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**Proceedings of the Third Session of the Assam Legislative  
Assembly assembled after the First General Election  
under the Sovereign Democratic Republican Constitu-  
tion of India**

The Assembly met in the Assembly Chamber, Shillong, at 10 a.m., on Tuesday, the 31st March, 1953.

**P R E S E N T**

Shri Kuladhar Chaliha, B. L., Speaker, in the Chair, eight Ministers, the two Deputy Ministers, two Parliamentary Secretaries and sixty one Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given.)

**Sales Tax paid by the Central Trading Co-operatives and Provincial  
Trading Co-operatives**

**Shri HARESWAR GOSWAMI** asked :

\*171. Will Government be pleased to state—

- (a) What is the total amount of sales tax paid by the Central Trading Co-operatives and Provincial Trading Co-operatives on their transactions since the imposition of sales tax ?
- (b) What is the amount still due from them ?
- (c) What action has been taken to realise the unpaid amount of sales tax ?

**Shri MOTIRAM BORA (Minister)** replied :

171. (a)—Rupees 1,95,412.

(b)—Rupees 2,61,072.

(c)—Certificates for realisation of dues as arrears of land revenue has been issued to the Collectors of the districts concerned in some cases where less stringent methods have failed ; while in others ordinary methods of serving notices to pay up the demands and also warning notices have been followed.

**Shri HARESWAR GOSWAMI**: What is the reason for having such a huge sum due up till now ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**: Because, Sir, they have not paid.

**Shri SARVESWAR BORUWA**: May I know, Sir, if the Government received some representations from the Provincial as well as some of the Central Trading Co-operatives for exempting them from payment of sales-tax ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
Yes, Sir.

**Shri SARVESWAR BORUWA**: May I know the result, Sir ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**: Government cannot make any discrimination between an ordinary individual and a Trading Co-operative Society in the matter of sales-tax and as no exemption was given to ordinary individuals this privilege cannot be extended to Trading Co-operatives.

**Shri SARVESWAR BORUWA**: May I know, Sir, when the order was passed by the Government refusing to exempt them from payment of sales-tax ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
As soon as the representations were received the orders were passed.

**Shri SARVESWAR BOBUWA**: Is it not a fact, Sir, that the representations were received at different times ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
Yes, Sir, the orders were also passed at different times.

**Maulavi MOINUL HAQUE CHOUDHURY**: Is it not a fact, Sir, that these Societies realised sales-tax from different consumers and kept the amount with them ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
Yes, Sir.

**Shri SARVESWAR BORUWA**: Is it not due to the delay in issue of orders that there was an accumulation of arrears to such a large extent due from the different societies ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
It might be so, Sir.

**Shri HARESWAR GOSWAMI**: Were prompt actions taken, Sir, to realise the due ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
Yes, Sir.

**Shri HARESWAR GOSWAMI**: How prompt action was taken, Sir ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
Demand notice was issued.

**Shri HARESWAR GOSWAMI**: Were any distress warrants issued ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)**:  
No distress warrant is necessary. Process warrants were issued as arrear of land revenue.

**Shri HARESWAR GOSWAMI:** May I know, Sir, what is the average time lag between the issue of notice and the realisation of dues as arrears?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** I require notice of this question, Sir.

(Starred question No. 172 was not put and answered to as the Questioner Shri Ramprasad Chaubey was absent.)

### UNSTARRED QUESTIONS

(To which answers were laid on the table.)

#### Number of Community Radio Sets

**Shri HARIHAR CHOUDHURY** asked:

137. Will Government be pleased to state—

(a) The number of Community Radio sets in the State of Assam?

(b) The names of places where the radio sets have been placed?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister)** replied:

137. (a)—One hundred and nine.

(b)—The list is placed on the Library Table.

**Shri HARESWAR GOSWAMI:** May I know, Sir, what amount has been spent on these radio sets?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** I believe, Sir, it is a new question.

**Shri JOGA KANTA BARUA:** Why no such sets have been provided in the Lakhimpur district, Sir?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** Because the broadcast from the Shillong-Gauhati Radio Station is not audible in the Lakhimpur district.

