Grants Bill, 1948, clause by clause. I want to point out that the †Amendment No.1 standing in the name of Maulavi Md. Abul Kashem has been disallowed by His Excellency the Governor when it was sent to His Excellency for his previous sanction and recommendation.

**Mr. J. S. HARDMAN:** Sir, I beg to move that the following be added as a third proviso to sub-clause (c) of clause 3:—

“Provided further that the term of assessment to revenue shall after the 31st March, 1950, be for such period as will be consistent and concurrent with the period of settlement for other lands in the area in which the grant is situate”.

I believe, Sir, that hon. Members will remember that on the day this Bill was introduced before this House I made a request to Government for convening an informal meeting to discuss the drafting of this clause. I am glad to announce that a discussion took place at that meeting and an agreement was reached on all points and that the Amendment which I am now sponsoring has been drafted by Government's revenue expert. I hope, Sir, that the House will adopt this Amendment.

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

“That the following be added as a third proviso to sub-clause (c) of clause 3:

‘Provided further that the term of assessment to revenue shall after the 31st March, 1950, be for such period as will be consistent and concurrent with the period of settlement for other lands in the area in which the grant is situate.’”

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary):** Mr. Speaker, Sir, as Mr. Hardman says, the Amendment has been drafted in pursuance of the agreement that has been arrived at in an informal meeting that was held on Friday last and so I have no objection to accept this Amendment.

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

“That the following be added as a third proviso to sub-clause (c) of clause 3:

‘Provided further that the term of assessment to revenue shall after the 31st March, 1950, be for such period as will be consistent and concurrent with the period of settlement for other lands in the area in which the grant is situate.’”

The question was adopted.

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Clause 3

†Maulavi Muhammad Abul Kashem to move:—

For clause 3, the following shall be substituted:—

“3. Notwithstanding anything contained in the Assam Land and Revenue Regulation, 1886 or in any other law for the time being in force or in any contract, and not withstanding any express exemption from assessment under the terms of any Grant, a Revenue Free Waste Land or Grant shall be given the status of a Land-holder under the Assam Land and Revenue Regulation, 1886 and be liable to assessment to revenue on and from first of April, 1948 at the prevailing rates”.



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

“That clauses 1 to 3 of the Bill, as amended, stand part of the Bill”.

The question was adopted.

Now the next Amendment is that clauses 4-9 be deleted.

**Maulavi MUHAMMAD ABUL KASHEM :** Sir, as my first Amendment has been disallowed by His Excellency the Governor under Sections 82 and 299 of the Government of India Act and as this Amendment to clauses 4-9 is for consequential changes, I do not like to move this Amendment.

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

“That clauses 4 to 10 of the Bill, stand part of the Bill”.

The question was adopted.

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

“That the Title and Preamble of the Bill, stand part of the Bill.”

The question was adopted.

**Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) :** Sir, I beg to move that the Assam Assessment of Revenue Free Waste Land Grants Bill, 1948, as amended, be passed.

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

“That the Assam Assessment of Revenue Free Waste Land Grants Bill, 1948, as amended, be passed.”

The question was adopted.

### The Assam Court of Wards (Second Amendment) Bill, 1948

**The Hon'ble the SPEAKER :** There are no Amendments to the Assam Court of Wards (Second Amendment) Bill, 1948. The Hon'ble Minister may move for passing the Bill.

**The Hon'ble Srijut OMEO KUMAR DAS :** Sir, I beg to move that the Assam Court of Wards (Second Amendment) Bill, 1948, be passed.

**Maulavi MUHAMMAD ABUL KASHEM :** Sir, as my Amendment to delete all the clauses of this Amending Bill has been disallowed by the Hon'ble Speaker and thus prevented me from making a discussion on it, I would like to object to the passing of this Bill. The ground is that there is no need for passing such a Bill because by the Assam Commissioner's Transfer of Powers Act, 1947, the Government has been authorised to make changes where necessary in place of the word “Commissioner, or Commissioner of Divisions”. Sir, I am reading out the relevant portion of the Assam Commissioner's Transfer of Powers Act, 1947 :

“Notwithstanding anything contained in the Assam Commissioner's Powers Distribution Act, 1939, the Provincial Government may, by notification in the official Gazette, transfer any or all of the powers exercised in any matter whatsoever by the Commissioner immediately before the commencement of this Act, and any jurisdiction vested in the Commissioner as aforesaid, to such other authority or authorities as may be specified.”



