



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 Saturday, the 25th September, 1948.

PRESENT

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Nationalisation of road transport services

Mr. J. S. HARDMAN asked :

*27. Will Government be pleased to state whether they propose to make a statement on the scope of the scheme for nationalising road transport services in Assam ?

The Hon'ble Srijut RAM NATH DAS replied :

27.—Yes, on the 27th September, 1948.

State Service on the Nowgong-Jorhat Route

Srijut BHADRA KANTA GOGOI asked :

*28. (a) Is it a fact that due to the negligence of some officers of the Transport Department, Government could not run the State Service on the Nowgong-Jorhat route in time ?

(b) If so, what steps have been taken against these officers ?

(c) If not, will Government be pleased to state the reasons for the late running of the service ?

The Hon'ble Srijut RAM NATH DAS replied :

28. (a)—No.

(b)—Does not arise.

(c)—The original intention of Government was to start the service with effect from 1st July 1948. It was later discovered that there were some temporary permits operating on this route up to 31st July; hence the date of inauguration of the service was postponed to the 1st August 1948.

Gauhati-Shillong Route

Srijut BHADRA KANTA GOGOI asked :

*29. (a) Will Government be pleased to state the actual date of expiry of the permits of the Commercial Carrying Company Limited for operating on the Gauhati-Shillong route ?

(b) Is it a fact that Government is contemplating to issue temporary permits to this Company or to some individual persons after the expiry of the date of their permits ?

(c) If not, what arrangements Government propose to make in the matter ?

*Speech not corrected.

The Hon'ble Srijut RAM NATH DAS replied :

29. (a)—31st December 1948.

(b)—No.

(c)—Government propose to take over this route for State operation of motor transport.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Shillong Jail

Mrs. BONILY KHONGMEN asked :

88. Are Government aware—

(a) That the Shillong Jail could accommodate 91 prisoners ?

(b) That as many as 138 prisoners, undertrials and convicts or some times more are kept in the said jail ?

(c) That the number of prisoners is increasing daily ?

89. If the answers to the above questions are in the affirmative do Govern-

ment propose to extend the jail ?

90. (a) Are Government aware that a large number of boys aged from eight years upward charged for small thefts or ordinary offence have been kept in the Shillong jail with other convicts ?

(b) Will Government be pleased to state the figures of juveniles sent to Shillong jail during the years 1946, 1947 and 1948 ?

(c) Are Government aware that the same offenders (boys) come to jail again and again after they have been released ?

(d) Do Government propose to make at least one Reformatory School situated either at Shillong or Gauhati for the juvenile offenders ?

(e) Do Government propose to make arrangements with other Provinces which have a Reformatory School for sending juvenile offenders there pending the construction of a Reformatory School in this Province ?

The Hon'ble Maulana MAHOMED TAYYEBULLA replied :

88. (a)—Yes.

(b)—Yes.

(c)—The number of prisoners generally does not exceed 138 and overcrowding is due to the heavy influx of undertrial prisoners.

89.—Extension of Shillong jail is under the active consideration of Government.

90. (a)—Juvenile prisoners are kept separate from adult prisoners as far as possible. But where there is heavy overcrowding, it is not possible to segregate juveniles from others properly.

(b)—105, 123 and 89 juveniles were sent to Shillong jail as undertrials during the years 1946, 1947 and 1948 (up to 31st August 1948) respectively and out of them 23, 45 and 40 were convicted.

(c)—Yes.

(d)—The establishment of juvenile jail at Nowgong is under the active consideration of Government.

(e)—Long term juvenile prisoners are sent to Hazaribagh Reformatory School (as provided under rule 888 of the Assam Jail Manual, Vol. 1.)

Pay Committee's Recommendation

Maulavi MUHAMMAD ABUL KASHEM asked :

91. (a) Will Government be pleased to state why delay is being caused in giving effect to the Pay Committee's recommendation ?

(b) Are Government aware that the officers are suffering as before due to this delay ?

The Hon'ble Srijut OMEO KUMAR DAS replied :

91. (a) & (b)—Effect has already been given so far as the ministerial and fourth grade Government servants are concerned. This comprise by far the greatest number of employees. Government have also issued detailed instructions to facilitate drawal of arrear bills.

So far as Provincial and Subordinate Services are concerned, the matter has been taken up already and orders are being issued gradually as proposals are received from Administrative Departments.

Prostitute Quarters at Gauhati

Mr. KEDARMAL BRAHMIN asked :

92. (a) Are Government aware that fire often breaks out in the prostitute quarters in Gauhati and recently it broke out again on the 9th August 1948 ?

(b) Are Government aware that the prostitute quarters are situated in the heart of the town of Gauhati and representations were made to the Deputy Commissioner by the public and Mahila Samiti for their removal ?

(c) If so, what steps Government have taken in the matter ?

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

92. (a)—Yes, Government are aware that fires often break out in the locality.

(b)—Yes, they are situated near the Jail. The Deputy Commissioner reports that a representation from the public of the locality was received but not from any Mahila Samiti.

(c)—The matter is being examined by the Deputy Commissioner and necessary steps will be taken.

Amount sanctioned for the Government Aided High and Middle English Schools

Srijut DHIRSINGH DEURI asked :

93. Will Government be pleased to state—

(a) The amount sanctioned to each of the Government Aided High and Middle English Schools in the District of Nowgong, for granting free-studentships to the Tribal students of the Plains during the years 1945-46, 1946-47, 1947-48 ?

(b) The percentage of the Tribal students granted free-studentship in each of the said schools ?

(c) The number of Tribal students who are reading at present in different Government Aided High and Middle English Schools in the District of Nowgong ?

(d) How many of them have been granted free-studentship by the School Authorities and what amount of loss is being compensated by Government ?

| | | | | | | | | |
|-------------------------------|-----|-----|-----|---------------------------------|-----|---|-------|--------------|
| 14. Bagariguri High Madrasa.. | Nil | Nil | Nil | Nil | Nil | Nil | Nil | Nil. |
| 15. Chaklaghat High School .. | Nil | Nil | 22 | 41.66 | 3 | 1 (one full free and one quarter free). | 2 0 0 | 0 per month. |
| 16. Dakhinpat High School .. | Nil | Nil | Nil | Nil | 3 | Nil | Nil. | |
| 17. Jajori High School .. | Nil | Nil | Nil | 30 % (free) 26 % (half free) | 27 | 9 (free & half free). | Nil. | |

Government Aided Middle English Schools

| | | | | | | | | |
|---|-----|-----|-----|------|----|-----|-------|--------------|
| 1. Dharamtul Middle English School. | 24 | 24 | 24 | 16 % | 27 | 4 | 2 0 0 | 0 per month. |
| 2. Morigaon Middle English School. | 24 | 24 | 24 | 20 % | 22 | 4 | 2 0 0 | ditto. |
| 3. Jaluguti Middle English School. | 24 | 24 | 24 | 24 % | 16 | 4 | 2 0 0 | ditto. |
| 4. Chaklaghat Middle English School. | Nil | Nil | 24 | 25 % | 8 | 2 | 2 0 0 | ditto. |
| 5. Tinsukia Middle English School. | Nil | Nil | 48 | 20 % | 27 | 5 | 4 0 0 | ditto. |
| 6. Barpujia Combined Middle English School. | Nil | Nil | 24 | 15 % | 13 | 2 | 2 0 0 | ditto. |
| 7. Dakhinpat Combined Middle English School. | Nil | Nil | 24 | 20 % | 9 | 2 | 2 0 0 | ditto. |
| 8. Bhuragaon Combined Middle English School. | Nil | Nil | 48 | 20 % | 25 | 5 | 4 0 0 | ditto. |
| 9. Samaguri Combined Middle English School. | Nil | Nil | 36 | 20 % | 14 | 3 | 3 0 0 | ditto. |
| 10. Chalchali Combined Middle English School. | Nil | Nil | Nil | Nil | 3 | Nil | Nil. | |

Relief to the flood affected people of South Salmara and Mankachar

Maulavi MD. 'ABUL KASHEM asked :

94. (a) Are Government aware that due to incessant rains and floods, the people of South Salmara and Mankachar are very much affected ?
- (b) Are Government aware that seeds for "Katiar" paddy would be of great help to tide over the crisis ?
- (c) If so, what steps have Government taken to supply the seeds to cultivators by the end of "Bhadra" at the latest ?
- (d) Whether the Department of Agriculture propose to supply seeds for potato, pulses, wheat and barley in time ?
- (e) Whether the Agriculture Department has been trying to find out some substitute for 'Ahu' cultivation in this Area in consideration of its uncertainty ?
- (f) Whether better seeds suiting the place are proposed to be made available ?
- (g) Whether deep-water sugarcane cultivation has been tried in this area ?
- (h) If not, whether Government propose to take necessary steps to experiment this cultivation there early ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

94. (a)—Yes. Government are aware of the reactions of the floods.
- (b)—Yes.
- (c)—Arrangements for the supply of 660 mds. 9 srs. of Dumai seed in the Goalpara District have been made. The demand for this seed is great from all flooded areas in many districts and the supply is inadequate to meet all.
- (d)—Yes.
- (e)—Yes. Boro cultivation is recommended in such areas.
- (f)—Yes. The matter is included in the new Programme for District Seed Farms under the Post-War Development Schemes.
- (g)—No.
- (h)—No, because no variety worth cultivating is known as yet.

Veterinary Dispensaries in the District of Nowgong

Maulavi MAHAMMAD ROUFIQUE asked :

95. (a) Is it a fact that out of the five Veterinary Dispensaries in the District of Nowgong, four of the Dispensaries are going without Doctors for the last three months ?
- (b) If so, why ?
- (c) Is it a fact that two Veterinary Doctors attached to Misa and Morigaon Dispensaries were relieved of their posts on the ground of their originally opting for Pakistan ?
- (d) Is it a fact that these two Doctors are Assamese Muslims ?
- (e) Will Government be pleased to state why their services could not be retained in view of great dearth of Veterinary Doctors ?
- (f) Is it a fact that Government was absolutely unable to send any Doctor to meet with the cattle epidemic arising out of the recent floods in the District of Nowgong ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

95. (a)—No. Only two dispensaries were without doctors for a short period due to grant of leave to the Veterinary Assistant Surgeons.

(b)—Does not arise.

(c)—Yes.

(d)—Yes.

(e)—According to the Inter-Dominion Agreement Government could not but release these officers.

(f)—No.

Maulavi MAHAMMAD ROUFIQUE: May I know from the Hon'ble Minister which are these two dispensaries referred to in reply at (a).

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I cannot reply off-hand.

Maulavi MAHAMMAD ROUFIQUE: Cannot the Hon'ble Minister name the dispensaries ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I cannot do so off-hand.

Maulavi MAHAMMAD ROUFIQUE: With regard to (b) the reply is "does not arise". The question is "for the last three months". Therefore the question does arise.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Only for a short period the doctors were transferred from one district to another. The question does not arise.

Maulavi MAHAMMAD ROUFIQUE: With regard to (e), is it not a fact that in the case of the Director of Veterinary Department his services were retained in spite of the fact that he opted for Pakistan ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: His option was conditional. Further he was retained for administrative reasons.

Maulavi MAHAMMAD ROUFIQUE: Is it not a fact that his option could not be conditional but only revisable ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is the fact Sir.

Maulavi MAHAMMAD ROUFIQUE: Did Government attempt to retain the services of the two Muslim doctors ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: As the reply indicates according to the Inter-Dominion Agreement Government could not but release these officers.

Maulavi MAHAMMAD ROUFIQUE: In view of the fact that there are already not sufficient number of doctors, did Government try to retain the services of these two doctors ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Efforts were made to retain almost all of them.

Maulavi MAHAMMAD ROUFIQUE : It is not a fact that everyone of these doctors helped in the recent floods ?

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

Basic Education

Mrs. BONILY KHONGMEN asked :

96. (a) Are Government aware that some Officers of the Education Department in the Khasi and Jaintia Hills are not in favour of Basic Education and that they actually discourage trainees to join the Basic Training ?

(b) If so, do Government propose to take steps against the action of these Officers ?

(c) If not, do Government propose to make enquiries in the matter ?

97. Will Government be pleased to state—

(a) If the present Inspecting Staff of the Education Department would be authorised to visit any Basic School ?

(b) If so, do Government propose to make necessary arrangements for giving them Basic Training first ?

(c) If not, why not ?

98. (a) Are Government aware that for want of Basic Schools, some of the teachers deputed for training in Basic Education had to go back to their old Schools ?

(b) If so, do Government propose to make Basic Education compulsory in all Government and Aided Schools in the Province, as far as practicable ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) replied :

96. (a)—No.

(b)—Does not arise.

(c)—Yes.

97. (a)—No.

(b)—Does not arise.

(c)—Does not arise.

98. (a)—No.

(b)—Not at present.

Agricultural College at Jorhat

Srijut BHADRA KANTA GOGOI asked :

99. Will Government be pleased to state—

(a) How many buildings have been purchased by Government for the Agriculture College at Jorhat ?

(b) The amount paid for this purpose ?

(c) Who made this valuation ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

99. (a)—None so far.

(b)—Does not arise.

(c)—Does not arise.

Srijut NILMANI PHUKAN : Where is the Agricultural College located at present ?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : Tendency of the first reply shows that negotiations have been going on. There was an understanding with the owner for whose buildings negotiations have been going on. He has delivered us possession and we have located the Agricultural College in that building.

Srijut NILMANI PHUKAN : Under what arrangements the building has been utilised ?

***The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** : Both the parties agreed that they will abide by the terms made by Government. On that understanding possession has been delivered to the Government.

Kamdars of the Agriculture Department

Maulavi MUHAMMAD ABUL KASHEM asked :

100. Will Government be pleased to state—

- (a) Whether the Kamdars are appointed for growing more food in the Province ?
- (b) Whether the Kamdars have got any technical training in agriculture ?
- (c) If so, whether they have been better qualified in this respect than an ordinary cultivator in the Province ?
- (d) Whether the Kamdars have in any way helped the cultivators in growing more food ?
- (e) If so, how they have helped in the matter ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

100. (a)—The Kamdars (who are now called Demonstrators) were appointed to help in the execution of Grow More Food Schemes.

(b)—All the Kamdars did not have technical training when first appointed. Untrained hands also had to be appointed for want of trained men. They are however being trained now, batch by batch, in the Vocational Agricultural Training School at Khanapara.

(c)—Yes, they are better qualified as, in addition to their Agricultural training, they know how to maintain records and accounts and to write diaries.

(d)—Yes.

(e)—By helping the Department of Agriculture in operating various Grow More Food Schemes, *e.g.*, by distributing seeds and manures, arranging purchase of improved seeds from registered growers of improved seeds, looking after stocks, persuading villagers to make and use compost and to combine for the execution of small irrigation projects, distributing improved poultry and eggs in rural poultry breeding centres, conducting general propaganda for the double-cropping of paddy land, cultivation of rabi crops and for the adoption of other measures calculated to increase the production of food.