**Maulavi MOINUL HAQUE CHOUDHURY:** Sir, is it a complement to the Shillong-Gauhati Radio Station?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** The power of the Shillong-Gauhati Radio Station is only one Kilo Watt and it covers a radius of only about 65 miles.

**Shri HARESWAR GOSWAMI:** Is it not a fact, Sir, that these radio sets were given before the installation of the Shillong-Gauhati Radio Stations?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
No, Sir.

**Shri SARVESWAR BORUWA:** Do we understand, Sir, that Government is taking steps for increasing the power of the Shillong-Gauhati Radio Station?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
That has already been done, Sir.

**Shri SARVESWAR BORUWA:** When the power will be increased, Sir, may we know whether any radio sets will be provided for the Lakhimpur district?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
It will be considered, Sir.

**Shri SARVESWAR BORUWA:** May we know, Sir, how many radio sets have been provided so far in each of the districts?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
There are 11 in the Khasi and Jaintia Hills district, 32 in the Kamrup district, 22 in the Darrang district, 1 in the Balipara Frontier Tract, 11 in Nowgong district, 16 in the Goalpara district, 1 in Mishmi Hills, 1 in Subansiri Area, 10 in the Sibsagar district, 1 in the Mikir Hills district, 2 in Lushai Hills district and 1 in the Garo Hills district.

**Maulavi MOINUL HAQUE CHOUDHURY:** Sir, may I know, Sir, how many sets have been provided for the district of Cachar?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
I have already replied, Sir.

**Maulavi MOINUL HAQUE CHOUDHURY:** Is the broadcast from the Shillong-Gauhati Radio Station not audible also in the Cachar district?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
I think not, Sir.

**Maulavi MD. UMARUDDIN:** How many of the radios are actually functioning and how many are out of order?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
Almost all of them are functioning.

**Maulavi MD. UMARUDDIN:** What is the distance between the closest station to Gauhati and Gauhati itself?

**Mr. SPEAKER:** This is rather difficult to answer.

**Maulavi MOINUL HAQUE CHOUDHURY:** Is the Minister aware that all other radio sets excepting the blessed radio sets referred to are audible in the Cachar district so far as the Gauhati station is concerned?

**Mr. SPEAKER:** The word "blessed" should be withdrawn.

**Maulavi MOINUL HAQUE CHOUDHURY:** All right, Sir, I withdraw it.

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):**  
 Sir, I have given the range of the Gauhati Station. Sometimes if the weather is clear and other factors are favourable, Gauhati station may be heard from places outside the range.

**Misappropriation of a large sum of money by Silchar Municipal Board**

**Maulavi MOINUL HAQUE CHOUDHURY** asked :

138. (a) Are Government aware or received complaints to the effect that a large sum of money was lately misappropriated by the authorities of the Silchar Municipal Board in collusion with a contractor (in Benami) in respect of construction of a refugee stall in Silchar Town, the funds of which is being supplied by the Central Government ?

(b) Is it a fact that office papers in this connection were tampered ?

(c) Is it a fact that one Arjan Ali, a member of the Silchar Municipal Board, submitted a petition in this connection against the Chairman, Silchar Municipal Board and others to the Deputy Commissioner, Cachar ?

(d) Is it a fact that the District Magistrate, Cachar sent the aforesaid complaint for enquiry to the Silchar Police ?

(e) Is it a fact that Police made unusual delay in commencing investigation of the aforesaid matter ?

(f) Will Government be pleased to state at what stage the aforesaid enquiry is and what actions are being taken to ensure a fair enquiry ?

(g) Who is the Police Officer making enquiry in this matter ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** replied :

138. (a)—Complaints have been received.

(b)—It is so alleged.

(c)—Yes.

(d)—Yes.

(e)—No. Deputy Commissioner's order was received by the Superintendent of Police, Cachar on 3rd January, 1953 and investigation commenced on the following day.

(f)—Relevant documents were seized and witnesses examined. Audit report is being awaited. Criminal Investigation Department Inspector, Birendra Kumar Das from special investigation staff of Shillong has been deputed on 19th March, 1953 to make further investigation.