This shows, Sir, that the Government is strong enough to make any changes where necessary and to authorise any officer to exercise any powers of the Commissioner. Here in this Bill the Government wants that the words "Commissioner, or Commissioner of Divisions" be omitted. This Government could do it only by issuing notification in the official Gazette. I would therefore request the Hon'ble Minister to withdraw this Bill and notify this in an official Gazette to have the desired effect of the Bill instead of asking the House to pass it.

**The Hon'ble Srijut OMEO KUMAR DAS :** Mr. Speaker, Sir, I cannot agree to the suggestion made by the hon. Member, nor can I understand why he submitted this Amendment which was disallowed by you. His Amendment having been disallowed, he is now opposing the Bill. His Amendment was that all the clauses should be deleted. This would only mean that the powers of the Commissioner, under the said Act, will not be exercised by anybody. A situation like this would mean a deadlock and suffering of the people in the Court of Wards areas and as such the object of his Amendment would have been the nullification of the purpose for which this Amending Bill has been introduced. With these words I commend my Motion for the acceptance of the House.

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

"That the Assam Court of Wards (Second Amendment) Bill, 1948, be passed."

The question was adopted.

**The Societies Registration (Assam First Amendment) Bill, 1948.**

**Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) :** I beg to move, Sir, that the Societies Registration (Assam First Amendment) Bill, 1948, be passed.

**The Hon'ble the SPEAKER :** As there is no Amendment to the Bill and as no hon. Member is taking part, I will put the Motion as a question.

The question is :

"That the Societies Registration (Assam First Amendment) Bill, 1948, be passed."

The question was adopted.

**The Societies Registration (Assam Second Amendment) Bill, 1948.**

**Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) :** I beg, Sir, to move that the Societies Registration (Assam Second Amendment) Bill, 1948, be passed.

**The Hon'ble the SPEAKER :** As there is no Amendment to the Bill and as no hon. Member is taking part, I will put the Motion as a question.

The question is :

"That the Societies Registration (Assam Second Amendment), Bill, 1948, be passed."

The question was adopted.



**The Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1948.**

**The Hon'ble the SPEAKER :** Item 9, consideration of the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1948.

There is an Amendment standing in the name of Dr. Enran Husain Choudhury and Maulavi Muhammad Abul Kashem.

**Maulavi MUHAMMAD ABUL KASHEM :** Mr. Speaker, Sir, I beg to move that clause 3 of the Bill be deleted.

By clause 3 provision has been made for sanctioning an allowance at the rate of Rs.2-8-0 per diem during those days of Session of the Assembly. For the purposes of attending the Sessions of the Assembly hon. Members come here to Shillong and they reside in the Hostels which is not even 200 yards off from this place and for this purpose specially they do not require any sort of conveyance and if Government wants that they should be given conveyance allowance for their movement from the Members' Hostels to some other places then I think there is no justification for this allowance. Members may go to the Hon'ble Ministers' place or to some other places for private reasons in which they are specially interested, they must spend from their own pocket or from their daily allowance which this legislature has allowed them. But this conveyance allowance of Rs.2-8-0 is not justified as the Hostels are not far off from this Chamber. So, I would request hon. Members of this House not to pass this Bill but to accept my Amendment and refrain from taking this allowance because of the advantageous position they enjoy. With these words, Sir, I beg to commend my Motion to the acceptance of this House.