Maulavi Muhammed ABUL KASHEM: With regard to (c), the implication of my question, when read with (b), was whether the Kamdars were better qualified technically than an ordinary cultivator. The reply is "Yes, they are better qualified as, in addition to their Agricultural training, they know how to maintain records and accounts and to write diaries". Will the Hon'ble Minister say whether "maintaining records and accounts and writing diaries" can be counted as technical qualifications?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: That arose from the question of the hon. Member. His question was whether the Kamdars were better than an ordinary cultivator. It was stated in reply that they were better qualified because they could do a bit of clerical work.

Procedure re: Preparation of Electoral Rolls for the Legislative Assembly

Maulavi ABUAL MAJID ZIAOSH SHAMS asked:

101. Will Government be pleased to state—

- (a) Whether instructions have been sent to the officers in every district in the matter of preparation of Electoral Rolls for the Legislative Assembly that from every adult in Assam a declaration of citizenship of Indian Dominion should be taken?
- (b) If not, whether any instructions have been issued to the officers in each district as to (i) from whom such declaration of citizenship should be taken and (ii) the time limit for such declaration?
- (c) Whether any non-Assamese Hindu who came to Assam about one or two years back is required to make a declaration of citizenship in order to be a voter and whether instructions have been issued to that effect?
- (d) Whether any instructions have been issued that a non-Assamese Muslim, i.e., an immigrant Muslim who came to Assam (i) five or two years back and has made Assam his home should not be made a voter and (ii) whether any such Muslim has been asked to make a declaration of citizenship?
- (e) Whether instructions have been issued by the authorities to the officers in Kamrup, Darrang, Nowgong and other places that a differential treatment should be made between a Muslim immigrant and a non-Muslim immigrant in the matter of preparation of Electoral Rolls?
- (f) Whether any instructions have been issued that any Muslim immigrant or Bengali Muslim who has got his house in Assam be required to make a declaration of citizenship before he is made a voter?
- (g) Whether distinction between an immigrant Muslim and others is being made in the preparation of Electoral Rolls in Kamrup?
- (h) Whether it is a fact that a non-Assamese Hindu who has no house in Assam but came here before the 15th August, 1947, or even after that can be made a voter by a declaration of citizenship?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

101. (a)—No instructions have been issued to take declarations of citizenship of Indian Dominion from every adult in Assam.

(b)—(i) No.

(ii) Does not arise.

(c)—No such instructions have been issued.

(d)—(i)—No.

(ii) No.

(e)—No.

(f)—No.

(g)—No.

(h)—Qualifications of a voter are laid down in Article 149 of the Draft Constitution of India, which applies to all, whether he is a non-Assamese Hindu or not.

Oath of Allegiance

The following Member was sworn in :—

Maulavi Syed Abdur Rouf.

Statement *re*: Landslide near Sadiya in the North-East Frontier Tract

*Srijut BHADRA KANTA GOGOI: মাননীয় সভাপতি মহোদয়, সিদিনা মই এই সভাত সদিয়াত হোৱা ঘটনা সম্বন্ধে জানিব খুজিছিলো আৰু মাননীয় পুথান মন্ত্ৰীয়েও আমাক এই বিষয়ে জনাব বুলি কৈছিল। এতিয়ামানে তেখেতে নিশ্চয় ৰিপোর্ট পাইছে। সেই বিষয়ে তেখেতে আমাক জনাবনে ?

The Hon'ble Srijut GOPINATH BARDOLOI: মই ভাবিছিলো ইয়াৰ ভিতৰতে আপোনালোকে খবৰ কাগজত সকলো খবৰ পাইছে আৰু তাতকৈ বেছি মোৰ কব লগীয়া নাছিল। আচলতে তাতকৈ অধিক কবলৈকো নাই। টাইবেল areaৰ কাৰ্য্য যি জন অফিচাবে চায় তেওঁৰ পৰা জানিয়েই এইবিলাক কথা খবৰ কাগজত পুকাশ কৰা হৈছে। তাত আপোনা-লোকে দেখিছে যে প্ৰায় 800 মানুহ থকা এখন গাঁও ওপৰৰ পৰা মাটি খহি পোত খাই গৈছে। এতিয়াও তাত কিমান মানুহ আছিল তাক নিৰাকৰণ কৰিব পৰা হোৱা নাই। এতিয়া এটা বন্দবস্ত কৰা হৈছে যে আকাশী জাহাজেৰে সেইবিলাক ঠাই পৰ্য্যবেক্ষণ কৰিব আৰু কেনেকৈ গৈ তাত কাম কৰি সেই পোতখাই থকা শ' বোৰ উদ্ধাৰ কৰা হব সেই সম্বন্ধে উপায় উদ্ভাৱন কৰা হব। এই উপলক্ষে খৰচ কৰিবৰ নিমিত্তে ইণ্ডিয়া গভৰ্ণমেণ্টৰ পৰা অনুমতি পোৱা গৈছে। অৱস্থা বুজি কেনেকৈ সেই ঠাই ডোখৰৰ পৰা মানুহৰ শ' বিলাক উদ্ধাৰ কৰিব পৰা যায় সেই সম্বন্ধে কাম হাতত লোৱা হব। ভাবিব লগীয়া কথা হৈছে এইটো যে এতিয়াও সেই ঠাইত অলপ অলপ মাটি খহিয়েই আছে। অতি দুখৰ কথা যে আপোনা-লোকে Gazette Extraordinaryত দেখিছে যে এজন ডেকা, অতি উপযুক্ত আৰু কাৰ্য্যদক্ষ কৰ্মচাৰী মিষ্টাৰ কেম্পবেলে এই দুৰ্যোগত প্ৰাণ হেৰুৱাব লগা হ'ল।

Maulavi MAHAMMAD ROUFIQUE: মিষ্টাৰ কেম্পবেল ক'ৰ মানুহ ?

The Hon'ble Srijut GOPINATH BARDOLOI: তেওঁ আমাৰ কৰ্মচাৰী আছিল। তেওঁ যুদ্ধৰ সময়ত আমাৰ ইয়াত কাম কৰিছিল। সেই সময়ত তেওঁৰ কাৰ্য্যদক্ষতা দেখি ওপৰৰালা কৰ্মচাৰী সকলে তেওঁৰ বিশেষ ভাবে শলাগ লৈছিল। যুদ্ধৰ অন্তত তেওঁ Indian Administrative Serviceত সোমায়। যুদ্ধৰ সময়ত তেওঁ কহিমা আৰু ইন্ফলত কাম কৰা বাবে তেওঁক এই কামত নিযুক্ত কৰা হৈছিল। অতি দুখৰ কথা যে তেনেকুৱা এজন উপযুক্ত কৰ্মচাৰীয়ে এই দুৰ্যোগত প্ৰাণ হেৰুৱাব লগা হ'ল। এই সম্বন্ধে আপোনালোকে খবৰ কাগজত সকলো দেখিছেই। ইয়াৰ বাহিৰে সম্প্ৰতি মোৰ আৰু একো কবলগীয়া নাই।

***Srijut GAURIKANTA TALUKDAR** : মিষ্টাৰ কেম্পবেলে মিছিমি বিলাকৰ মাজত হোৱা এখন কাজিয়াৰ বীমাংসা কৰিবলৈ যোৱা কথা সঁচানে ?

The Hon'ble Srijut GOPINATH BARDOLAI : কথাটো সঁচা ।

The Assam Primary Education Rules

The Hon'ble the SPEAKER : Next we come to the consideration of the Assam Primary Education Rules. I find that there is a lot of Amendments. The first Amendment stands in the name of Maulavi Md. Nazmal Haque.

Maulavi Md. NAZMAL HAQUE : Mr. Speaker, Sir, I beg to move that in item Nos. (8) & (9) of sub-rule (a) of Rule 1, after the word "Government" the "full-stop" be deleted and the words "from the un-represented community or communities" be added thereafter.

Sir, the Provincial Primary Education Board is going to consist of nine members of which three will be elected from this august House, four will come in their official capacity and two will be nominated by Government. Now, Sir, primary education is of utmost importance to the society and therefore, every section of the society should have some voice in the conduct of primary education of the Province. The intention of my moving this Amendment is to strengthen the hands of Government to nominate members from the un-represented section of the society. I hope the hon. Members of the House will not take me amiss; my intention is simply to give all sections of people some voice in the management of Primary Education.

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

The Hon'ble the SPEAKER : Amendment moved :

"That in item Nos. (8) and (9) of sub-rule (a) of Rule 1, after the word 'Government' the 'full-stop' be deleted and the words 'from the unrepresented community or communities' be added thereafter."

Srijut DHARANIDHAR BASUMATARI : তেখেতে যিটো সংশোধনী প্ৰস্তাৱ দিছে নই তাৰ তীব্ৰ প্ৰতিবাদ কৰোঁ । তাৰ কাৰণ এই যে আমাৰ যিটো new Constitution হ'ব তাত joint electorate হ'ব আৰু এই joint electorate কৰা হৈছে separate feeling দূৰ কৰিবৰ কাৰণে । এতিয়া যদি তেখেতে community ৰ কথা আনে আৰু community হিচাপে সকলোকে দিব লগীয়া হয় তেনেহলে এছেম্বলিৰ মেম্বাৰতকৈও সংখ্যা বেছি হ'ব । সেই কাৰণে নই এই সংশোধনী প্ৰস্তাৱৰ বিৰোধিতা কৰোঁ ।

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) :

Mr. Speaker, Sir, I quite appreciate the anxiety of the hon. Mover of this Amendment to see representation of the unrepresented and under-represented communities in the Assam Primary Education Board. But the point is, as my hon. Friend, Mr. Basumatari, has already expressed, that it will not be possible to make such statutory provision for the representation of different communities in the Primary Education Board. However, Government will surely see that the important interests of the Province are represented in the Board. For example, this time Government have nominated one Muslim and one Tribal to this Board, because it was found after the constitution of the Board that these two important interests of the Province were not represented; and by this action of the Government they have amply proved that it is their intention to see that the important interests of the Province are represented in such Boards. With these words, Sir, I oppose the Motion and request the hon. Mover to withdraw his Motion.

Maulavi Md. NAZMAL HAQUE: On hearing the Parliamentary Secretary that Government is taking all the interests of the society into consideration at the time of nomination, 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 stands in the name of Maulavi Muhammad Abul Kashem.

Maulavi Md. ABUL KASHEM: As my *Amendment is almost similar to the Amendment moved by my hon. Friend, Maulavi Md. Nazmal Haque, I do not like to move it.

The Hon'ble the SPEAKER: I think all these Rules may be adopted now up to Rule 31. I put the question.

The question is:

“That Rules 1 to 31 both inclusive, of the Assam Primary Education Rules be adopted.”

The question was adopted.

Rule 32. There is one Amendment standing in the name of Maulavi Muhammad Abul Kashem. Does the hon. Member want to move it?

Maulavi Md. ABUL KASHEM: I beg to move that in line 2 of Rule 32, after the word “officer” the words “as specified under Subsidiary Rule 153, and his daily allowance shall be fixed at Rs.5, *plus* such temporary increase as is admissible to officers of that class” be deleted.

My object in bringing this Amendment is not to fix the rate of daily allowance at Rs.5. Sir, at the time of making appointment of the officer, Government did not consult this House as to the scale of pay that would be given to the Secretary and as the Secretary is the only officer for whom this travelling allowance rule has been framed, I find no reasonable ground why the hands of Government should be tightened here. Government should have the discretion also to give the rate of daily allowance admissible to the first class officers, according to the needs of the time. It may be that at present Government is thinking that the officer who is appointed here would get the allowance of Rs. 5, but a time may come when they will think that this is not sufficient. So it should be left to the discretion of the Government to fix the daily allowance and if the Government think it necessary they may raise it to Rs.6 or Rs.7-8-0. My object is that as he is the only officer who will be travelling throughout the whole Province it would be detrimental to the interest of the Province to fix his daily allowance at Rs.5 and as such I would like that it may be left to the discretion of the Government to fix any amount admissible under the regulation and also the rate that is to be fixed by Government at that time. With these words I request the hon. Parliamentary Secretary and also the hon. Members of this House to accept my Amendment.

The Hon'ble the SPEAKER: Amendment moved:

“That in line 2 of Rule 32, after the word “officer” the words ‘as specified under Subsidiary Rule 153, and his daily allowance shall be fixed at Rs.5 *plus* such temporary increase as is admissible to officers of that class’ be deleted.”

*Maulavi Muhammad ABUL KASHEM to move:—

That after item (9) of sub-rule (a) of Rule 1, the following proviso be added:

“Provided that the nomination shall be made from the under-represented section of the population.”

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, the Amendment is not acceptable, because the hon. Member wants by this Amendment to delete certain portion of the Rule. If that portion is deleted then it will be very difficult to understand the meaning of the words "a First class officer". The portion proposed to be deleted is only by way of explanation and is a qualifying clause to a First class officer. Therefore if the House accept that he should be treated as a First class officer, the portion as proposed to be deleted cannot be deleted at all. So I request that the hon. Member will withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: As it is clearly stated that for the purpose of travelling allowance he shall be treated as a First class officer, I do not see any difficulty in accepting my Amendment. However, as the Parliamentary Secretary is not agreeable to accept the Amendment, I beg leave of the House to withdraw it.

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.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, I draw the attention of the House to rule 51, Chapter III, where it is said that the School Board shall also recognise a primary school under private management although no application for recognition may have been made by the managing authority of such school under sub-section (2) of section 36 of the Act, when instructions are not being effectively imparted and the management appears to be inefficient. There appears to be something contradictory.

The Hon'ble the SPEAKER: Is it contradictory?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): I think, Sir, there has been some printing mistake.

***Srijut SIDDHI NATH SARMA**: No, no.

***Maulavi MUHAMMAD ABUL KASHEM**: I think, it is all right, because here it is said that those schools which are not properly managed will be taken up by the School Board, and those which are efficient will not be taken up. So, it is all right.

***Srijut SIDDHI NATH SARMA**: It is all right.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): It is all right, Sir.

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

The question is:

"That Rules 32 to 50 of Chapter II of the Rules of the Assam Primary Education Rules be adopted."

The question was adopted.

The Hon'ble the SPEAKER: There are no Amendments to Rule 51 of Chapter III, I therefore put the question:

The question is:

"That Rule 51 of Chapter III of the Rules of the Assam Primary Education Rules, be adopted."

The question was adopted.

Now we come to Chapter III, Rule 52. There are as many as four Amendments to this Rule.

Srijut RAJENDRA NATH BARUA: Mr. Speaker, Sir, I beg to move that in line 4 of Rule 52, for the word "Three" the words "At least three but not more than four" be substituted.

Sir, the purpose of my Amendment is to arm the Government to nominate four Members in exceptional circumstances. Generally Government would nominate three persons including a lady, but to represent a person whom Government think indispensable for the welfare of the Subdivisional Educational Board or any special interest, these words are sought to be inserted. Sir, it does not militate against the provisions of the Assam Primary Education Act, which has recently been passed. So, I move the Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in line 4 of Rule 52, for the word 'Three' the words 'At least three but not more than four' be substituted."