(g)—Sub-Inspector, Amiya Behari Deb, Officer-in-charge, Silchar Police Station started the investigation under the supervision of the Deputy Superintendent of Police, Silchar immediately after receipt of information.

**Maulavi MOINUL HAQUE CHOUDHURY** : With regard to (e), is it a fact that the Investigating Officer from the Silchar Police Station went to the municipal office, inspected the papers, did not sign or seize the papers but left them thereby giving a chance to the authorities to tamper with them ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : This is a new question and it does not arise. The question was : "Is it a fact that Police made unusual delay in commencing investigation of the aforesaid matter ?". The reply is "No".

**Mr. SPEAKER** : How does it arise, Mr. Choudhury ?

**Maulavi MOINUL HAQUE CHOUDHURY** : It does arise, when read with question (b).

**Shri SARVESWAR BORUWA** : The subject of tampering is referred to in question (b), Sir. It is therefore relevant to ask whether any opportunity was given to the municipal authorities to tamper with the papers.

**Maulavi MOINUL HAQUE CHOUDHURY** : My contention is that a chance was given to the municipal authorities to tamper with the papers by the action of the Investigating Officer.

**Mr. SPEAKER** : What is your question ?

**Maulavi MOINUL HAQUE CHOUDHURY** : My question is whether Government are aware that the investigating officer went to the municipal office, looked into the papers, did not even sign or seize them, came away and did not do anything about investigation till recently the officer mentioned in answer to (f) was sent to Silchar.

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : Everything is known to the hon. Member.

**Mr. SPEAKER** : Yes, it seems he is giving more information than yourself (*laughter.*)

#### Health Services in tea gardens in Cachar

**Shri GAURISANKAR ROY** asked :

139. (a) Is it a fact that the Civil Surgeon of Cachar recently visited some closed tea gardens in Cachar District to find out the state of health services ?

(b) If so, what was his report ?

(c) What steps have Government taken on the Civil Surgeon's report ?

**Shri RUPNATH BRAHMA (Minister)** replied :

139. (a)—Yes, on 7th February, 1953.

(b)—He mentioned that almost all such gardens had closed their hospitals and dispensaries ; no information was received about any epidemic or other disease of a serious nature in these gardens ; in the case of gardens which do not re-open, arrangements will be required to render medical help to workers and also for vaccination and inoculation to prevent epidemic diseases.

(c)—From information received 17 out of 62 gardens have re-opened. In the case of those which remain closed arrangement for medical facilities, may be made, if necessary.

**Shri GAURISANKAR ROY**: Are Government aware of any deaths in the closed gardens of the Cachar district due to lack of medical facilities ?

**Shri RUPNATH BRAHMA (Minister)**: No such report has been received so far.

**Maulavi MOINUL HAQUE CHOUDHURY**: Are Government aware that most of the gardens have closed their dispensaries along with the closure of gardens with the result that the people of those areas are going without any medical facilities ?

**Shri RUPNATH BRAHMA (Minister)**: The reply is already there in (b), Sir.

**Shri GAURISANKAR ROY**: If there be any deaths due to lack of medical facilities.....

**Mr. SPEAKER**: No, No. You cannot ask hypothetical questions.

### The Assam Cinemas (Regulation) Bill, 1953

**Shri MOHIKANTA DAS (Parliamentary Secretary)**: Mr. Speaker, Sir, I beg to introduce the Assam Cinemas (Regulation) Bill, 1953. The Bill was published in the Gazette on the 16th February, 1953 and the hon. Members have got copies of it.

**Mr. SPEAKER**: Motion moved is that the Assam Cinemas (Regulation) Bill, 1953, be introduced.

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

**Shri MOHIKANTA DAS (Parliamentary Secretary)**: Mr. Speaker, Sir, I beg to move that the Assam Cinemas (Regulation) Bill, 1953, be taken into consideration.

In this connection I beg to address a few words to the House. The matters relating to the examination and certification or sanctioning of films for exhibition and regulation of cinemas including their licensing were at first dealt with by the Cinematograph Act of 1918 (Act II of 1918). After that there was an amendment in 1949 but that related to minor matters, viz., introduction of "A" and "V" certificates.