**The Hon'ble the SPEAKER :** Amendment moved :  
"That clause 3 of the Bill be deleted."

**Maulavi MAHAMMAD ROUFIQUE :** Sir, in connection with the Amendment moved by my hon. Friend Mr. Kashem, I have a suggestion to make. But before doing so, I think it will be better to recount the history of the moves that were made from time to time to increase the emoluments of the hon. Members of the Legislature. Probably it will be in the recollection of hon. Members that as far back at the last Autumn Session of the Assembly, draft Bills to increase the Hon'ble Ministers' Salaries and hon. Members' Salaries and Allowances Bills were circulated to all Members and I think it will be in their recollection. But as Government's policy has been marked by nervousness and hide-and-seek, two or three criticisms in the Press were quite sufficient to frighten them and make them drop the Bills and these Bills were never brought in the last Autumn Session. Then draft Bills were circulated again to increase salaries of Hon'ble Ministers as well as of the hon. Members on the eve of the last Budget Session, and for reasons best known to the Government, only the Bill for increasing the pay and allowances of Ministers was brought in before the House and passed into an Act. It was understood at that time that a Bill to increase the pay of Members will be brought in this Session. There was a clamour, there was a demand from Members belonging to the Treasury Benches that like the Hon'ble Ministers the hon. Members were as much entitled to such increase, but again for reasons best known to the Government—probably out of fear of criticisms—they did not dare bringing in the Bill to increase the pay and allowances of the hon. Members, instead this Bill has now been brought in as a consolation prize for the disappointed Members behind the Treasury Benches... (Srijut Sarat Chandra Sinha... How does he know all this ?)



Sir, now, it is a fact that the allowance given to the hon. Members is not sufficient to cover the cost of living in Shillong. We do not want any increase of pay, we want allowances to cover the expenses which we have to incur for staying in Shillong. If anybody is to blame, it is the Government, because Government has not been able to control the rising cost of living obtaining here. So far as we are concerned, well, if we get less allowance we are prepared to accept it, if we are given more, I think we should accept it and we make no pretensions to sacrifice (*laughter*). But in this connection, I would like to remind my Friend Mr Kashem of the story of the Maulavi and a cup of fowl curry. Well then, the Maulavi was invited to a house of a certain gentleman and when rice and fowl curry was placed before him, he said, "well, I am not accustomed to meat curry as I am a vegetarian". Then he was asked by his host to take only a little "Suruha", the Maulavi agreed and took a little "Suruha" which of course he relished very much and asked for more. When he was given a second cup, some pieces of meat were about to fall with the 'Suruha' into his plates, the host wanted to stop the meat from falling into the plates. Then the Maulavi said—well, what are you going to do? Do not you see it is coming voluntarily itself? Well, in the light of this example, I would request my hon. Friend Mr. Kashem to withdraw his Motion, after all it is coming without our asking for it, why should we not take it when it is coming voluntarily. (Srijut Sarat Chandra Sinha..... Then you supported the Bill I ask him to withdraw his Motion. (*Laughter.*)

**Srijut PURNA CHANDRA SARMA:** The hon. Mr. Roufique has made reference to the last Session of the Assembly. He is mistaken. The Hon'ble Prime Minister's salary was Rs. 2,000 per year. It was rather reduced in the last Session by the Ministers' Salaries and Allowances Bill.

**Srijut DANDESWAR HAZARIKA:** Mr. Speaker, Sir, I rise to oppose this Amendment for certain reasons. Of course, the hon. Mover of the Amendment is quite justified in saying that we do not require conveyance for coming to attend the Assembly from the Members' Hostels. I should like to point out to the hon. Mover that there is no sufficient accommodation in the Hostels for all the Members of the Assembly. Many Members live outside and some times they have to pay taxi fares. Moreover it may not be necessary for rich Members like the hon. Mover and the supporter, but there are many poor Members who cannot afford to pay even rupee one for conveyance allowance. I think, the hon. Members are aware of the pressure of work at present. Many telegrams, letters, representations may be coming from the different constituencies of the hon. Members here. They are to run some times to the Hon'ble Ministers and some-times to the Heads of the Departments to get certain information to do whatever they could for their constituencies. So, when they stay in Shillong they are to spend a good amount for conveyance. Under the circumstances, I oppose the Amendment. I hope my hon. Friend will withdraw it and accept the Bill.