Srijut SARAT CHANDRA SINHA: Mr. Speaker, Sir, I support the Amendment moved by my hon. Friend. It is necessary because certain interests may not be represented on the Committee, or for the best interest of education, certain person needs to be on the Committee. Therefore, provision should be made for inclusion of these persons. So, I support the Amendment.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to oppose the Amendment. You know, Sir, that in this constitution there are more than one *ex-officio* Members and only four elected members. If we now increase the number of nominated members, the School Board will be an official body, but our intention is that the Board should be more a non-official body than an official one. Sir, if some people are to be represented on the Board, then they should be given an opportunity to elect their own man who will serve their interest best. If we are to strengthen or increase the number of nominated members, it will be better to increase the number of elected members only. Sir, it has been brought to the notice of this august House that there is under-representation of the Local Board on the School Board. If the hon. Members actually think that they are to do good to the public, I request them to increase the number of members from the Local Board instead of authorising Government to nominate persons as they like. This system of nomination is rather against democracy. If it is the sincere wish of the hon. Members to do good to the people then the Amendment must not be pressed for the acceptance of this House. I request the hon. Mover of the Amendment to withdraw it and give opportunity to the public to elect their own men. With these words, Sir, I oppose the Amendment.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, Maulavi Muhammad Abul Kashem and Maulavi Muhammad Nazmal Haque have two Amendments that will be coming up later on regarding representation of the unrepresented and under-represented

communities. These Amendments will give them opportunity to see representation of persons from the under represented and unrepresented communities. If my hon. Friend, Maulavi Abul Kashem, was earnest about his Amendment then he has no other option than to support this Amendment.

The Hon'ble the SPEAKER: The hon. Member accepted the principle of nomination.

Maulavi MUHAMMAD ABUL KASHEM: I said, Sir, that in future nomination should be made so that all sections of the population get their due representation, but I did not say that there should be four nominated members for three. My view is that there should not be more than three nominated members.

Srijut SARAT CHANDRA SINHA: He sometimes accepts and sometimes does not.

The Hon'ble the SPEAKER: The question is:

"That in line 4 of Rule 52, for the word 'Three' the words 'At least three but not more than four' be substituted".
The question was adopted.

The Hon'ble the SPEAKER: Next Amendment is in the name of Maulavi Md. Nazmal Haque.

Maulavi MUHAMMAD NAZMAL HAQUE: Mr. Speaker, Sir, this *Amendment is almost similar to the one I have already withdrawn. The former referred to the Provincial Board and this Amendment refers to the School Board. I, therefore, do not like to move this Amendment.

The Hon'ble the SPEAKER: The next Amendment is in the name of Maulavi Muhammad Abul Kashem.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that before the 'Note' under Rule 52, the following proviso be added:—
"Provided that the nomination shall be made from under-represented section of population on linguistic basis".

In moving this Amendment, I would like to place the following points for the consideration of the House, Firstly, that in making nomination Government might have taken many other points into consideration; they will surely take into consideration the persons who are more interested in education especially in primary education. In the Draft Constitution it is provided that all the languages will be given protection and as we belong to this Dominion we can reasonably expect that our language will be given protection though we may be a minority in this Province. Sir, in the last Session of the Assembly, the Hon'ble Premier stated about the homogeneity and for the sake of homogeneity the people should learn Assamese. There is a tendency among the officers to introduce Assamese in the Bengalee Schools and in my Constituency, in many of the Primary Schools, officers have been trying to introduce Assamese as a medium of instruction.

*Maulavi MD. NAZMAL HAQUE to move:—
That in line 6, of Rule 52 the "ful-stop" occurring after the word "lady" be deleted and the words "and one from the un-represented community or communities" be added thereafter.

***Srijut BELIRAM DAS:** What is the harm there ?

Maulavi MUHAMMAD ABUL KASHEM: Should we not get protection ? If this is at all to be introduced, Sir, those people in whose schools this Assamese language is going to be introduced must be consulted and their opinion must be taken into consideration before introducing this language in their schools.

***Srijut BELIRAM DAS:** Let them go to Bengal.

Maulavi MUHAMMAD ABUL KASHEM: I said, Sir, that there is a certain tendency among a section of officers to introduce Assamese language in the Lower Primary Schools where Bengali is being taught for ages.

***Srijut SARAT CHANDRA SINHA:** On a point of information, Sir, who are these people, are they Assamese or Bengalee ?

Maulavi MUHAMMAD ABUL KASHEM: I am an Assamese, Sir, so far as my territory is concerned, but I am a Bengalee so far as my language is concerned.

***Srijut SARAT CHANDRA SINHA:** Are we then to consider him as an half-Assamese and a half-Bengalee ?

Maulavi MUHAMMAD ABUL KASHEM: I am completely Assamese as I have been living in Assam for generations, but as regards the language of the people of Goalpara is concerned most of them know Bengalee better than Assamese. This is not the fault of these people, as the District of Goalpara, as will be seen from the history, was completely under Rangpur and under the Bengal Government for a long time and if anybody is to be responsible for this, it is my Friends and those who are in the Government Benches. It is they who are responsible for our culture and it is not the people who speak Bengalee.

I said, Sir, that if this Assamese language is to be introduced in the Bengalee schools it must be done in consultation with the Bengalee people of those areas. So, there must be a provision for nomination of people on linguistic basis.

With these words, Sir, I commend my Motion for the acceptance of the House, and I would request the hon. Parliamentary Secretary and other hon. Members also to rise above party politics in accepting this.

The Hon'ble the SPEAKER: Amendment moved:

“That before the ‘Note’ under Rule 52, the following proviso be added:—

‘Provided that the nomination shall be made from under-represented section of population on linguistic basis.’”

Srijut NILMANI PHOOKAN: Sir, today when the country has become our own perhaps it would be unwise to think of any other language in our Primary Schools of Goalpara, which was the heart of the old Kingdom of Kamrupa when this Kingdom extended upto the present Rangpur in Bengal which was the Vati-Rangpur of Assam. This Assamese language was then the language of the people of Rangpur, Dinajpur and Cooch Behar. Today, I am

really sorry to find that an immigrant Friend of Goalpara has proposed Bengalee for the Primary schools of Goalpara. No more of modern Babel to be built in Assam.

***Dr. EMRAN HUSAIN CHAUDHURY:** Sir, he is not an immigrant.

Maulavi MUHAMMAD ABUL KASHEM: I am not an immigrant. I am more an Assamese than Mr. Nilmani Phookan who immigrated from Orissa. (*Loud laughter.*)

Srijut NILMANI PHOOKAN: Then I may take it that the hon. Member who is a *bona fide* Assamese is a renegade for his moving for Bengalee language in some areas of Assam. If he is a *bona fide* Assamese he cannot propose any other language in our primary schools but Assamese. I seriously say that my hon. Friend who has long since settled in Assam not to carry on the same ideology and same policy of spreading the Bengalee culture among the Assamese people. It is not the question for Bengalee and other people who are living here to think of their languages for introducing them into our public schools. They need not forget their language and culture, but should take Assamese as the State language. It is impossible to think of other languages for our primary schools. It is impossible and therefore I hope nobody will suggest such a proposition. My Friend should not think himself politically an Assamese and mentally a Bengalee. (*Laughter.*) It is time for them to think whether they can owe allegiance to another province while they live in Assam.

Maulavi MUHAMMAD ABUL KASHEM: It seems that he has accepted my Amendment.

Srijut NILMANI PHOOKAN: Assamese should be introduced in Assam in the primary stage about which there should be no dispute. But if any non-Assamese who have settled here in Assam for generations and if they want to carry on education with their own tongue, it is their option, but this Government should not spend a single pie even for that. On the ground that Goalpara is out and out an Assamese District though thousands and thousands of immigrants at the beginning came there forcibly, there is no reason to say that at the time of every census after ten years the languages should be divided into many on provincial linguistic basis. I therefore vehemently oppose this Amendment.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, I feel that it is not the time to make a debate over the question of language while accepting the Rules framed under the Primary Education Act. I believe my hon. Friend, the Mover, has brought this question rather forcibly when the question has no bearing whatsoever on the issue now dealt with. I have already made the position of the Government quite clear that Government do not like to make any statutory provision for communal or other representation. But the Government will always see that all interests in the country will find place in such an important committee. In view of this, Sir, I feel that there is no necessity whatsoever to place this Amendment before the House.

Maulavi MUHAMMAD ABUL KASHEM: When, Sir, my hon. Friend, the Parliamentary Secretary, assures that he would look to the interests of all sections in the country, 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.

Srijut RAJENDRA NATH BARUA : Sir, I beg to move that in line 1 of 'Note' under Rule 52, for the word 'three' the words "at least three but not more than four" be substituted.

Sir, this is only consequential to the Amendment No. 4 which has already been moved by me and accepted by Government.

The Hon'ble the SPEAKER : Amendment moved :

"That in line 1 of 'Note' under Rule 52, for the word 'three' the words 'at least three but not more than four' be substituted".

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : Sir, as this is a consequential Amendment to the Amendment which has already been accepted by the Government, I have no objection to accept it.

The Hon'ble the SPEAKER : The question is :

"That in line 1 of 'Note' under Rule 52, for the word 'three' the words 'at least three but not more than four' be substituted".

The question was adopted.

Now the question is :

"That Rules 52 to 59, both inclusive, under Chapter III of the Assam Primary Education Rules, be adopted."

The question was adopted.

Srijut RAJENDRA NATH BARUA : Sir, I beg to move :

"That in line 2 of Rule 60, for the 'Semicolon' after the word 'Officers' a 'Full-stop' be substituted, and the words 'and such examination..... the Provincial Board' thereafter be deleted."

Sir, the purpose of the Amendment is to ensure speedy decisions by the School Board, as the Provincial Board is likely to take long time to make decisions as a result of which the School Board is supposed to suffer. I trust Government has no difficulty to accept this Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That in line 2 of Rule 60, for the 'Semicolon' after the word 'Officers' a 'Full-stop' be substituted, and the words 'and such examination..... the Provincial Board' thereafter be deleted."

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : Sir, I have no objection to this Amendment being accepted.

The Hon'ble the SPEAKER : The question is :

"That in line 2 of Rule 60, for the 'Semicolon' after the word 'Officers' a 'Full-stop' be substituted, and the words 'and such examination..... the Provincial Board' thereafter be deleted."

The question was adopted.

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

That for Rule 61, the following be substituted:—

“ Travelling Allowance of members.—For the purposes of travelling allowance, members of the School Board shall be treated as Second Class Officer.”

Sir, my object is very simple. The members should not be given the option to frame rules for drawing their own travelling allowance and so I think this should be settled by the Government or by the Assembly. So far as I know, Sir, the Local Board members draw second class travelling allowance. In this case also second class travelling allowance may be allowed. Otherwise, if recommendation comes from the School Board to allow its members to draw travelling allowance above second class officers and if Government sanction it then more money than is necessary shall have to be paid, and in case that is refused, the members of the School Board would get offended and as a result they might not work wholeheartedly and the Board would suffer. Just to get rid of such a position I would suggest that the rate may be fixed by this Government and so my Amendment be accepted.

With these words, Sir, I submit my Amendment before the House for its acceptance.

The Hon'ble the SPEAKER: Amendment moved:

“ That for Rule 61, the following be substituted:—

‘ Travelling Allowance of members.—For the purposes of travelling allowance, members of the School Board shall be treated as Second Class Officer’ ”.

Srijut GAURI KANTA TALUKDAR: Sir, my hon. Friend, Mr. Kashem, has probably missed the provision of the Rule, namely, the travelling allowance that will be fixed by the School Board will not be final. It will be subject to the approval of Government. Therefore, there is no apprehension that the School Board may frame rules relating to travelling allowance which will be unreasonable or which may be too much. So, Sir, when there is a provision that the rules that may be framed by the School Board relating to travelling allowance will be subject to Government approval, I do not see any reason why this Assembly should go to fix the travelling allowance. Moreover the School Board may like to fix travelling allowance at a lower rate than that proposed by the Amendment.

The Hon'ble the SPEAKER: The point is that there is a misunderstanding between Government and the School Board. It is better to fix it here.

Srijut GAURI KANTA TALUKDAR: That is the point, Sir, which I cannot agree.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, the intention of the Government is to leave unfettered the hands of the Subdivisional School Boards. If we accept this Amendment it will be putting a load on the finances of the Subdivisional School Boards. The Subdivisional School Boards should be left unfettered of this financial responsibility and they should be at liberty to prepare their own budget. Sir, it will be against all democratic principles to put a charge on the revenues of the Subdivisional School Boards by this House. For this reason it will be better to leave the matter entirely in the hands of the Subdivisional School Boards who will prepare their own budget and incur their own expenditure.

With these words, Sir, I would request my hon. Friend to withdraw his Amendment.

***Maulavi MUHAMMAD ABUL KASHEM:** Though I know that the hon. Parliamentary Secretary will find difficulties afterwards, still I have 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 question is :

“ That Rules 60 to 63 in Chapter III of the Assam Primary Education Rules be adopted.”

The question was adopted.

The Hon'ble the SPEAKER: Rule 64. There is one Amendment standing in the names of as many as nine hon. Members. Who will move this Motion ?

Srijut SARAT CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that in sub-rule (b) of Rule 64—after the word “ transfer ” the words “ and award punishment to ” be added ; and that the “ full-stop ” at the end be deleted, and the words “ subject to the approval of the Chairman ” be added thereafter.

Sir, the intention of this Amendment is to empower the Secretary to award punishment to the teachers, so that the Secretary in matters of promotion, transfer and award of punishment may act as the circumstances demand and also in emergent cases, subject to the approval of the Chairman. With these words, Sir, I commend my motion for adoption by the House.

The Hon'ble the SPEAKER: Amendment moved :

“ That in sub-rule (b) of Rule 64—after the word ‘transfer’ the words ‘ and award punishment to ’ be added ; and that the ‘full-stop’ at the end be deleted, and the words ‘subject to the approval of the Chairman ’ be added thereafter”.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I rise on a point of order. In my opinion this Amendment is incompetent under the Rules which has been moved unless it means that “ transfer ” here is by way of punishment because of the addition of the words “ and award punishment to ”. Nothing whatsoever is mentioned under these Rules about punishment and therefore, it is not competent for the House to add a subject extraneous to the Rules and if it is admitted by the House as well as by the Government that the transfer they have proposed is by way of punishment, then alone it will come in. But I don't think by any stretch of language or imagination that “ transfer ” can be thought to be merely due to punishment.

Srijut SIDDHI NATH SARMA: Mr. Speaker, Sir, in section 24 of the Assam Primary Education Act, 1947, duties and functions which the School Board shall perform have been detailed. It will be seen in clause (3) under section 24 that “ A School Board shall perform the following duties and functions within its own area—appointment, transfer, leave, reward and punishment of primary school teachers ”. Section 49 authorises the Provincial Government to make rules after previous publication in the Official Gazette, for carrying out the provisions of this Act. All Rules so made shall be laid before the Provincial Legislature, and shall be subject to such modifications as may be agreed to by this Chamber. So this House has ample power to modify rules so framed. It is not against any provision of this Act. Sections 24 and 49 should be read together, Sir.