After our Constitution was adopted, those subjects were divided into two parts—the first part dealing with examination, certification and sanctioning of films for exhibition, which came under the Union List and included in entry 60 of the Seventh Schedule to the Constitution. The second part, *viz.*, regulation of cinemas, including their licensing, came under the State List (item 33 of the State List in the Seventh Schedule). Now, Sir, in the Cinematograph Act of 1918 all these matters were dealt with together and some provisions related to the Central Government, some related to the State Government and some related to both the Governments. As a result, there were administrative difficulties in the application of the Act. In 1952, an Act was passed (Act XXXVII of 1952) with a view to remove these difficulties. The 1952 Act was divided into four parts, the first part dealt with the extent and scope of the Act, the second part dealt simply with sanctioning and certification of films for exhibition, the third part dealt with the regulation of cinemas and the fourth part dealt with Repeal. But the third part was applicable only to Part C States and not to Part A or Part B States. Therefore, the Central Government in their letter No.20(6)52-F., dated 6th June, 1952 directed us to legislate on the lines of the provisions of Part III. The relevant portions of the letter are these: “Parts II and III relating respectively to (a) examination and certification of films as suitable for public exhibition and (b) regulation of cinemas, including their licensing. Part II will extend to the whole of India (except the State of Jammu and Kashmir); Part III will extend to Part C States only. The intention is that each of the Part A States and Part B States should undertake legislation on the lines of Part III of the new Act, in so far as the State is concerned. Such legislation should contain a clause repealing the previous State Act corresponding to the Cinematograph Act, 1918 in so far as it relates to regulation of cinemas, including their licensing.”

On the receipt of this letter a Bill was drafted here and sent to the Centre and the Centre examined our provisions and made certain amendments and gave certain suggestions and in our Bill we have incorporated those amendments and suggestions and we made references to other provinces and we found that nowhere except Bombay and Madhya Pradesh this subject had been taken up. It may be mentioned here, that before the drafting of this Bill in this State, Regulation of Cinemas was done under the Assam Cinematograph Rules of 1935, framed under Cinematograph Act of 1918. There was no State Act. In this Bill we have taken note of certain important provisions of the Bombay Bill and Madhya Pradesh Act and the amendments and suggestions which we received from the Centre and have incorporated these things in

this Bill. As many as 12 clauses are dealt with in this Bill. Clauses 3, 4 and 5 deal with issue of license, clause 6 deals with suspension of certain films not fit for public exhibition, clause 7 deals with penalties for contravention of this Act, 8 deals with power to revoke license, 9 deals with appeals. Any person aggrieved by the decision of the licensing authority may appeal, 10 power has been given to the State Government to make rules, 11 deals with exemption of any of the provisions of the Act in certain cinematograph exhibitions, and, 12 repeals the Cinematograph Act of 1918.

**Mr. SPEAKER :** Why you use the word 'repeal' ?

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** As 1918 Act has been repealed by the 1952 Act.

**Mr. SPEAKER :** The 1918 Act has been reenacted by the 1952 Act, but why do you use the word 'repeal' ?

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** Because the Central Government Act, 1952 would not deal with those subjects which relate to our State Government. By the 1952 Cinematograph Act, the Cinematograph Act of 1918 has been repealed only in so far as it relates to the sanctioning of Cinematograph films for exhibition in Part A States and Part B States and nothing else. By this Bill provisions have been made for regulating exhibitions by means of Cinematographs and the licensing of Cinemas in the State of Assam and so this Bill repeals all the provisions of the 1918 Act which relates to this subject in Part A States.

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

**Mr. SPEAKER :** The Motion moved is that the Assam Cinemas (Regulation) Bill, 1953, be taken into consideration.

**Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, I am not standing to move any amendment or to send the Bill to a Select Committee or to circulate it for eliciting public opinion. My purpose is to make certain observations so that the Minister in-charge may take into consideration all those things for the purpose of correcting them so as to make effective the implementation of this Bill which will soon become an Act.