**The Hon'ble Srijut GOPINATH BARDOLOI:** I should like that the other Amendment may also be moved so that I may make one reply.

**Babu KAMINI KUMAR SEN:** If it is accepted the other one goes.

**The Hon'ble Srijut GOPINATH BARDOLOI:** But I thought that if any voting was necessary there might be voting. I was thinking of economising time.



**The Hon'ble the SPEAKER:** The other one will require the assent of His Excellency.

**The Hon'ble Srijut GOPINATH BARDOLOI:** We have got the assent of His Excellency. I have got it in the meanwhile.

**The Hon'ble the SPEAKER:** I think it is better to reply one by one.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, Mr. Roufique wanted to know what led to the bringing of the Members' Salary Bill last Session and why it was brought up this Session. He mentioned about the increase of Ministers' Salaries in the last Session. I may tell him that in this matter this Party particularly goes by the principles which are fixed for them by the High Command and that every bit of changes that we want to make have been done with the full concurrence of the All-India Congress Committee. Before the Ministers' Salaries Bill was brought forward, the opinion of the All-India Parliamentary Committee was taken. I am speaking without any reserve. We are not increasing the salary. All that was done was to give a car and a house free in view of the allowance given. This is all that was done in the last Session of the Assembly. As a matter of fact, the Prime Minister suffered a deduction of Rs. 1,000 per month for a year and a half, and even now Rs. 500 per month on the last Act.

So far as Members' salaries are concerned, we had similarly taken the opinion of the Parliamentary Committee, who referred us to get the various grades of salaries that are prevalent in the provinces, and it is only after these enquiries that we are bringing this Bill before the House. I can only say that we are not increasing their allowance more than that is given in other provinces. The Bill that is brought before the House is in accordance with the Party principles. Secondly, it is extremely uneconomic to think that by a reduction of Rs. 2-8-0 we would have great economy; at the same time, putting considerable inconvenience to the Members who might have to go about in connection with their legislative business. To my mind deprivation would be a great handicap to them. Who does not know the high cost of living in Shillong? I therefore do not think that this Amendment is economically very sound. I therefore wish that my hon. Friend, knowing the difficulties in which the hon. Members have to live here, will kindly withdraw his Amendment.

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

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

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

**The Hon'ble the SPEAKER:** The second Amendment was tabled by three hon. Members, viz., Srijut Sarat Chandra Sinha, Mr. Larsingh Khyriem and Srijut Bhadra Kanta Gogoi. As this Amendment involves financial implication it was sent back to the hon. Members to obtain the recommendation of His Excellency the Governor. I learnt from the Hon'ble Premier that recommendation had since been obtained. I would therefore call upon any one of the hon. Members to move this Amendment.



**Srijut SARAT CHANDRA SINHA:** Mr. Speaker, Sir, I beg to move that in the 3rd line of the new section 5, proposed to be inserted by sub-clause (1) of clause 3, the "fullstop" after the word "Assembly" be deleted and the words "and during committee meetings" be added thereafter.

Sir, the intention of my Amendment is very simple and it is to give the hon. Members attending committees the benefit of this section. With these words, I commend my Motion to the acceptance of the House.

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

"That in the 3rd line of the new section 5, proposed to be inserted by sub-clause (1) of clause 3, the 'fullstop' after the word 'Assembly' be deleted and the words 'and during committee meetings' be added thereafter".

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I beg to accept this Amendment. The principle having been accepted in the case of Members attending the Sessions of the Assembly I do not see any reason why it should not be accepted in case of Members coming to Shillong to attend committee meetings. As a matter of fact, if you just count the number of committee meetings which Members attended, the expenditure on this account will not, I think, be more than Rs.600 a year. In the first place I suppose this is a very negligible amount and secondly, it follows the principle of granting conveyance allowance during Assembly Sessions.