***Maulavi Saiyid MUHAMMAD SAADULLA :** The Amendment has been moved under Rule 64, sub-rule (b), *i.e.*, to promote and transfer the Primary School teachers. Within these Rules there is no provision for punishment although punishment has been provided for in the main Act. My point is that this Amendment cannot come in this sub-rule to Rule 64.

Srijut SIDDHI NATH SARMA : Where is the harm ? This House can frame Rules either for promotion, transfer or to award punishment under section 49.

***Maulavi Saiyid MUHAMMAD SAADUDLA :** Transfer by punishment or promotion ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : It is generally meant by promotion, Sir.

The Hon'ble the SPEAKER : There is not much difference. Transfer can be made in the interest of the teachers or in the interests of the School or by way of punishment. Promotion and transfer can be made and this power has been given to the School Board. I think it is in order.

***Srijut GAURI KANTA TALUKDAR :** If the Amendment does not go against the principle of the Act what harm is there to put the word 'punishment' as proposed in the Amendment ?

Maulavi MUHAMMAD ABUL KASHEM : Sir, I rise to oppose this Amendment from a different standpoint. First, these words, "and award punishment to" come after the words "and transfer" so there will be two "ands" in the same sentence (*A voice*—What is the harm ?). I would suggest that the word "and," coming between "promote" and "transfer" could be substituted by a comma, otherwise it is defective in construction.

I oppose on the ground that here it has been made "subject to the approval of the Chairman" whereas the Act provides that the School Board shall perform the duties and functions, so it should be said "with the approval of the Board" as it is in the Act. The rule cannot go against the main Act; so it is very objectionable and illegal. While Board has been entrusted with the task, we cannot authorise the Chairman to do it and if the Amendment is to be accepted it should be subject to the approval of the Board and the word "and" should be substituted by a "comma". I would therefore ask the hon. Mover of the Amendment either to withdraw it or move a fresh Amendment.

The Hon'ble the SPEAKER : Is this rule repugnant to the provisions of the main Act ?

Maulavi MUHAMMAD ABUL KASHEM : The School Board does not mean only the Chairman so this is the repugnant.

The Hon'ble the SPEAKER : My point is whether the provision of this rule is repugnant to the main Act.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : No, Sir, it is not repugnant to the main Act. If this Amendment is not accepted now, there will be some confusion to award punishment in the future.

Maulavi MUHAMMAD ABUL KASHEM: If the rule remains as it is the result will be to ignore section 24 of the Act. The section says: "A School Board shall perform the following duties and functions within its own area:—

- (1) creation of new primary schools,
- (2) recognition, inspection, control, re-distribution, expansion and amalgamation of primary schools,
- (3) appointment, transfer, leave, reward and punishment of primary school teachers, etc., etc."

This Act provides that the School Board is competent to do all these, but by this Rule the Chairman is competent to perform these functions. The power of the board is being usurped by the Chairman and the Secretary respectively. I think you will kindly disallow this Amendment.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): The Secretary is the head of the executive.

Maulavi Saiyid MUHAMMAD SAADULLA: There is section 25 which says "The Secretary of the School Board shall have duties and powers as may be prescribed." By this rule the power may be discharged by the Secretary but in the Act it is clearly laid down that the power of promotion, transfer and awarding punishment lies with the School Board.

The Hon'ble the SPEAKER: I will call up on the Parliamentary Secretary to explain rule 25.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): The Secretary is the executive head of the School Board. His function will be on behalf of the Board and as allowed by this House. Therefore the House is quite competent to have this Amendment as it is.

The Hon'ble the SPEAKER: It is very clearly stated in section 24 which speaks of amalgamation of primary schools, appointment, transfer, leave, reward and punishment of primary school teachers and Attendance Officers. The power of transfer, leave, reward and punishment has been invested with the Board. It is only the Board at a meeting that can award the punishment and not the Secretary alone.

***Srijut SIDDHINATH SARMA**: Then, Sir, every transfer will have to be made by the Board.

The Hon'ble the SPEAKER: The rule conflicts with the main Act. It is for you to amend the Act.

***Srijut SIDDHINATH SARMA**: The power is given under section 25 which says that the Secretary of the School Board shall have such duties and powers as may be prescribed.

The Hon'ble the SPEAKER: In section 24 the power is given to the Board whereas by this Rule the power is given to the Secretary. Does it not come in conflict?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): If the interpretation is accepted then the Secretary will be a defunct person. He will have no function to discharge. The Secretary is the executive

head of the Board. If the interpretation be accepted the Secretary will become a nonentity.

***Maulavi MUHAMMAD ABUL KASHEM :** The words, "Subject to the approval of the Board" should be added.

The Hon'ble the SPEAKER : My opinion is that the Secretary of the School Board shall have such duties and powers as have been enumerated in section 24. If the transfer of a particular Pandit or teacher is considered necessary who will do it? The Board or the Secretary?

Babu KAMINI KUMAR SEN : That can be done by the Secretary if the School Board authorises him to do so.

The Hon'ble the SPEAKER : Yes; therefore this Rule, as it stands, comes in conflict with the provisions of the Act.

Maulavi Saiyid MUHAMMAD SAADULLA : May I enquire from the hon. Parliamentary Secretary whether in the main Act the Secretary has been described as the "Executive Officer of the School Board, etc."? I cannot find anything except that "a Secretary to be appointed by the Provincial Government" under section 4, clause (d).

The Hon'ble the SPEAKER : Has "Secretary" been defined anywhere in the main Act,—is that the point?

***Srijut SARAT CHANDRA SINHA :** The Rule says "The Secretary shall be Executive Officer of the School Board.....".

Maulavi Saiyid MUHAMMAD SAADULLA : I am speaking of the main Act, not the Rules.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : In Rule 7, Chapter II, we have already defined the powers and duties of the Secretary: "The Secretary of the Provincial Board shall administer Primary Education of the Province in accordance with the advice of the Provincial Board, and as directed by the Provincial Government". His functions are then prescribed under Rules 8 to 11.

Maulavi Saiyid MUHAMMAD SAADULLA : That refers to the Secretary of the Provincial Board. But here we are concerned with the Secretary of the School Board in the district.

The Hon'ble the SPEAKER : Yes.

Srijut SIDDHINATH SARMA : Sir, under section 49 (m) power has been given to this House for "defining the duties and powers of the Secretary of a School Board".

The Hon'ble the SPEAKER : But the powers proposed to be given under the Rules come in conflict with the powers given under the Act.

Srijut SIDDHINATH SARMA: Section 24 of the Act empowers the School Board to discharge certain duties and functions and section 49 empowers the Government to frame Rules and section 49 (m) empowers the Government to frame Rules to define the powers and duties of the Secretary of a School Board and section 49 also empowers this House to accept the Rules if necessary, with modification.

The Hon'ble the SPEAKER: I am also referring to the main Act under which powers of appointment, transfer, etc., are vested in the Board, but under the Rules you are going to invest the Secretary with those powers.

Srijut SIDDHINATH SARMA: This House has been given power to frame Rules under section 49 (m).

The Hon'ble the SPEAKER: Yes, but that is no reply to objection raised.

Babu KAMINI KUMAR SEN: The difficulty is that the House has already invested the School Board with these powers, and these cannot be taken away by any rule-making power. I think the difficulty can be solved if we say, "Subject to the approval of the School Board, the powers of the Secretary shall be such and such".

The Hon'ble the SPEAKER: Having heard arguments as to whether Rule 64 (b) is in order, I am not disposed to allow this Rule to be adopted in view of the fact that its provisions go against the provisions of the main Act. I therefore hold it out of order.

Babu KAMINI KUMAR SEN: In that case, Sir, the whole thing goes.

Srijut SIDDHINATH SARMA: Then it seems that no rules can be made giving powers to anybody.

The Hon'ble the SPEAKER: It is up to the hon. Members to amend the Act. Hon. Member has raised the point. The point is whether the House can agree to pass Rules that come in conflict with the provisions of the main Act.

Maulavi Saiyid MUHAMMAD SAADULLA: These are not the same, Sir. The powers given in section 24 of the Act are different and I shall read them. A School Board shall perform the following duties and functions within its own area:—

- (1) creation of new primary Schools,
- (2) recognition, inspection, control, re-distribution, expansion and amalgamation of primary schools,
- (3) appointment, transfer, leave, reward and punishment of primary school teachers and attendance officers,
- (4) provision of adequate accommodation for and supply of necessary equipment to primary schools,
- (5) provision for medical inspection of children,
- (6) grant of funds to primary schools for their contingent expenditure,
- (7) payment of salary of primary school teachers and attendance officers,
- (8) preparation and maintenance of a register of children,
- (9) decision, when necessary, as to who is the guardian of a child or the head of a family,

- (10) decision as to the days, time and periods of attendance at recognised primary schools, and
 (11) such other acts as may be necessary for carrying out the purposes of this Act fully and effectively.

Thus, under section 24 of the Assam Primary Education Act, there are 11 items, whereas under rule 64 of the Rules there are only 5 items.

The Hon'ble the SPEAKER: Therefore, as I said already, this sub-rule (d) of rule 64 comes in conflict with the provisions of the main Act and I don't think this provision can be adopted in this House.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, may I be allowed to say that in the Amendment if in place of "Chairman" the word "Board" is substituted and if the House is agreeable to accept it, I don't think there will be anything repugnant?

Srijut SIDDHINATH SARMA: If it is agreed, then the Board as a whole will have to inspect the schools, grant casual leave and other leaves as well and the Secretary and the Chairman will have no power at all. The Board will have to make appointment, reward, punishment, give promotion, transfer the teachers, etc.

The Hon'ble the SPEAKER: Yes.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, no Act and no good law are complete. Therefore, under section 49 the Board is quite competent to frame Rules.

The Hon'ble the SPEAKER: I shall be glad to be enlightened on Rule 64 excepting sub-rule (e).

Srijut SIDDHINATH SARMA: Under section 25 of the Act the Secretary of the School Board shall have such duties and powers as may be prescribed. This Act has given certain functions and duties to the School Board also under section 24 of the Act. That this Board is to do every little thing, then it seems to me that the Secretary will have no power, and section 25 becomes infructuous. What is the meaning of the words "the duties and powers as may be prescribed" under section 25? If the Rules cannot prescribe the duties and powers which will be exercised by the Secretary then what else will the Secretary do?

Maulavi MUHAMMAD ABUL KASHEM: Here in Rule 62, the Secretary shall be the Executive Officer of the School Board and therefore it seems the power has been given to him and on the whole the powers of the School Board cannot be taken away.

Srijut SARAT CHANDRA SINHA: But he will be an Executive Officer.

The Hon'ble the SPEAKER: Excepting sub-rules (a) and (d), I hold that the other sub-rules are out of order.

Srijut KAMINI KUMAR SEN: I think, Sir, sub-rule (e) also can remain since this sub-rule can empower the Secretary with all the powers.

The Hon'ble the SPEAKER : The Board can look into this. Then Amendment to Rule 65.

Srijut GAURI KANTA TALUKDAR : There are 3 parts of this Amendment, Sir, should I move all the parts together or separately.

The Hon'ble the SPEAKER : I think, you should move one by one.

Srijut GAURI KANTA TALUKDAR : Sir, I beg to move that in line 2 of sub-rule (a) of Rule 65, the "comma" after the word "expenditure" be deleted, and the words "in consultation with the Chairman" be added thereafter.

Sir, the sub-rule (a) of Rule 65 authorises the Secretary to prepare draft schemes of expansion and development of Primary Schools together with the proposal for additional expenditure and submit them to the School Board. My Amendment proposes that the Secretary should prepare the schemes in consultation with the Chairman. This addition to the rule will be a healthy provision and will help the Secretary to discharge his duties better in framing the schemes if he be required to take the advice and guidance of the Chairman. So, I hope, this Amendment will be accepted by this Hon'ble House.

The Hon'ble the SPEAKER : Amendment moved :

"That in line 2 of sub-rule (a) of Rule 65, the 'comma' after the word 'expenditure' be deleted, and the words 'in consultation with the Chairman' be added thereafter."

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : I accept the Amendment.

The Hon'ble the SPEAKER : The question is :

"That in line 2 of sub-rule (a) of Rule 65, the 'comma' after the word 'expenditure' be deleted, and the words 'in consultation with the Chairman' be added thereafter."

The question was adopted.

Srijut GAURI KANTA TALUKDAR : Sir, I beg to move that in line 1 of sub-rule (b) of Rule 65, after the words "School Board" the words "in consultation with the Chairman" be added.

Sir, the original rule lays down that the Secretary should make recommendation to the School Board in regard to places where new schemes under new schools are to be amalgamated. Sir, the addition proposed to be made by my Amendment will have an healthy effect as it will direct the Secretary to consult the Chairman about the site to be selected for establishment of new schools.

I hope, this Amendment also will be accepted by the Hon'ble House.

The Hon'ble the SPEAKER : Amendment moved :

"That in line 1 of sub-rule (b) of Rule 65, after the words 'School Board' the words 'in consultation with the Chairman' be added."

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) : Sir, I accept the Amendment.

The Hon'ble the SPEAKER : The question is :

"That in line 1 of sub-rule (b) of Rule 65, after the words 'School Board' the words 'in consultation with the Chairman' be added".

The question was adopted.

Srijut GAURI KANTA TALUKDAR : Sir, I beg to move that the "full-stop" at the end of sub-rule (f) of Rule 65 be deleted, and the words "in consultation with the Chairman" be added thereafter.

Sir, the original rule provides that the Secretary shall prepare and submit to the School Board the annual draft budget and the annual statement of receipt and expenditure. By this Amendment, I want to add that the Secretary should be required to consult the Chairman in the preparation of the draft budget and the statement.

This also is a salutary Amendment and I hope, it will be accepted by this Hon'ble House.

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, may I point out that this Amendment of the words "in consultation with the Chairman" be added after the words "Prepare and submit" as this will be more clear in expression.

Srijut GAURI KANTA TALUKDAR: I have no objection in accepting the suggestion made by my Friend, Srijut Kamini Kumar Sen.

Sir, I beg to move that after the words "Prepare and submit" occurring in line 1 of sub-rule (f) of Rule 65 the words "in consultation with the Chairman" be added.

Maulavi Saiyid MUHAMMAD SAADULLA: Sir, the words "prepare and submit to the School Board in consultation with the Chairman" will I think be better.

Srijut RAJENDRA NATH BARUA: I think, Sir, that will be better.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, if the Amendment moved by my hon. Friend, Mr. Talukdar, is intended to assign some power to the Chairman in such matters (*voices*—'yes'), I do not think it has been happily worded. If the Amendment runs as "The Secretary shall be responsible for preparing draft schemes, etc., etc. and submit it through the Chairman to the Board" there will be some sort of compulsion imposed on the Secretary. The wording "submit it to the Board, in consultation with the Chairman" give some loophole to the Secretary to avoid consulting the Chairman. Therefore, Sir, I submit that this Amendment is not happily worded and it should be like this "Secretary should be responsible, etc. and the proposals should come through Chairman to the Board." In that case the Chairman will have some voice.