Sir, the cinema industry is perhaps the biggest industry in our country and in the world also it has taken the second position. After Hollywood, India is the second important country that produces films. But at the moment, we are not concerned with films themselves, although it must also be taken into account that Cinema is also a very important vehicle for educating the people. But the types of films our companies are producing, I do not know how far they have helped in educating the people. That subject we cannot take here because it is a Central subject. We are concerned with examination and certification and regulation of exhibition by means of Cinematograph so that the films are suitable for public use and

regulation of cinemas including their licenses are done in the interest of the health and hygiene of the people.

Now, in the State of Assam, there are about 40 cinema halls and if we visit a cinema hall we will find that there is almost no regulation for keeping the cinema hall in order. One good piece of legislation that has been enacted by this House, that is prohibition of smoking which has helped a lot. But there are other things to look after. The entrance and exit into a Cinema House, about ventilation and other things, and when we go even to a best cinema in Gauhati there we find that it is not upto the mark. Even at Gauhati, the Premier town of Assam, they fall far short of the standard that is expected of them, and, at the same time, these cinema halls are making money. What we intend to do by this Bill is, we want to give the authority of giving licenses to the Deputy Commissioner. Sir, I pity that officer. That officer is already over-burdened. The Deputy Commissioner of Gauhati is a glorified messenger of the Government in a way. Whenever somebody goes to Gauhati he is to receive him; whenever somebody comes from Calcutta *via* Gauhati he is to receive him. Then he is to go through so many files and many other things. After all these, if we give the authority for issuing the licenses to the Deputy Commissioners, I do not know how far he will be able to discharge the duties properly. On the other hand, we do not see in the Act whether any officer will be placed under him who will go into the cinema houses to see that the rules and regulations are being properly implemented there and that the proprietors are acting in accordance with the terms and conditions of the license. If there is nobody to see to all these things, the noble purpose of the Act will be defeated. Therefore, Sir, it is proper that this authority should not be given to the Deputy Commissioner. We have enough cinema houses in our State and it is essential that some qualified persons should be entrusted with the work of visiting these houses to see that the rules and regulations are being properly observed and in case of any infringement of these rules and regulations, proprietors should be brought to book and severely punished. Then only the purpose of this Act may be justified. We are of the opinion that this authority should not be given to the Deputy Commissioner. Secondly, Sir, these rules should have been incorporated at least in skeleton form in the Bill so that we could have understood the nature of these rules. It is stated that "for the safety of the persons attending the cinema shows etc..." It is vague. There should have been rules and regulation regulating the arrangements to be made regarding ventilation, etc. Those things should have been added.

Then, Sir, according to Clause 6(1) we find that although the Central Government has the power to examine and certify the films, it appears we have also kept the power to certify them. Section 6 (1) —‘The State Government in respect of the whole of the State or any part thereof or the Licensing Authority in respect of the area within its jurisdiction may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace by order, suspend the exhibition of the film and during such suspension no person shall exhibit such film in any place in the area specified in the order’. So it makes the State Government another examination authority. It is doubtful whether it will be in accordance with the Constitution. Sir, to me, it appears, it puts unreasonable restriction on the freedom of expression and therefore *ultra vires* of the Constitution. These things should not have been there. We know the Central Government is the Certifying and Licensing Authority and there should not have been a second certifying authority, because we have seen, in the State of Assam, sometime ago even the film entitled ‘1942 Movement’ was banned by the Government of Assam most arbitrarily. So we may not be wrong if we apprehend that Government will interfere with the freedom of expression of the people which is guaranteed by the Fundamental Rights Chapter of the Constitution of India. It will enable the Government to ban any film which may depict certain ideologies with which Government do not see eye to eye. So, I say that these provisions should not be there. Moreover, if we make so many examining authorities, the standard of examination will be different. The powers—if at all they are to be given—they should have been given to the State Government.