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

"That in the 3rd line of the new section 5, proposed to be inserted by sub-clause (1) of clause 3, the 'fullstop' after the word 'Assembly' be deleted and the words 'and during committee meetings' be added thereafter."

The question was adopted.

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

"That clauses 1 to 3 inclusive of the Bill, as amended, stand part of the Bill".

The question was adopted.

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

"That the Title and Preamble of the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1948, stand part of the Bill."

The question was adopted.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I beg to move that the Assam Legislative Chambers (Members' Emoluments) Amendment) Bill, 1948, as amended, be passed.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Mr. Speaker, Sir, I want to know from Government which Bill has been introduced before the House,—whether we are dealing with the Bill that was published on the 6th of August 1948. At least one hon. Member, who has spoken on this Bill, quoted a section from that Bill. Is the Government also referring to the same Bill?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The present Amendment Bill, Sir.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Published on which date?



**Babu KAMINI KUMAR SEN :** Sir, the Bill was published on the 6th August, but a correction slip was published on the 16th August.

**Maulavi Saiyid MUHAMMAD SAADULLA :** I already pointed it out. There was an Amendment on the 16th August which was never mentioned by any one. That makes a substantial difference. The Bill as published on the 6th August made provision for conveyance allowance only for "each day of the Session". Later on this was amended by a notification on the 16th August. I think Government has lost sight of that Amendment. So, I raise this point.

**The Hon'ble Srijut GOPINATH BARDOLOI :** It is the corrected Bill that I am referring to all along.

**Maulavi Saiyid MUHAMMAD SAADULLA :** Nobody had mentioned that. Government should have mentioned about it.

**The Hon'ble Srijut GOPINATH BARDOLOI :** I have already said, Sir, that it is the corrected Bill that we are dealing with.

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

"That the Assam Legislative Chambers (Members' Emoluments) (Amendment) Bill, 1948, as amended, be passed".

The question was adopted.

**The Hon'ble the SPEAKER :** We come to item No.10.

**Maulavi Saiyid MUHAMMAD SAADULLA :** Mr. Speaker, Sir, the agenda before us is for three days. If we continue there will be nothing left for the other two days, except the Assam State Acquisition of Zemindaris Bill.

**The Hon'ble the SPEAKER :** But that may take a whole day.

**Maulavi Saiyid MUHAMMAD SAADULLA :** Will it ?

**The Hon'ble the SPEAKER :** I think so. Is it the sense of the House that we stop here ?

**Babu KAMINI KUMAR SEN :** If we continue to-day, it might be possible to take up some of the Government business tabled for the 27th September and we may finish the Session on the 25th. But if we adjourn now, we get only 50 minutes.

### **The Assam Primary Education (Amendment) Bill, 1948**

**The Hon'ble the SPEAKER :** Then, we take up the Assam Primary Education (Amendment) Bill, 1948. There is only one Amendment. Hon. Maulavi Muhammad Abul Kashem to move.



**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, I beg to move that in sub-clause (a) of clause 3, after the proposed clause (c), the following proviso be added:—

“ Provided that the number of representatives from Local Board shall be determined on the basis of population it serves.”