Mr. J. S. HARDMAN: May I suggest, Sir, a somewhat different arrangement. That after the word "Prepare" the words "in consultation with the Chairman" should be inserted.

Maulavi MUHAMMAD ABUL KASHEM: Yes, Sir, that will be better.

Maulavi Saiyid MUHAMMAD SAADULLA: I think Mr. Hardman's suggestion is better.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Sir, I accept the suggestion made by Mr. Hardman.

The Hon'ble the SPEAKER: The question is that in line 1 of sub-rule (f) of Rule 65 the words 'in consultation with the Chairman' be inserted after the word 'Prepare'.

The question was adopted.

Srijut RAJENDRA NATH BARUA: Sir, I beg to move:

That Rule 66 be numbered as "Rule 66(a)"; and in line 4, the "full-stop" after the words "Primary Schools" be deleted, and the words "and shall grant all leave other than casual leave to the teachers and Attendance Officers of the School Board" be added thereafter.

Sir, this is only to add certain words in respect of grant of all leave other than casual leave to the teachers, etc. It will then be read as "On the result of examinations held for the purpose, or, in the absence of such examination, after taking into consideration suggestions made by the Secretary in this behalf, the Chairman shall appoint all teachers and Attendance Officers for the Primary Schools and shall grant all leave other than casual leave to the teachers and Attendance Officers of the School Board."

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Sir, this is a new addition and might be accepted.

Maulavi MD. ABUL KASHEM: Mr. Speaker, Sir, here also the Amendment to the principal Rule 66 is covered by your ruling just now given. The questions of appointment of teachers and such other things are within the scope of the School Board. Such power is to be given to this Board to act under section 24 of the main Act. (Maulavi Saiyid Muhammad Saadulla: The power has been given to the Chairman.)

The Hon'ble the SPEAKER: The Parliamentary Secretary has noted all these points.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): I have nothing to add. I have already accepted the Amendment just now moved.

The Hon'ble the SPEAKER: The Parliamentary Secretary will draft the rules keeping in view the points just now raised.

Srijut SIDDHI NATH SARMA: Sir, I should like to point out

The Hon'ble the SPEAKER: There is no time now.

Adjournment

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

After lunch

The Assam Opium Prohibition (Second Amendment) Bill, 1948

The Hon'ble the SPEAKER: We shall take up non-official business— consideration of Srijut Dandeswar Hazarika's "The Assam Opium Prohibition (Second Amendment) Bill, 1948". There is one Amendment with regard to Clause 7 standing in the names of three hon. Members. Which hon. Member is going to move this Amendment?

Srijut SARAT CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that in the third line of clause 7, after the words "or a seller", the words "or stockist" be added.

Sir, the Amendment is quite clear so I do not like to comment on it.

The Hon'ble the SPEAKER: Amendment moved:

"That in the third line of clause 7, after the words 'or a seller', the words 'or stockist' be added".

Srijut DANDESWAR HAZARIKA: Sir, I am thankful to the hon. Mover of this Amendment that the words "or stockist" be added. That will be more clear, so I accept this Amendment.

The Hon'ble the SPEAKER: The question is:

"That in the third line of clause 7, after the words 'or a seller', the words 'or stockist' be added".

The question was adopted.

Srijut DANDESWAR HAZARIKA : Mr. Speaker, Sir, before you put the question, I would like to point out that in the provisos to sections 5 and 7 of the Principal Act proposed to be inserted by clauses 4 and 5, in the third line there is a printing omission in which the word "of" between the words "sentence" and "less" has been left out and I request that this word also be inserted.

The Hon'ble the SPEAKER : I think that Amendment should also be put.

The question is :

"That in the provisos to sections 5 and 7 of the Principal Act proposed to be inserted by clauses 4 and 5 in the third line the word 'of' between the words 'sentence' and 'less' be inserted."

The question was adopted.

I will put the whole question—

The question is :

"That clauses 1 to 7 of the Bill, as amended, stand part of the Bill".

The question was adopted.

Srijut RAJENDRA NATH BARUA : Sir, I beg to move that—"Sub-section (1) and the proviso thereto of section 39, proposed to be inserted by clause 8 be deleted; and the brackets and figure "(2)" at the beginning of sub-section (2) be deleted."

The purpose of this Amendment is to delete the whole sub-section, as it interferes with some jurisdiction of the Court regarding the granting of bail.

The Hon'ble the SPEAKER : Amendment moved :

"That Sub-section (1) and the proviso thereto of section 39, proposed to be inserted by clause 8, be deleted; and the brackets and figure '(2)' at the beginning of sub-section (2) be deleted."

Srijut DANDESWAR HAZARIKA : Mr. Speaker, Sir, I am thankful to the hon. Mover of this Amendment, because he has rightly pointed out this thing. At the time of introducing the Bill, it was pointed out by my learned Friend, the Hon'ble Minister of Excise, that it interferes with the discretion of the Judiciary. So I have no objection to accept the Amendment.

The Hon'ble the SPEAKER : The question is :

"That sub-section (1) and the proviso thereto of section 39, proposed to be inserted by clause 8, be deleted; and the brackets and figure "(2)" at the beginning of sub-section (2) be deleted."

The question was adopted

Amendment No.3 stands in the name of three hon. Members.

Srijut DANDESWAR HAZARIKA : I think that is not necessary as the proposed sub-section (1) and the proviso thereto of section 39, has been withdrawn.

The Hon'ble MAULANA MAHOMED TAYYEBULLA : Sir, as regards sub-section (2) of proposed section 39 sought to be inserted by clause 8, I think, I should make a submission. Inadvertently there are some words which have been omitted. It should be like this : "Notwithstanding the provisions of section 497 of the Code of Criminal Procedure, 1898, no person accused

of a non-bailable offence under this Act, shall be released on bail *by any Court* without hearing the prosecution” I think the words “by any Court” should be inserted between the words “bail” and “without” to make the language clear.

The Hon'ble the SPEAKER: The Hon'ble Minister will kindly move a formal Amendment.

The Hon'ble Maulana MAHOMED TAYYEBULLA: So I move, Sir, that in the 4th line of sub-section (2) of proposed section 39 sought to be inserted by clause 8, between the words “bail” and “without,” the words “by any Court” be inserted.

The Hon'ble the SPEAKER: Amendment moved :
“That in the 4th line of sub-section (2) of proposed section 39 sought to be inserted by clause 8, between the words ‘bail’ and ‘without’ the words ‘by any Court’ be inserted.”

Srijut DANDESWAR HAZARIKA: I am grateful to the Hon'ble Excise Minister for pointing out the defect. If these words are added, it will make the section more clear. So I thankfully accept this Amendment.

Maulavi Saiyid MUHAMMAD SAADULLA: Before that I would like to point out another matter to the hon. Members of this House. We have deleted proposed sub-section (1) of section 39 which was sought to be added by clause 8, but we have taken up sub-section (2). The reason for omitting the proposed sub-section (1) is that it interferes with the jurisdiction of the Judiciary and Courts. Now I see that the last line of the proposed sub-section (2) also suffers from the same offence: “Provided that all orders shall give reason for which bail is given.” That is giving a direction to the Courts which has been objected to under sub-clause (1). I think the intention of this clause will be met when we say “no person accused of a non-bailable offence under this Act, shall be released on bail without hearing the prosecution”. The proviso may be deleted.

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, I also want to point out one anomalous sentence here in this proviso to the proposed sub-section (2): “Provided that all orders shall give reasons for which bail is given.” Now offence under the Opium Prohibition Act is non-bailable and in granting bail in non-bailable offence the Judiciary has to give some reasons. It is already in the Criminal Procedure Code, Section 497. Without assigning any reason no bail can be granted in non-bailable offence. So this clause is redundant and unnecessary.

The Hon'ble Maulana MAHOMED TAYYEBULLA: For the reasons I have explained before, this sub-section is not redundant and unnecessary. So, Sir, this, I think, can go in.

The Hon'ble the SPEAKER: I think this is in consonance with the provision of section 497 of the Criminal Procedure Code. So I put the question.

The question is:

“That in the 4th line of the sub-section (2) of proposed section 39 sought to be inserted by clause 8, between the words ‘bail’ and ‘without’ the words ‘by any Court’ be inserted.”

The question was adopted.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I want to point out something here. The figure "39 (1)" goes out along with the motion to delete this sub-section. Will not that figure (2) be substituted by figure 39?

The Hon'ble the SPEAKER: When (1) goes out (2) comes to its place.

The Hon'ble Maulana MAHOMED TAYYEBULLA: Mr. Speaker, Sir, I think proposed section 40 (1) and (2) is not necessary, as it looks redundant. So I would ask the hon. Mover of the Bill to withdraw this section 40 (1) and (2) with the leave of the House.

The Hon'ble the SPEAKER: I do not encourage these sorts of oral Amendments at this stage.

Maulavi Saiyid MUHAMMAD SAADULA: It is not a question of mere redundancy. I think the intention of the Hon'ble Minister is that as we have already deleted the first clause that was proposed by this new clause 8 on the ground that no Legislature should try to dictate to the Judiciary what action they should take. Under the same reasoning this is only a direction to the Courts. Why cannot the Courts use this discretion? If in a suitable case the Courts give a sentence of detention till the rising of the Court we cannot say that this order will be *ultra-vires*. We cannot dictate to him that he should not give such punishment.

Srijut GAURI KANTA TALUKDAR: Sir, I do not consider this will be dictating to the Court. It is in reality the desire of the Legislature. We want to provide that the punishment should not be fine alone or imprisonment alone. We wish that both the kinds of penalty should be imposed in such serious offences. I do not see any reason why we should think that by providing for both the punishments we will be going to dictate to the Court. The Indian Penal Code has made such provisions in cases of serious offences.

Maulavi MUHAMMAD ABUL KASHEM: I object on another ground. Mr. Talukdar understands that it is only a direction.

The Hon'ble the SPEAKER: Can there be any provision in any law where there is no direction to the Court?

Maulavi MUHAMMAD ABUL KASHEM: I want to say that there are some existing Acts in which certain punishment has been provided. And by this Bill we are going to remove the alternative given in other Acts and asking the Court to punish with both imprisonment and fine. It is illegal. If we want to pass this Bill, all Acts, in which punishment both in respect of fine and imprisonment is prescribed, should be amended first. The Hon'ble Mover of this Bill cannot therefore, direct the Court to award punishment in both shape until and unless existing Acts prescribing punishment in alternative forms are not amended. Hence this provision is repugnant to existing Acts. I think considering this objection you will please disallow the Amendment if the hon. Member does not accept the Amendment moved by the Hon'ble Minister.

Babu KAMINI KUMAR SEN: I do not think this clause carries any meaning at all. When it is provided that he will be liable to imprisonment and fine the Court will be compelled to give this punishment.

The Hon'ble the SPEAKER: I think the provision is redundant.

The Hon'ble Maulana MAHOMED TAYYEBULLA: This is already provided.

Mr. J. S. HARDMAN: Mr. Speaker, Sir, I rise in connection with the procedure proposed to be adopted by the Hon'ble Minister in moving an Amendment at this stage. Is not the correct procedure in such a case for the Hon'ble Minister to oppose the inclusion of this clause as part of the Bill? There is a Motion before the House "that this clause do form part of the Bill", and the Hon'ble Minister's contention is that this is not a suitable clause for inclusion in the Bill. There is no necessity for moving an Amendment urging on this House that this clause be deleted, as this will be achieved by negating the Motion for including the clause.

The Hon'ble the SPEAKER: The Hon'ble Minister will move an Amendment to-day perhaps that this clause be deleted.

Babu KAMINI KUMAR SEN: The better course will be to oppose the whole thing.

The Hon'ble Maulana MAHOMED TAYYEBULLA: Then I move that the proposed section 40(1) & (2) sought to be inserted to Principal Act by clause 8 be deleted.

The Hon'ble the SPEAKER: Amendment moved:
"That the proposed section 40(1) & (2) sought to be inserted to the Principal Act by clause 8 be deleted".

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, the intention of this clause was that though there is provision in the main Act for a sentence of imprisonment and fine we have found in many cases that the accuseds are let off with only imprisonment. So my intention was to make it obligatory on the Judges and Magistrates to give also the sentence of fine. I know that it is embodied in the main Act that whenever an accused is found guilty under any provision of the Opium Prohibition Act he will be sentenced to imprisonment and fine. Now if it be sense of the House that the proposed section 40(1) & (2) should be deleted, I have no objection.

The Hon'ble the SPEAKER: The question is:
"That the proposed section 40(1) & (2) sought to be inserted to the Principal Act by clause 8 be deleted".
The question was adopted.

The Hon'ble the SPEAKER: The question is:
"That clause 8, as amended, 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.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, I beg to move that the Assam Opium Prohibition (Second Amendment) Bill, 1948, as amended, be passed.

The Hon'ble the SPEAKER: Motion moved:
"That the Assam Opium Prohibition (Second Amendment) Bill, 1948, as amended, be passed".

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, it really stands to the credit of my hon. Friend, Mr. Dandeswar Hazarika, in bringing in this legislation to remove the lacuna and the defects which were detected in the course of working out of the Act and carrying on the Prohibition Campaign. There can be no two opinions that the ring round the neck of smugglers should be tightened, and tightened without mercy or consideration. Sir, this is an important Bill and it was the primary duty of the Hon'ble Minister in-charge of Excise to bring this forward. But in spite of references made to him by the Prohibition Commissioner, who is subordinate to him, pointing out the desirability of amending the Act, no step was taken by Government to bring in any Amending Bill.....

***The Hon'ble Maulana MAHOMED TAYYEBULLA:** On a point of explanation, Sir. In my preliminary remarks I stated why this could not be brought as a Government Bill when the hon. Leader of the Opposition was suggesting that course. So, I think hon. Mr. Roufique is not right in saying what he has said.

Maulavi MAHAMMAD ROUFIQUE: However, the hon. Mr. Dandeswar Hazarika, the Prohibition Commissioner, has marched ahead of the Government in bringing this Bill.

Sir, the Government have bestowed sufficient attention on measures to be taken against the smugglers, and probably it may be necessary to bring in even harsher legislation to extinguish this class of shameful traders. But, Sir, it cannot be said that Government have bestowed sufficient attention to the opium eaters. The provisions that are found in the Bill to deal with the opium eaters are not quite adequate and satisfactory. I submit, Sir, that provisions made for addicts are not sufficient to cure them of their habit of taking opium. Sir, at present the task has been left to the Mouza Committees to make propaganda and to hold meetings to cure them of this habit. Now, there are addicts not only here but in other countries too, of course not opium addicts but addicts to other intoxicants. I am tempted to ask the Hon'ble Minister of Excise whether he is aware of such addicts in other countries and the measures taken to deal with them. But I think it is futile to expect any information from him when on the floor of the House the other day he said that he had no information whether Prohibition of liquor has been introduced in any of the Congress-administered provinces. He said this with emphasis as if it was something creditable to remain uninformed.....