**Mr. SPEAKER :** How does the State Government function ?

**Shri HARESWAR GOSWAMI :** Through some officers, Sir. I mean to say that the actual orders should be passed by the State Government and not by any Executive officer. Then Sir, with regard to the question of appeal, the other day I remarked that steps should be taken for separation of Judiciary from the Executive and that at present we find that our decisions are mostly of quasi-judicial nature. That is the tendency at present, and it is a danger to democracy itself. If we have any regard for the Judiciary—and it is stated in the directive principles that there should be separation of Judiciary from the Executive—then it is our duty to reduce these quasi-judicial decisions. In the present case, we find that the appeal will lie to the State Government. Sir, at least there should have been some provisions to allow these appeals to go to the District Courts in District Judges’ Court. If we leave the whole matter to the State Government then there is the apprehension

that in these matters aggrieved persons will not get proper justice. We know in such matters Government is guided by administrative convenience, and therefore the main purpose for which this Bill is intended will be defeated.

With these observations, Sir, I request the Minister-in-charge to consider these things and remove these defects.

**Maulavi MD. UMARUDDIN:** Mr. Speaker, Sir, there are two purposes for exhibition of cinematographs; one is for professional purpose and the other is for private purpose in exhibitions which are done by private persons or certain organisations for propaganda purposes in aid of certain causes. So far as the exhibition for professional purposes is concerned, I have nothing to say except support what has been stated by my Friend, Mr. Goswami with regard to provision of certain rules and regulations, so that exhibitions take place under healthy and secure condition. His suggestions for incorporation of certain penal sections for the contravention of the provisions of the Act in this regard and other improvement suggested by him may be taken in to consideration by Government. But I shall only emphasise one point. Sir, we find there is no exemption so far as the exhibition by private persons is concerned. Exhibition for the purpose of one's personal enjoyment or in aid of certain cause or for propaganda purposes should have been exempted. Sir, we know some people who take cinematograph of wild life and various objects of interest in the country show the same to their friends and relations and get enjoyment. Then again, Sir, there are certain institutions, such as the Indian Chemical Institute which have been showing certain cinemas in certain places which are of great educative value to the masses. Clause 11 of the Bill provides for exemption, but in actual practice it will be almost impossible for people to get the necessary exemption, as this power of granting exemption to certain persons or organisations or institutions vests in the State Government. Sir, it appears, after the Bill has been passed, if any person gives any exhibition in his own house he will be liable for punishment, if he does not take any license in advance. We know there are certain institutions which arrange such exhibitions, and as a matter of fact I was invited recently by the authorities of a certain college to see some films which were of great educative value. Now, if such organisations which are inspired by the best of the motives in the interest of certain good cause are debarred from doing so, it will be a very sad thing.

The Deputy Commissioners, who have been given certain powers under the provisions of the Bill to issue licenses, etc., could have as well been given powers to grant exemptions also. So clause 11 is very harsh. It will practically prevent any people from enjoying a cinema as a hobby or for private purposes. Therefore in my opinion, this is a very serious defect and as such suitable amendment

should be made in clause 11 so that it does not interfere with the legitimate and beneficent use of cinematograph for non-professional purposes. As a matter of fact there are certain organisations showing cinemas which are of great educative value and they should be encouraged by Government in all possible ways. With these words, I request the Mover of the Bill to amend the Bill in the light of my suggestions.

**Shri DHARANIDHAR BASUMATARI :** মাননীয় অধ্যক্ষ মহোদয়, পালিয়ামেন্টাৰী চেক্ৰেটাৰী শ্ৰীযুত দাস ডাঙৰীয়াই 'চিনেমা' সম্বন্ধীয় যি খন বিল উপস্থাপিত কৰিছে তাক মই সমৰ্থন কৰিবলৈ ঠিয় দিছো, আৰু লগতে, বিবোধীদলৰ নেতা ডাঙৰীয়াই যিটো প্ৰস্তাব আনিছে তাৰ বিষয়েই কিছু কথা কম।