In bringing this Amendment I simply want to impress on the hon. Members of this legislature that the Bill has been introduced with a view to giving more representation to the Town Committees and Municipal Boards. All the hon. Members of the legislature know that the town people are more enlightened and more educated and they require no weightage for their representation on the Board. In the previous Act there was only one member from Municipal Board or Town Committees in a subdivision but this Bill provides for addition of members from Town Committees and Municipal Boards but no mention has been made of Local Boards. I want only to explain that ordinarily a Municipal Board represent 20,000 population and a Town Committee represent 10,000 population, but usually a Local Board represent about 5 lakhs of population. The Compulsory Primary Education is going to be introduced with a view to give education more to the people of the rural areas than to the people of the town. Therefore, the number of representatives from the rural areas should be adequate. If the Town Committee and the Municipal Board with 30,000 population who have got enough education and brain, get two representatives, then the Local Board with five lakhs population who are mostly illiterate and require more primary education, should get more representatives on the School Board, and the local grievances will thereby be better ventilated. The School Board is now going to take up the function of the Local Board in the past in respect of education. You know, Sir, that the Local Board members had to undergo much trouble in establishing a school and to get grant from the Local Board for it. Now, with the transfer of the function of the Local Board to the School Board in the matter of primary education, the Local Board members will have nothing to do with primary education and for this reason they should be given proper representation on the School Board who will have the sole authority in the matter of primary education in the subdivision. I hope therefore that the Hon'ble Premier and other hon. Members of the House will fully sympathise with the Amendment that I have brought in. If the Government think that due to increase of the number of members from the Local Board the School Board will be unwieldy, then in that case the number of representatives from the Town Committee and Municipal Board should be diminished proportionately, or there should be a Sub-Committee within the School Board. But still the Local Board should have more representatives than the Town Committee and the Municipal Board. With these words, Sir, I commend my Amendment for the acceptance of this August House.

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

“ That in sub-clause (a) of clause 3, after the proposed clause (c), the following proviso be added:—

‘ Provided that the number of representatives from Local Board shall be determined on the basis of population it serves’”.

**Srijut DANDESWAR HAZARIKA:** Mr. Speaker, Sir, I rise to oppose the Amendment on the ground that representatives from Local Board have already been there in the School Committee and, moreover, Government have nominated three members who are representatives from the villages, who in most cases will represent the rural areas. I don't think it necessary to increase their number in the Committee. So, I hope the hon. Mover will see his way to withdraw his Amendment.



**The Hon'ble Srijut GOPINATH BARDOLOI :** Mr. Speaker, Sir, I am sorry that I have to oppose the Amendment, well intentioned though it is. My reason is that it would be unwieldy to take more representatives on the School Board which is to be composed as follows :—

One Deputy Inspector of Schools,  
one Senior Sub-Inspector of Schools,  
two Representatives from the Local Board,  
one Representative from the Municipal Board or Town Committee, and  
three Nominated members.

Now, the proportion according to my hon. Friend would be that we have got to fix.....

**Srijut GAURI KANTA TALUKDAR :** One teachers' representative will also be on the Committee.

**The Hon'ble Srijut GOPINATH BARDOLOI :** Yes, I stand corrected—one teachers' representative will also be there. What my hon. Friend proposes to do is that so far as the Local Boards are concerned, their representatives should be sent to the School Board on a population basis. I personally feel that it could be done only in an arbitrary way, and it is bound to leave a big population unrepresented even after certain increase is proposed. The principle followed in the original Act is that the parties, that is the local bodies who shall have to make over funds shall have representation in this Board to look into the interest of the Primary School boys whatever under their charge. I think, that is a perfectly satisfactory arrangement ; since two members have been given to Local Boards, whereas one member is given to other bodies. I do not really see, Sir, how this Amendment could improve the situation. As a matter of fact, I don't see how ever if a member is included in a particular Board, it will not improve matters ; because it is not expected that the number of votes of a School Board will be the determining factor for the future of our primary school boys. It is really on more co-operation among the members of the School Board that will improve the work of the Board.

In view of all this, I would request my hon. Friend to withdraw his Amendment.

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

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

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

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

“That clauses 1 to 4 both inclusive of the Bill, stand part of the Bill.”

The question was adopted :

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

“That the Title and Preamble of the Bill stand part of the Bill.”

The question was adopted.



**The Hon'ble Srijut GOPINATH BARDOLOI** : Sir, I beg to move that the Assam Primary Education (Amendment) Bill, 1948, be passed.

**The Hon'ble the SPEAKER** The question is :  
"That the Assam Primary Education (Amendment) Bill, 1948, be passed"  
The question was adopted.