***The Hon'ble Maulana MAHOMED TAYYEBULLA:** He is misrepresenting what I said.

Maulavi MAHAMMAD ROUFIQUE: He clearly said that, Sir. The question put to him was whether he had any information that liquor was prohibited in some Congress-administered provinces. He replied that he had no information, and the reply was given with emphasis.....

***The Hon'ble Maulana MAHOMED TAYYEBULLA:** This is again misrepresentation of what I said, Sir.

Maulavi MAHAMMAD ROUFIQUE: The records will show that I am not misrepresenting his statement. He said that with emphasis as if it was creditable for the Information Minister to remain uninformed!

***The Hon'ble Maulana MAHOMED TAYYEBULLA:** Is he speaking on the Bill or censuring the Government ?

Maulavi MAHAMMAD ROUFIQUE: I was saying, Sir, that there are addicts in other countries and there are also measures to deal with them. In some European countries there are alcohol addicts.....

***The Hon'ble Maulana MAHOMED TAYYEBULLA:** Is this relevant to this debate, Sir ?

Maulavi MAHAMMAD ROUFIQUE: It will be relevant. I was referring to some European countries, Sir, where the addicts by their habit of excessive drinking become useless to the family and a nuisance to the society and the Governments of those countries have adopted definite measures to cure them of their habit. In some countries all these addicts are collected and put in a colony where they are treated. They are given sufficient milk to drink and work to do. Now, Sir, considering the enormity of the problem here, if I had the power I would have collected all the addicts of the Province and put them in a colony and keep them under treatment.....

The Hon'ble the SPEAKER: The hon. Member may say that over and above what has been provided he would give these suggestions.

Maulavi MAHAMMAD ROUFIQUE: I have got a right to make general remarks in the final stage of the Bill, Sir. If I had the power, I would not have allowed financial considerations to stand in the way of such a project. I would have asked this House to provide me with money and resources to give effect to such a scheme so that the country might be rid of these addicts and become free from opium. Now, Sir, opium is coming here because there is demand for it. If you can extinguish the demand there will be no supply. The smugglers are bringing in opium to Assam because they know there are consumers here. If you can reduce the number of consumers you can solve the problem. I say these provisions have not been made and I am requesting the Government to bring in another amending Bill embodying these provisions if they are serious on the problem. If they are really earnest to free the country from this evil, they should provide adequate measures in the amending Bill to deal effectively with the opium eaters so that there may not be any addict here in Assam and there may be no supply of opium.

Srijut NILMANI PHOOKAN: Mr. Speaker, Sir, the hon. Member of the Opposition has given a sound corollary to the proposition, but apart from that if what he said is actually to be brought into action by the Government side, that does not mean that the present legislation is defective on that account. If we want to do away with the opium habit of the people, we must not fight shy of any improvement that we can make on the existing Act on opium. I believe that the very fact that the Honorary Prohibition Commissioner has brought in this non-official Bill shows how serious and alert he is on this question. If we want to tighten his grip to punish the smugglers, then we should have no compunction of heart if they are hanged. I should be satisfied if they are actually hanged. When he has brought in this Motion, I believe, there should be no opposition. The suggestions that have been given by the hon. Member of the Opposition support me to say that the opium addicts should be attended first and then to pursue the "Will-O-the-Wisp"—the smugglers.

*Speech not corrected.

Srijut DANDESWAR HAZARIKA: Mr. Speaker, Sir, I am only to be very thankful to the hon. Members of the House who have kindly helped me. Further, I am very grateful to all the hon. Members of the House who have given their consent without any objection to the passing of the Bill which shows that it is the unanimous opinion of all sections of the House that the opium habit should go from this Province. In this connection, Sir, I will be failing in my duty if I do not mention the help and valuable advice that was given to me by the Hon'ble the Speaker and the Hon'ble Minister of Excise in drafting the Bill. I am very grateful to them and to all the hon. Members of the House for their acceptance of the Bill. I hope with the co-operation of all sections of the House we will be able to eradicate the opium evil from the Province of Assam.

The Hon'ble the SPEAKER: The question is:

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

The question was adopted.

The Hon'ble the SPEAKER: We now take Resolution No.11 standing in the name of Srijut Bijoy Chandra Bhagavati.

Srijut BIJOY CHANDRA BHAGAVATI: Mr. Speaker, Sir, the other day I began my speech in Assamese. Now, I want to speak in English if the Hon'ble Speaker gives me permission to do so.

The Hon'ble the SPEAKER: Yes, there are some hon. Members who do not understand Assamese. So, he should move his Resolution again and speak in English.

Resolution re: making Opium Prohibition Campaign in Assam a success.

Srijut BIJOY CHANDRA BHAGAVATI: Mr. Speaker, Sir, I beg to move:—

"This Assembly is of opinion that the Government of Assam do move the Government of India to help for making the Opium Prohibition Campaign in Assam a success by making Poppy cultivation and traffic in opium illegal and punishable in law all over India including the States and to take such effective steps as to stop smuggling of opium into Assam from other Provinces or countries".

The people of Assam could realise long ago that opium was eating into the vitals of the Assamese nation. The leaders of Assam tried to impress upon the British administration in Assam the necessity of eradicating this evil. But the opium policy of the Government of Assam under the British regime was directed more for increase of revenue than for the good of the people. Mahatma Gandhi when he first came into contact with Assam could at once see that opium was the main disease Assam was suffering from and if the Assamese people were to thrive, this disease must be cured. In accordance with the direction of Mahatmajee, the Assam Congress took up the opium prohibition as the main plank in the national fights for freedom. In the National Movement of 1921 thousands of our youngmen were put to jail for picketing opium shops. During 1921 Movement, many of the addicts gave up opium, and opium consumption was reduced by 566 maunds in one year. This is a remarkable success for the people in a movement against opium in which they had not the support of the then Government.

I need not go into the history how thereafter the Government of Assam introduced rationing system and eventually total prohibition of opium had been enforced throughout the Province of Assam.

Now, the Government of Assam have launched the Opium Prohibition Campaign. They are determined to eradicate the evil of opium use from this fair Province of Assam, but their good efforts has so far failed to achieve complete success mainly on account of the fact that the Opium Policy of the Government of India and the States is not in consonance with the policy of prohibition.

While the Hague Convention, the League of Nations and coming nearer home the Provincial Government in Assam adopted measures of prohibition, the British Administrators in India did not take steps towards implementation of this policy by restricting the growth and preparation of opium strictly to medical and scientific use. As a matter of fact, much more opium has been allowed to be grown and prepared in the States and some other parts of India, than is necessary for medical and scientific use. As a result, there remains a surplus of large quantity of opium and this surplus has been smuggled outside India and to Assam. Smuggling of opium into Assam is the problem of problems. If we can solve this problem, prohibition will be successful all atonce. But, I am afraid, smuggling cannot be effectively dealt with without active co-operation of the Government of India.

I am tempted to give here a short survey of the history of the opium policy of the Government of India in relation to the international opium policy. I submit, it is necessary for undoing the past wrongs and adopting a new forward policy.

Having realised that to fight a narcotic drug as opium it was not only essential to have a uniform national policy, but international co-operation was also necessary, an International Opium Conference was summoned at the Hague in 1912.

The Hague Conference held during 1912-1914 decided that the international traffic in such a drug as opium had to be stopped not merely because of the damage suffered by the addicts themselves but also because of their power to destroy national integrity and man power.

It was recognised that whoever participated directly or indirectly in the traffic in opium was an enemy of civilisation and of humanity. Twenty-five countries entered into an international agreement, namely, the Hague Opium Convention to fight the evil. After the first World War, the League of Nations, took up the responsibility for carrying out the agreement. It was laid down that the members of the League "will intrust the League with the general supervision over the execution of agreement with regard to the traffic in opium and other dangerous drugs."

An Advisory Committee on traffic in opium was brought into existence in 1921. Dr. Wellington Koo moved the following resolution in the Assembly of the League of Nations. It is as follows—"The production of raw opium should be limited to the strictly medical and scientific needs of the world." The representative of the British administration in India proposed an amendment to the effect that in place of "medical" the words "the legitimate" should be substituted. He managed to get the amendment accepted. In the report of the Opium Advisory Committee it is noted as follows:

"The Indian Delegate has informed the Committee that the number of properly equipped hospitals and dispensaries in India is inadequate to the need of the population, which over vast areas is without medical assistance. In order to cope with the diseases with which some of these regions are constantly infected the population has cultivated the opium poppy from time immemorial, and habitually takes opium in small doses as a prophylactic or an effective

remedy. It is this use of opium which cannot be styled purely medical, *i. e.*, that which is prescribed by a physician, that the Committee has in mind in using the term 'legitimate'."

There are fewer instances of gross mis-representation of historical facts regarding the habits of a nation than has been sought to be done by this statement. Taking the case of Assam, nobody can deny that many people in Assam took to opium habit only when the East India Company began to import opium in large quantity and made it available for sale.

The amendment mentioned above saved three crores of rupees to the Government of India derived from the sale of 7,755 chests for export and the issue of 6,182 chests of opium for internal consumption.

The substitution of "legitimate" for "medical" at the instance of the representation of the British administration in India thus virtually nullified the whole purpose of the Hague Convention.

The Government of India introduced from 1923, the import certificate system as recommended by the League. With its introduction buyers of Indian opium for export had only to produce import certificate from their Governments, when they were permitted to bid for the drug sold in the auction held every month in Calcutta. It was thus no remedy for the evil.

That nothing short of such measures as to limit opium production exclusively for medical and scientific needs can eradicate this evil from the earth was brought home to the United States of America by smuggling of that drug into that country. Investigation carried on by a duly authorised committee showed that in the United States the number of habitual users of such drugs as morphine, heroin, cocaine, etc., had increased beyond all previous estimates so that taking of immediate and drastic steps against the menace had become essential. In 1923, the Senate and the House of Representatives considered the Report of the above Committee and passed resolutions to say that as a result of the production and distribution of raw opium largely in excess of the world's medical and scientific need there had ensued,— "the diversion of large quantities of it into unlawful importation into the United States."

To safeguard its people from the ravages of the habit forming narcotic drugs it was decided to urge upon the Governments of opium producing countries "the immediate necessity of limiting the growth of the poppy and the production of opium and its derivatives exclusively to the amount actually required for strictly medical and scientific purposes."

An official delegation proceeded to Geneva to present the views of the United States Government before the Advisory Committee on traffic in opium of the League of Nations. Mr. Porter of the United States presented their case before the Advisory Committee held in 1923 in the shape of the following resolution.

"If the purpose of the Hague Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medical and scientific purposes is an abuse and not legitimate.

In order to prevent the abuse of these products it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific uses."

All the countries excepting one agreed to this proposal, and that country was India or rather the British rulers shaping the opium policy. The position as given in the Report of the Advisory Committee on traffic in opium to the Council was as follows:—

"The representative of the Government of India associated himself with the foregoing resolutions subject to the following reservation:

The use of raw opium, according to the established practice in India and the production for such use are not illegitimate under the Hague Convention."

The following comment of an American observer will be enough to show in what light the matter was viewed by those who were not financially interested in the opium traffic:—

"It is a great thing, however, to have the British Government in India come out squarely into the open and show from what quarter the opposition comes."

In accordance with a resolution of the League of Nations, the First International Opium Conference was called at Geneva on the 3rd November 1924. The deliberation of the Conference lasted for nearly three months and a half finally resulting in an agreement signed about the middle of February 1925. In it the signatories expressed their determination to bring about "the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium."

Since 1926 some measures were taken for restriction of opium smoking in India. Legislation on the provincial plan began to be enacted when opium smoking by two or more persons in the United Provinces or by three or more persons in the Punjab, North-West Frontier Province, was made a penal offence. The Bihar and Orissa Opium Smoking Act was passed in 1927-1928. It introduced license system. Under an Act passed in Assam the same year opium smoking became unlawful for any except registered smokers. The system of rationing, the ration being reduced by 10 per cent. per annum, was introduced with the object of total prohibition. The above measures were certainly praiseworthy; but they were not enough for total prohibition of opium. It became evident that a more satisfactory and quicker way to attain this end would have been to implement a uniform policy for the whole of India. The India Government took some half-hearted measures. The measures undertaken proved that the Government wanted to appease international opinion and national feeling, but that at the sacrifice of smallest possible amount of revenue. The Government of India adopted a policy of merely suppressing the use of prepared opium (smoking) on the plea that the First Opium Conference at Geneva in 1925 recognised smoking as being the real evil.

The Second International Opium Conference held in 1924 wasted two months in infructuous discussion and repeated adjournments. This was all due to the manoeuvres of the Colonial Powers interested in opium traffic. United States of America and U. S. S. R. withdrew from the Conference because in view of the conditions demanded by the Colonial Powers it was useless to expect any restriction in the production of raw opium. The deliberation of the Second International Opium Conference of 1924 led to what is known as the Convention of 1925 relating to Dangerous Drugs.

With a view to disarm international criticism as well as to convince international opinion that it was ready to co-operate with the League of Nations in its praiseworthy efforts to suppress the illicit traffic in opium. Lord Irwin summoned Anti-smuggling Indian Conference in 1927. In his opening speech Lord Irwin observed:—

"In the status taken as a whole there are, as you know, enormous stock of opium for which there is at present no legitimate outlet. There is also extensive cultivation of the poppy which is retarding in absorption of these stocks. So long as there is these immense stock and this considerable area under poppy in their midst, the Government of India will be severely handicapped in effectively discharging their international obligation in regard to the smuggling of opium".

It was decided in the Conference to appoint a committee to investigate the whole situation with the following objects in view:—

(1) The possibility of replacing poppy culture by other crops; (2) purpose and effect of opium consumption; (3) to ascertain the amount of stocks of opium in the States and the best means of disposing of them; (4) how to combat smuggling; (5) how best to bring State opium policy into line with British India opium policy, by such methods as the discontinuance of cultivation in the States.

The Committee submitted its Report towards the end of 1927-28. It was not published either then or afterwards. The reason for this as well as for not taking any action on it, as explained by the India Government, was that it was awaiting the report of the Butler Committee on the relation of the Indian States and the Central Government. When the Butler Report came out, it scarcely made any reference to opium.

The purpose and logic of going back and reviewing the history of opium policy of the Government of India under the British Rule may well be questioned. We all know that it is a past history and under the present National Government of ours the old policy does not hold good any longer. I have reviewed past history only to remind ourselves of the wrong done to us and to the world by the opium policy of Government of India in those days. I believe this will serve as a lesson or a warning in framing our present policy of opium. To-day India need take a bold policy for stopping smuggling not only outside India but inside the country also.