আজিৰ জগতত চিনেমাৰ পৰা শিকিব লগা বহুত কথা আছে আৰু উপযুক্ত ফিল্ম দেখুৱাব পাৰিলে লৰা, ডেকা, বুঢ়া সকলোৰে শিক্ষা ক্ষেত্ৰত তেওঁবিলাকৰ শিক্ষাৰ মান দণ্ড উন্নত হয়। সেই কাৰণে মই কব খোজো যে, চিনেমাও শিক্ষা দিয়াৰ এটা বাহন। কাৰ্যেই, শ্ৰীযুত গোস্বামী ডাঙৰীয়াৰ দৰে আমি, 'হলিউদ'ৰ অভিজ্ঞতা নাথাকিলেও ভাৰতৰ অন্যান্য ঠাইলৈ গৈ যেনে দিল্লী, মাদ্ৰাজ আৰু বম্বে, কলিকতা আদি ঠাইৰ চিনেমা Houseৰ তুলনাত আমাৰ অসমত থকা গুৱাহাটীৰ আৰু ছিলংৰ চিনেমা হল কেইটা কেনে তাৰেই কথা কও। এই 'হল' বিলাকৰ ভিতৰৰ অবস্থা অতি শোক লগা, বৰ অপৰিস্কাৰ আৰু স্বাস্থ্যহানীকৰ। এই 'হল'বিলাকক 'গোহালী ঘৰ' বুলি কলেও বেচি কোৱা নহব। আজি কালি শিক্ষা মূলক ভাল ভাল documentary ফিল্ম আছে। আৰু তাকেই চাবলৈ বহুত মানুহ যায়। কিন্তু চিনেমা হলটোত গলেই মানুহৰ আৰু তাত থাকিবলৈ কাৰো ইচ্ছা নাযায়। অৰ্থচ সেইবোৰ চিনেমা হলক কেনেকৈ প্ৰত্যেক বছৰে লাইচেন্স দিয়া হয় তাকেহে কব নোৱাৰো। গতিকে লাইচেন্স দিয়াৰ আগতে চিনেমা হলবোৰ ভালকৈ পৰীক্ষা কৰিব লাগে যাতে হলবোৰ উন্নত ধৰণৰ হয়। কাৰণ মানুহে দিনৰ দিনটো পৰীশ্ৰম কৰি কৰিব লাগে কৰিবলৈ চিনেমালৈ যায়। তাতে যদি চাৰিও ফালৰ পৰা দুৰ্গন্ধ পাব লগীয়া হয় তেন্তে বিৰামৰ ঠাইত মানুহে অবিৰামহে পাব। গতিকে যদি এই বিলাক কথালৈ 'লাইচেন্সী' য়ে মনোনীবেশ নকৰে, তেন্তে, 'লাইচেন্স' 'বিনিৱেল'ৰ সময়ত 'কেনচেল' কৰিব লাগে। বিশেষকৈ 'গুৱাহাটীৰ' কিছুমান চিনেমা, যেনে, ৰূপশ্ৰী আৰু নিউ চিনেমা, মানুহ যোৱাৰ অনুপযুক্ত এই 'চিনেমা' হলবোৰ যেতিয়ালৈকে up to the standard নকৰে তেতিয়ালৈকে সেইবোৰক condemned কৰি থৈ দিব লাগে। এই কথা মই উল্লেখ কৰিব খোজো যে, যিবিলাক 'ফিল্ম'ত 'অবচিন' (obscene) দৃশ্য থাকে, সেইবিলাক যাতে পাবলিকক প্ৰদৰ্শন কৰা নহয়। তালৈ দৃষ্টি ৰাখিহে চিনেমা দেখুৱাৰ হুকুম দিব লাগে। সেই অবচিন দৃশ্যবিলাকৰ পৰা ৰাইজবোৰ বহুতো অনিষ্ট হয়। এইবিলাক নিৰাফন কৰিবলৈ Deputy Commissioner ৰ কাৰ্য্যত Deputy Commissioner এ মনোনীবেশ কৰোতে এই বিলাকলৈ চকুদিবলৈ সময় নেথাকে।