#### **The Indian Medical Degrees (Assam Amendment) Bill, 1948**

**The Hon'ble the SPEAKER** : Item No. 11 *i.e.* consideration of the Indian Medical degrees (Assam Amendment) Bill, 1948. There is no Amendment.

**The Hon'ble Srijut RAMNATH DAS** : Sir, I beg to move that the Indian Medical Degrees (Assam Amendment) Bill, 1948, be passed.

**The Hon'ble the SPEAKER** Motion moved :  
"That the Indian Medical Degrees (Assam Amendment) Bill, 1948, be passed.

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

The question is :  
"That the Indian Medical Degrees (Assam Amendment) Bill, 1948 be passed."

The question was adopted.

#### **The Assam New Motor Cars (Control of Commercial Sales) (Amendment) Bill, 1948**

**The Hon'ble the SPEAKER** : Item No. 12 ; *i.e.*, consideration of the Assam New Motor cars (Control of Commercial Sales) (Amendment) Bill, 1948. As there is no Amendment the Hon'ble Minister may straightway move the passing of the Bill.

**The Hon'ble Srijut RAM NATH DAS** : Mr. Speaker Sir, I beg to move that the Assam New Motor Cars (Control of Commercial Sales) (Amendment) Bill, 1948, be passed.

**The Hon'ble the SPEAKER** : Motion moved :  
" That the Assam New Motor cars (Control of Commercial Sales) (Amendment) Bill, 1948, be passed "

*(After a pause)*

**The Hon'ble the SPEAKER** : The question is—  
" That the Assam New Motor Cars (Control of Commercial Sales) (Amendment) Bill, 1948, be passed "

The question was adopted.

#### **The Assam Requisition and Control of Vehicles Bill, 1948**

**The Hon'ble the SPEAKER** : Item No. 13. Here there is no Amendment.

**The Hon'ble Srijut RAMNATH DAS** : Sir, I beg to move that the Assam Requisition and Control of Vehicles Bill, 1948, be passed.

In support of my Motion, Sir, I should like to assure the House that it will be applied only when it will be felt urgently necessary to do so.



**The Hon'ble the SPEAKER :** Motion moved :  
 "That the Assam Requisition and Control of Vehicles Bill, 1948, be passed."

*(After a pause).*

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

The question is :

"That the Assam Requisition and Control of Vehicles Bill, 1948, be passed."

The question was adopted.

### **The Assam Land (Requisition and Acquisition) Bill, 1948**

**The Hon'ble the SPEAKER :** Item No. 14 There is also no Amendment.

**Srijut MAHENDRAMOHAN CHOUDHURY** (Parliamentary Secretary) : Mr. Speaker, Sir, I beg to move that the Assam Land (Requisition and Acquisition) Bill, 1948, be passed.

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

"That the Assam Land (Requisition and Acquisition) Bill, 1948, be passed."

*(After a pause).*

**The Hon'ble the SPEAKER :** As no hon. Member is taking part, I put the question.

The question is :

"That the Assam Land (Requisition and Acquisition) Bill, 1948, be passed."

The question was adopted.

### **The Assam Money Lenders' (Amendment) Bill, 1948**

**The Hon'ble the SPEAKER :** Item No. 15. There is no Amendment.

**The Hon'ble Srijut RUPNATH BRAHMA :** Sir, I beg to move that the Assam Money-Lenders' (Amendment) Bill, 1948, be passed.

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

"That the Assam Money-Lenders' (Amendment) Bill, 1948, be passed."

**The Hon'ble the SPEAKER :** As no hon. Member is taking part, I put the question.

The question is :

"That the Assam Money-Lenders' (Amendment) Bill, 1948, be passed."

The question was adopted.

**Maulavi Saiyid MUHAMMAD SAADULLA :** I think, we can adjourn to-day.

*(Voices—Yes, we should adjourn to-day).*

### **Adjournment**

The Assembly was then adjourned till 10 A.M., on Thursday, the 23rd September, 1948.

SHILLONG :  
 The 13th November, 1948.

A. K. BARUA,  
 Secretary, Legislative Assembly, Assam.