It is obvious that whatever attention the Government of India in the British regime paid to check smuggling was to appease international opinion, and they did not care to think the evil of internal smuggling. Smuggling of opium to Assam from other parts of India began with the introduction of rationing system. When the Congress-Coalition Government in 1938 enforced total Prohibition in two districts and eventually when opium was outlawed all over the Province, smugglers of opium found a very profitable business in Assam. Though it appears to be fantastic, yet it is true that smuggled opium is at present sold in Assam at rupees two thousand or more per seer. From the figures of 9 months during 1924-25 it is seen that about 700 maunds of opium was sold from Government treasury in the five Districts of Assam. In 1926 there were 26,590 and 20,447 registered opium eaters in Lakhimpur and Sibsagar Districts. Exact amount of present consumption of opium in Assam cannot be ascertained. But there is no doubt that war time import of opium negated the good work done in the previous years to a great extent and the number of addicts increased. In 1922-23 thirty-nine thousand seven hundred and seventeen seers of opium was consumed in Assam and the Government of Assam collected Rs.35,86,027 as revenue. If we calculate on the basis of any probable fraction of the previous consumption, then we will find that the Province suffers from a heavy financial loss, not to speak of the moral, mental and physical loss to the nation.

Smugglers had taken to very many ingenious methods to smuggle opium into Assam. Smuggled opium has been imported into Assam by postal parcels, by railways and steamers and even by air. In the war time some military planes used to carry opium for the smugglers. There are black sheep in every Department to help the smugglers. So it is evident that the situation demand All-India measures to uproot the opium evil. It is not the responsibility of Provincial Government alone. The Government of India has to follow a policy for the whole of India including the States in order to stop inter-provincial smuggling. It is also to be remembered that the Government of the United States of America also found it difficult, if not impossible, to stop smuggling of opium into that country and had to ask for inter-national

measures for this purpose. So it is all the more difficult for the Provincial Government to make "Prohibition Campaign" a success by following an isolated policy. If the Government of India takes effective steps to limit opium production, to restrict it to medical and scientific use and dispose of the existing stock all over India including the States, prohibition of opium in Assam or any other province will be successful at no time. Otherwise, however extensive and strong measures are taken by the Provincial Government, there remains always the fear of underground activities of the smugglers. If the League of Nations found it necessary for adoption of international policy to stop opium smuggling, it is hardly necessary to emphasise that an All-India policy is essential for making prohibition successful in the provinces.

I therefore, commend this Resolution for the acceptance of the House.

The Hon'ble the SPEAKER: Resolution moved:

"This Assembly is of opinion that the Government of Assam do move the Government of India to help for making the Opium Prohibition Campaign in Assam a success by making Poppy cultivation and traffic of opium illegal and punishable in law all over India including the States and to take such effective steps as to stop smuggling of opium into Assam from other provinces or countries".

Srijut NILMANI PHOOKAN: Mr. Speaker, Sir, as I have an identical Resolution to move, I wholeheartedly support the hon. Mover of this Resolution instead of moving it myself. He has so elaborately and at length dwelt on the subject that really there is very little for me to add. Still for the information of the House I may also add a few words to his.

In 1924 I had the privilege of moving a similar Resolution in the Assam Council for an All-India Committee to take the matter of opium evil to the Committee of the League of Nations. There I said—"I know that we are only capable of regulating the distribution of this poison and not of its production. It is the Central Government who is responsible for production of this poison and I wanted to go to the very source whence it came". After a quarter of a century I find, we are still drugged with this insipid poison. We have not been able to uproot this poisonous tree from the soil. Sir, unless Poppy cultivation is totally stopped except for medicinal purposes in a restricted area under Government control, no amount of vigilance will solve the problem when opium finds a very cosy place in suit cases of ladies and gentlemen travelling in First Class compartments overhearing all gossips of prohibition measures. Sir, opium is as old as Homer himself. It was still not a world menace until it appeared in commercialised form.

For the first time we find a "ring of Patna merchants" formed under the Mogul Emperors and they had a sort of monopoly. Then the East India Company came to the field and amassed great wealth from this trade all over the world. Warren Hastings wrote—"Opium is a pernicious article of luxury which ought not to be permitted except for purposes of foreign commerce only and which the wisdom of Government should carefully restrain in all matters of internal consumption". What sort of conscience and what wisdom such a Government carried, subsequent events will tell. Then the East India Company got the whole monopoly; Bengal opium, Malwa opium, opium raised in Native States saturated the whole of India, dampened the whole atmosphere of Assam. When the people were fully drugged and the habit could no more be given up, then the very lucrative policy of "maximum revenue and minimum consumption" was introduced, apparently on ethical grounds, really with a motive of exploitation not by day-light robbery but by administering a sort of chloroform to rob unaware! Saturated India could not absorb all

the quantity of opium raised. Let China be inundated. I need not dwell at length what deluge it brought there, how opium war was fought there as a consequence of thrusting opium to China. Then as is usual with British Imperialist Policy, a Commission was appointed in 1893 to investigate the whole subject of production and consumption. The Commission, as usual, made their recommendation which John Morley publicly refuted to its unsatisfactory nature and which was also challenged by Temperance Associations all over the world.

The question of opium evil was first brought on the moral ground at the Hague Conference. It was brought to the forefront for the first time by the League of Nations in 1923. In that Conference how this illegitimate child of the East India Company fostered by the subsequent British Imperial Power, growing stronger every day, disowned by all, was ultimately given a certificate of legitimacy by the Government of India. The hon. Mover of this Resolution has mentioned all these things. The Government of India under Lord Hardinge had the hardihood of saying blatantly "its misuse is a negligible feature of an Indian life". It is "negligible" indeed! It has already reduced an Indian to a skeleton. The bureaucracy so managed things that even men like Gokhale of hallowed memory was misled by flat files which are still continuing the same hoodwinking policy in the very clear atmosphere of Free India even.

Sir, I remember some 25 years ago when Rai Bahadur Phanidhar Chaliha of hallowed memory first raised the banner against this opium habit of the people—we also remember how the then Governor Sir Beatson Bell, a Missionary Governor, taunted him by saying that the tainted money should not be taken by him and how he said that the "insane intemperance" of the people have forced the Government to take the revenue. However, we remember today both are gone. The Missionary Governor when he went back from Assam he realised his mistake and wrote a personal letter to the Rai Bahadur saying that it was his mistake. Both these great souls are no more with us but their object is still not realised by us. We owe a duty to the memory of those that have gone before us. I believe they will bless us, if now under the bright skies of a Free India we can eradicate this evil from the midst of our people and we no longer allow it to remain underground and doing all sorts of havoc, killing every man inch by inch. If that is to be done there is no other alternative except to accept the Resolution so ably moved by one of the sincerest servants of the country. My hon. Friend moved it and I am sure the Government of India of the present day will not find any difficulty in accepting such Resolution also and give the proper attention to it. I remember in those days in this very Hall Government opposed the Resolution saying that we had no power over the Native States. Now we have found that nearly 600 of these States have come one after another and acceded to the Indian Union. If Government send all these discussions with their comments to the Central Government, I am sure, this will have some effect and Assam will get free of smugglers who are only playing will-o-the-wisp.

Dr. C. G. TERRELL: Mr. Speaker, Sir, I would like to take this opportunity of saying a few words in support of this important Resolution. I suggest, Sir, that in dealing with this problem we are more concerned with the present and the future than the past. There is no need to enlarge on the evils associated with this traffic and the terrible mental, moral and physical deterioration that takes place in the unfortunate opium addicts, and which, if unchecked, spreads so rapidly throughout a community and undermines the whole fabric of a State.

It is greatly to the credit of our Provincial Government that it has courageously attempted to tackle this problem successfully and to eradicate as soon as possible what is still a blot on the name of our Province.

The campaign against the opium traffic is an uphill struggle, and its success has been greatly hampered by many difficulties associated, among others, with smuggling, and the fact that up till now poppy cultivation has not been controlled in certain of the States.

In view of the fact that most, if not all of the States have now acceded to the Union of India, it is surely not too much to hope that the Central Government will lose no time in extending a rigid control on the cultivation of this plant throughout the whole Dominion of India, and which control is so essential for any possible success in our opium prohibition campaign.

There is a definite formula laid down by the League of Nations which is sufficiently comprehensive and covers all aspects of the medical requirements connected with this drug, and its general application by the Government of India would be an appreciable contribution to the successful solution of the whole problem.

With these few words, I warmly support this Resolution and hope it will be accepted by Government and that it may be passed on with suitable emphasis of its urgency to the Government of India.

The Hon'ble Maulana MAHOMED TAYYEBULLA: Mr. Speaker, Sir, I have to congratulate the hon. Member from Tezpur moving this Resolution, which I would accept on behalf of Government.

The Government of Assam as the hon. Members are aware, have since long adopted the policy of prohibition of opium in Assam. In 1938 the Congress-Coalition Ministry came to power and took up the matter. A Government Plan for Total Prohibition was announced. The present Minister for Food, the Hon'ble Shri Omeo Kumar Das, was appointed the Honorary Prohibition Commissioner. Under his leadership, a successful campaign, notwithstanding all handicaps, was in progress when the Congress-Coalition Ministry had to resign in November 1939. In the General Elections of 1946 Congress came to power again, and the question was taken up at once. Anticipating legislation for total prohibition of opium, a Government Communique was issued in mid-December 1946, and the now Hon'ble Speaker, Shri Lakshesvar Borooah, was appointed the Honorary Prohibition Commissioner. In the Budget Session of 1947 the proposed Bill was introduced and passed. The assent of the Governor-General was obtained in December 1947, and the Act—the Assam Opium Prohibition Act, 1947, came into force on the 1st April 1948. Shri Dandeswar Hazarika, M. L. A., was appointed Honorary Prohibition Commissioner in place of Hon'ble Shri Lakshesvar Borooah, who was elected Speaker of the Assam Legislative Assembly. The present campaign, inaugurated and successfully prosecuted by Hon'ble Borooah, is in full swing now, since the date of the commencement of the Act.

The question raised in the Resolution moved by Mr. Bhagavati was discussed at the Excise Conference (Opium Prohibition) convened by me at Gauhati on the 18th April this year. The Conference suggested that, with a view to achieving a full measure of success in total prohibition of opium, the co-operation and assistance of the Government of India—legislative and otherwise, was essential. The Government of India should adopt measures to State-control and restrict the cultivation of poppy to the extent just sufficient for medicinal and scientific requirement, which is six seers per 10,000 people per annum, as was laid down by the League of Nations.

The opium prohibition question in Assam, though it is primarily a provincial subject, is an All-India question with an international background. Now that the 'Native States' of India and the 'Provinces' of the Indian Dominion are soon all going to form the 'States' of the Indian Republic under the National Constitution, the Indian Parliament might be moved, even at this stage, to

undertake legislation or measures "to make poppy cultivation and traffic in opium illegal and punishable in law all over India including the States and to take such effective steps as to stop smuggling of opium into Assam from other Provinces or countries", as stated in the Resolution.

The Government of India, in the Department of Finance, might also be requested to convene, at an early date, an All-India Opium Prohibition Conference, to which the States and Provinces concerned may be invited, to discuss the whole question and make necessary recommendations to the Government of India, with a view to evolving a uniform policy of eradicating the evil at its sources and prohibiting its use except for medicinal and scientific purposes. Such All-India conferences were held earlier in 1937 and before.

Recently, the Government of Assam have appointed a Deputy Commissioner of Excise, who is devoting himself solely to the opium prohibition work, in co-ordination with the Honorary Prohibition Commissioner. The Government are contemplating to submit to the Government of India before long a Memorandum on the question of Total Prohibition of Opium *vis a vis* the Government of India. The memorandum is under preparation. We are in communication with the Government of India in this behalf too.

The Government of India should at once take up this humanitarian cause and come forward to totally prohibit the production and use of opium throughout India except for scientific and medicinal purposes, as recommended by the League of Nations. The cultivation of poppy as a money crop in certain Indian States and elsewhere at present, should consequently be State-controlled on an All-India basis. If the Government of India adopt this policy, there will be no more chance of smuggling of contraband opium into parts of India where there is addiction,—for instance, Assam. The sources will dry up. India can thus contribute substantially and effectively to the solution of the Opium Question in Assam,—the opium blackest spot in the world.

Sir, I would draw in this connection the attention of the hon. Members to my broadcast speech on Opium Prohibition of September 8th, 1948, from the Shillong-Gauhati All-India Radio. I need not repeat in this House what I said in that speech.

Mr. Bhagavati in moving his Resolution, and Mr. Nilmani Phookan and Dr. C. G. Terrell (European Planting), in supporting it, have spoken at length on the subject with great ability. I endorse all that they have said. The Resolution is quite in conformity with the opium policy of the Government of Assam.

On behalf of Government, therefore, I accept the Resolution, and I hope the House will adopt it unanimously.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I remember an old saying in Hindustani that "in the *Kalijuga* আপনা ঢোল আপ বজাইবে". That is, if you want to be known to the world you must proclaim that yourself by beating of drum.

The question of opium in Assam is so big that even a *dhol* is not required to proclaim it to the world. But I am amused at the trend of discussions in this House over this matter. Because I have either the fortune, misfortune or foresight to see the trend of this discussion, I suggested to Mr. Bhagavati that all his valuable research and the facts and figures that he would place before the House would go to the waste-paper basket if he spoke in Assamese, and I asked him to speak in English. I also told him that if I were at the helm of affairs, I would not only send a covering letter in strong terms but would also submit this debate for consideration by the

Central Government. Mr. Bhagavati was not kind enough to mention my name when he shifted to English today. Therefore, I have to proclaim that his source of inspiration was myself. I hope my hon. Friends will excuse me for giving this out.

Srijut NILMANI PHOOKAN: I also gave him a chit to speak in English.

Maulavi Saiyid MUHAMMAD SAADULLA: I suggested this to him the first day.

Sir, throughout the speeches I was looking for one particular matter which no hon. speaker had mentioned. The regulation of poppy cultivation itself would not help. It is well-known to many that poppy is eaten as a vegetable not only in Upper India but also in Assam. In our Province it is known as *aphu dana* and in many preparations these poppy seeds are used. I have seen people of Rajputana eating raw poppy seeds as vegetable. But the greatest mischief is wrought by its conversion into opium, and this unfortunately was done by the British Government in previous times and now by the Indian Government, who are our leaders and our kith and kin. That factory is situated at Ghazipur in the United Provinces. In the Resolution itself I thought I would find a recommendation to the Government of Assam to represent to the Central Government to stop the Ghazipur factory entirely, or to limit its production to the barest possible medical need. I would suggest to Mr. Bhagavati to add these words. He should not only recommend regulation of poppy cultivation but also the stoppage of manufacture of opium at the Government-owned factories.

Sir, this question of opium prohibition, as I had stated on many occasions, is not new. Again, I will self-congratulate myself that before many of our present politicians were born I was the first person to raise my voice on the floor of the then Legislative Council against this in 1915. The proceedings can be had from the library and looked into. Two years after—I was present during the debate—the late Rai Bahadur Phanidhar Chaliha took this matter up on the floor of the old Council. Sir, as was the custom in those days, the Chief Commissioner used to preside, and the Rai Bahadur was taken to task by the Chief Commissioner, Sir Nicholas Beatson Bell, as has been mentioned by Srijut Nilmani Phookan.

Then, Sir, I mentioned the other day that the question of prohibition of opium was taken up after the League of Nations' recommendations, and the then Government, of which I was one of the Members, followed the Burmese system of registration of addicts, giving them ration cards and reducing their ration by 10 per cent. every year. In this way we had by 1936 reduced the consumption of opium in the Province to something like 200 maunds from 1,200 maunds in 1916. Not one word about it was heard from any speaker in the Assembly. Therefore, I have to give that little bit of self-credit to myself.

Then, Sir, it is perfectly true what the Hon'ble Minister has said that the Congress-Coalition Ministry of 1938 took this matter up, but they did not start total prohibition throughout the Province. They limited the prohibition to two districts only and in the other districts the system of prohibition that we had followed continued. After the Congress-Coalition Ministry resigned in 1939, I took up the entire matter as Premier and started prohibition throughout the Province. Although total prohibition was introduced in the districts of Kamrup and Nowgong, the opium addicts were supplied with opium from the adjoining hill tracts of Assam. These hill tracts being partially excluded areas, we could not enforce prohibition there and we approached His Excellency and informed him that the huge amount of revenue that

the Assam Government were cheerfully sacrificing for prohibition was being set at naught by the opium addicts of the hills. I must say to the credit of the then Governor Sir Andrew Clow that he agreed to give effect to full prohibition even in the hills.

Sir, the question is a very complicated one. The Government with the full approval of the accredited representatives of the people of Assam have been putting their whole-hearted support so that opium addiction is eradicated from Assam, yet a certain section of our own people have been carrying on the nefarious trade of smuggling of opium into the Province. This smuggling of opium is being carried on because we have got a large number of addicts among ourselves. During 1938 the Congress-Coalition Ministry engaged a large number of Congress volunteers as male nurses for the opium addicts to be brought to the hospitals to help them to get rid of the habit, but in spite of all that they did not give it up.

Sir, I need not go into the controversial question whether the rationing system of opium would have been less costly and more beneficial to the Province or the gradual prohibition of opium would have met the circumstances. I must however congratulate the Government for their strenuous effort to see that smuggling of opium is stopped. I congratulate my Friend, Srijut Dandeswar Hazarika, and his predecessors in office as Honorary Prohibition Commissioner for their endeavours in prohibition work. I also congratulate Mr. Bhagavati as he listened to my advice and spoke in English on his Resolution. I would suggest to him and the Government that they should mention to the Government of India that the opium factory at Ghazipur be stopped.

Srijut BIJOY CHANDRA BHAGAVATI: মাননীয় সভাপতি ডাঙৰীয়া, বিৰোধী দলৰ নেতা মৌলবী ছৈয়দ ছাদুল্লা চাহাবে ইংৰাজী ভাষাত মোক এই প্ৰস্তাৱটো দাঙি ধৰিবলৈ দিছিল; তাৰ কাৰণে মই সঁচাকৈয়ে তেখেতৰ ওচৰত কৃতজ্ঞ। আমি সাধাৰণতে ভাৰতবৰ্ষৰ মানুহে কৃতজ্ঞতা "ধন্যবাদ" শব্দৰে জোকৰি পেলাব নোখোজো। পশ্চিমীয়া সভ্যতাই হে কেৱল "ধন্যবাদ" শব্দৰে কৃতজ্ঞতা জোকৰি পেলাবলৈ আমাক শিকাইছে। অন্তৰত যি কৃতজ্ঞতা অনুভৱ কৰো, একেধাৰ কথাৰে তাক প্ৰকাশ কৰাৰ অভ্যাস নথকাত মোৰ এই ভুলটো হবলৈ পালে। এই ভুলৰ কাৰণে মই দুখীত।

The Hon'ble the SPEAKER: তথাপিও সেই কথা উল্লেখ কৰাটো ভদ্ৰোচিত কথা।

Srijut BIJOY CHANDRA BHAGAVATI: তাৰ পিচত গাজীপুৰ ফেৰ্ৰী সম্পৰ্কে তেখেতে যি পৰামৰ্শ দিছে তাক গ্ৰহণ কৰাত মোৰ আপত্তি নাই। বৰঞ্চ; মোৰ প্ৰস্তাৱ সংশোধন কৰিবলৈ এই সুযোগ দিয়াৰ কাৰণে মই তেখেতক ধন্যবাদ দিছো। আশা কৰোঁ পৰিষদেও এই সংশোধিত প্ৰস্তাৱ গ্ৰহণ কৰিব।

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

Maulavi Saiyid MUHAMMAD SAADULLA: The Hon'ble Minister has got the right to reply.

The Hon'ble Maulana MAHOMED TAYYEBULLA: After the Amendment, I will say.

The Hon'ble the SPEAKER: The question is:

"This Assembly is of opinion that the Government of Assam do move the Government of India to help for making the Opium Prohibition Campaign in Assam a success by making Poppy cultivation and traffic in opium illegal and punishable in law all over India including the States and to take such effective steps as to stop smuggling of opium into Assam from other Provinces or countries."

The question was adopted.

Now, the next Resolution.

The Hon'ble Maulana MAHOMED. TAYYEBULLA: Sir, the Amendment suggested by the hon. Member is to be moved.

The Hon'ble the SPEAKER: It is too late now.

The Hon'ble Srijut RAMNATH DAS: Sir, the hon. Mover has accepted the Amendment.

The Hon'ble Srijut GOPINATH BARDOLOI: That was a suggestion, and I think that can be mentioned in our letter to the Government of India.

The Hon'ble the SPEAKER: The next Resolution stands in the name of Srijut Dandeswar Hazarika.

Srijut DANDESWAR HAZARIKA: Sir, I don't like to move the Resolution.

The Hon'ble the SPEAKER: The next one stands in the name of Srijut Sarat Chandra Sinha. Does he want to move?

Srijut SARAT CHANDRA SINHA: I don't like to move, Sir.

The Hon'ble the SPEAKER: Resolution No.14. Mr. Hardman should move.

Resolutions *re* Improvement of civil aviation in Assam

Mr. J. S. HARDMAN: Mr. Speaker, Sir, I beg to move that this Assembly views with concern the slow progress which has been made in the development of civil aviation in Assam, and recommends to Government the adoption of a more energetic policy designed to provide air travel facilities commensurate with the needs of the Province.

I will endeavour, Sir, to speak on this subject with as much brevity as is possible. We realise that aviation is a Central subject not administered by the Government of Assam. But we realise that the Government of Assam have great influence and their advice is sought by the Government of India and they are entitled to make strong representations to that Government whenever occasion arises. We have no doubt that the Assam Government have been making representations to them. Our object in moving this Resolution to-day is merely to strengthen their hands to secure better Air Services for the Province. Though, the Resolution expresses concern at the slow progress which has been made, it concedes that there has been progress and in asking for more rapid progress we are not unmindful of what has been achieved. I will, with your permission, Sir, detail some of the major developments—

(1) A regular daily Air Service has been organised between Gauhati and Calcutta, with extensions on certain days of the week to Tezpur and Mohanbari and to Kumbhirgram and Agartala.

(2) A weekly service by another Company from Dibrugarh, Jorhat, Tezpur, Bhagalpur to Calcutta.

(3) The construction of a temporary airfield at Gauhati, and a permanent airfield has been sanctioned.

(4) A scheme for establishing a Flying Club at Gauhati. Satisfactory as these developments are, they are far from providing the air services to which Assam is linked. In a province where communications are defective due to a large extent to topographical factors, there is a great future for air transport which will link the various districts, and these benefits can be availed of by the poor as well, as this will bring the great advantage of speedy mail services. One of the few benefits of the war for Assam has been the legacy of a large number of excellent airfields, and this should facilitate rapid development. At present air services are organised largely on the basis of linking the Province with Calcutta; instead we should concentrate in the development of our internal services within the Province.

As regards external air services, I see from a map published in the Central Government's publication, "Indian Information" of August 15th, 1948, that the scheduled air services in India ignore completely the Province of Assam. I am unaware, Sir, of the reasons why there is no scheduled air service for Assam although all other provinces have been adequately provided with such services. Aircraft of the Indian Dominion are permitted to cross Pakistan, but no such permission is apparently conceded to the aircraft plying between Calcutta and Assam. They are compelled to follow a devious route with the result that the operational cost is unnecessarily high and the time and expense of the journey is increased. We consider that if a direct flight could be permitted between Calcutta and Assam, time and money would be saved. Though some measure of improvisation is to be expected at the outset, the airfield at Gauhati is completely lacking in amenities. Any one who has been compelled to spend several hours there, will sympathise with the need for making adequate provision. There is no shelter at all, nor even the facilities provided at a small wayside railway station. It is admittedly a temporary air field, but some temporary arrangements are required as some time must elapse before a permanent one is constructed.

Lastly, though a Flying Club is going to be established at Gauhati, no provision has been made for other parts of the Province; for example, for in Upper Assam there are many airfields from which a Flying Club could operate and another could with advantage be located at Kumbhirgram in Cachar, where there is another fine airfield. From these airfields light aircraft would be available for Charter flights, which will cover places which have no suitable communications or regular air-services; for example, from Dibrugarh to North-Lakhimpur is by road a tedious journey but by air it becomes a matter of few minutes. Development of Flying Clubs in Assam and the expansion of air-services should provide opportunities for the youth of the Province and it would encourage the growth of those business and industrial activities associated with civil aviation.

We trust that this Resolution will command the support of all sections of this House, and that by passing it Government will be able to press here effectively for Assam to be given its proper place in the air map of India.

The Hon'ble the SPEAKER: Resolution moved:

"That this Assembly views with concern the slow progress which has been made in the development of civil aviation in Assam, and recommends to Government the adoption of a more energetic policy designed to provide air travel facilities commensurate with the needs of the Province".

The Hon'ble Srijut GOPINATH BARDOLOI: Sir, I will give a short reply.

I quite sympathise with the Mover of this Resolution in his desire to have more airfields than have been available. But he will agree that the facilities hitherto enjoyed by us have not been quite insignificant or lesser in proportion to what the Government of India have done for other provinces. I am absolutely certain that no province has as many air-strips looked after by Government of India as in Assam. I suppose that is a fact which will be recognised. It is true that the air-strips will not be of the same status as in bigger places. There are, I think, 7 or 8 categories of air-fields, and we have none of the bigger categories. But we must be prepared to recognize that we cannot utilize big air-fields like Dum-Dum or Palam to our best advantage. It should be borne in mind that the population to which air-service cater in a province like ours must be an important factor in determining the class of air-field that may be allowed in a particular area.

Dum-Dum and Palam serve big cities, fully industrially developed. But all the population of Assam will not even be double of Calcutta. But leaving that fact out of consideration, we must thank the Government of India for what they have done. In order to prove this it is possibly necessary for me to inform this House what the Government of India are proposing to do for us and what the Government of Assam has been able to get from them. Much has been said by the hon. Mover of the Resolution that the progress of work has been slow. But I am sure, Sir, that the progress achieved has not really been slow. Nor can it be said that Provincial Government policy has not been as energetic in this respect. It will be seen that Government had long correspondence with the Government of India on the matter after His Excellency personally took up the subject. You would certainly agree that sufficient progress has been done in the meanwhile. I am to inform you that in November 1947 His Excellency the Governor of Assam contacted the Director General of Civil Aviation in India on the subject as a result of which the India authorities agreed to provide us with a regular air service between Calcutta and Gauhati for carrying passengers and mail in spite of the fact that there was only a fair-weather grass strip at Gauhati (Kahikuchi) and not a 'pucca' air-field. I shall state later on, what they are doing to improve this ground. The service was inaugurated on the 14th December 1947, that is, only after a month of the understanding arrived at between the Government of India and ourselves. In the beginning, the flights were operated by a large Dakota for four days in the week and a small type of air-craft for the other three days. As the service became more popular and as the number of passengers increased, the larger type of Dakota flights was organised on all the days of the week. From April last the Calcutta-Gauhati service was extended for two days in the week to Silchar (Kumbhirgram) and back and for three days in the week to Dibrugarh (Mohanbari) and back. From 1st May 1948 onwards the Silchar service was extended, for one day in the week, to Agartala and back. All flights were of course subject to operational conditions. I should like to mention in this connection the difficulties that have to be faced in respect of ventures of this kind. Air flights, when safety and security of passengers are to be ensured, have to be regulated by certain international standard. If such a standard is not satisfied, then it is left to the Aviation Company to actually determine whether any particular programme would be kept by them or not. Schedule services are not allowed by the Government of India until certain minimum internationally specified facilities available at the airfields. These facilities will be available in Assam by March 1949. After that I hope these difficulties will cease and the air service shall be able to ply according to their scheduled programme consistent with the international rules. From the 20th September, as has been stated already by the hon. Mover who has got recent information, we are having three days' flights upto Mohanbari and that means

the Calcutta-Gauhati-Mohanbari service has been restored for three days in a week. It has also been learnt from the Company that from 20th of this September also the Gauhati-Silchar-Agartala service on a frequency of two days in the week has been restored. Thus, Sir, from this month there is regular passenger and mail carrying air service between Gauhati and other important towns of Assam along the following routes with the following frequencies:—

| | | | |
|---------------------------|-----|-----|---------------------|
| Gauhati-Tezpur-Dibrugarh | ... | ... | 3 days in the week. |
| Gauhati-Silchar-Agartala | ... | ... | 2 days in the week. |
| Gauhati-Bagdogra-Calcutta | ... | ... | Daily. |

The question of linking Jorhat and Dhubri by regular air service with Gauhati is being considered. As I have said, Sir, for the improvement of the Kahikuchi air-field and to make it 'pucca' aerodrome engineers are already there. I have come to understand recently that they have already taken up some work and before the next rains start they would be able to finish the whole work. The present proposal is to move from the present site by about a mile to the North-west. This has been done with a view to avoid the range of hills which fall on either side of the present ground, which is proposed to be used for a flying club. It is hoped that the improvements will be effected soon and air service between Assam and outside will be better stabilised.

On the ground that Government of India has been trying to help Assam as best as they can in this respect, I think there is hardly any doubt and we should be thankful to them. Personally I feel they have done very much. I am sure there are no reasons to criticise us. We are in a fortunate position for the fact that certain air-fields are in existence on account of the War. We should realise in any case that we have been able to get as much air communications within such close quarters as is possible. I hope there will be no necessity for pressing this Resolution.

***Srijut GAURI KANTA TALUKDAR:** Will Government be pleased to state what progress has been made as regards consideration of a Flying Club at Gauhati?

The Hon'ble Srijut GOPINATH BARDOLOI: That is not in the Resolution, Sir. But I may say that some attempt is being made in this connection. The University ground will be near about the air-field and as a long term measure we accepted that the Club be situated at Kahikuchi; but a very suggestive advance was made by some gentlemen—the young Planters from Dibrugarh, and it is under consideration whether the headquarters may not be put at Gauhati and the actual operation of the Flying Club may be started at Mohanbari as a temporary measure.

The Hon'ble the SPEAKER: What has the hon. Mover to say?

Mr. J. S. HARDMAN: Sir, I beg leave of the House to withdraw my Resolution.

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

(Voices—Yes, Yes.)

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

Adjournment

The Assembly was then adjourned till 10 A.M. on Monday, the 27th September, 1948.

SHILLONG:

The 27th November, 1948.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

*Speech not corrected.