মোৰ মোট কথা হৈছে, গুৱাহাটীৰ 'ৰূপশ্ৰী' 'বিজু' 'কেলভিন' আদি 'চিনেমা' সমূহৰ গোহালী ঘৰৰ অৱস্থাটোৰ উন্নতি হব লাগে আৰু ছিলংৰ যিকেইটা চিনেমা, সেই-কেইটাও, কম বেচি গুৱাহাটীৰ ছিনেমা কেইটাৰ দৰেই। কাৰ্যেই, ছিলংৰ এই চিনেমা সেই-কেইটাৰো আভ্যন্তৰিক যাতে উন্নতি হয় আৰু বাহিৰা মানুহ আহিলে আমি যাতে, এইবিলাকৰ অপৰিস্কাৰ অপৰিচছন্নতা দেখি লাজ পাব নালাগে তালৈ লক্ষ্যৰাখি চৰকাৰে, 'লাইচেন্সী' সকলক দেশৰ মঙ্গলৰ হকে সেইবিলাকৰ উন্নতি কৰিবলৈ হুকুম দিয়ে। ইয়াকে কৈ মই, শ্ৰীযুত দাস ডাঙৰীয়াক সমৰ্থন কৰিলো।

**Shri NILMANI PHOOKAN :** Mr. Speaker Sir, I want to say a few words in this connection. From the educative point of view, I have some suggestions to make to the authority. The

large number of failure in the schools and colleges are I think due to this cinema-going habits of the boys. It is not meant that they should not see the cinema, but in the evening, I find in my small town in Jorhat, loud-speakers are being used by the Cinema Halls which detracts the boys from their reading desks and some boys use to jump on their desks and join in the chorus. These cinemas have done a great deal with the morality or at least to the moral notion of our people. That aspect has got to be very strictly taken into consideration by the authority in giving licences.

In the cinema hall, the films that are being shown, most of them are not to the notion of our Indian morality. This thing should not be taken lightly in giving license. The likings of the cinema have been shared so much so that the film stars have been now printed in the dresses of the young men who use to wear those dresses and go everywhere. I do not think that is in the control matters of exhibition. If the film industry has to take root in our soil, it must be on the educative line and the public morale must be taken into consideration in giving license, I mean, the morale of every nation as its own particular notion. Therefore the morale of our country must be looked into seriously and without rhyme or reason license should not be given. Above all I feel, that a licensing officer will also be an officer particularly meant for this work, and that will be a better agency than the district officers who have no time and who are sometime influenced, so to say, in various ways to give the license. I have only this much to say. My only objection is this that license should be given in case of educative films. The school boys and college students going to every cinema or to every film to see, should be as far as possible restricted. Even in England and America the same kind of films are not allowed to be seen by different types of people, *i.e.*, the films that have been allowed to an adult is not allowed to the school boys. So, Sir, some sort of restrictions in that line is also necessary in our country.

**Shri GAURISANKAR BHATTACHARYYA :** Mr. Speaker, Sir, one point I like to say. There are certain kinds of films which are branded as "for adults only" but which are actually an allure-ment for the minors to be drawn in there. I should like to suggest that Government should see that this kind of surreptitious propa-ganda for drawing in minor boys and girls are prohibited. Second-ly, the wanton use of loud speakers particularly after 9 p.m. by some Cinema Houses has become a nuisance to the neighbour-hood. Government should see that this also is prohibited. Third-ly, exhibition of obscene posters of the naked or almost naked Holly-wood Film Stars on the streets and walls of our towns for attract-ing people to the cinema, which is definitely against the moral stand-ard in our country, should be prohibited by law. And fourthly,

Government should see that at the time of granting license those obnoxious films which have got a bias towards the baser side of sex-life should also be prohibited. It is difficult to control the different age groups in the matter of allowing entrance to cinemas, but we shall be able to control those types of films which go against the standard of social morality.

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Mr. Speaker, Sir, with regard to what films are to be exhibited and what films are not to be exhibited, this has been dealt within Section 4 of 1952 Act. Which reads "(1) If the Board, after examination, considers that a film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition it is suitable for public exhibition restricted to adults it shall grant to the person applying for a certificate in respect of the film a "U" certificate in the former case and an "A" certificate in the latter case, and, shall, in either case cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout India.....\*"

As regards films that will be examined and sanctioned that has been stated in Section 4 of the Cinematograph Act, 1952 (XXXVII of 1952), and that is a matter with the Central Government. As soon as a certificate has been issued whether "A" certificate or "U" certificate then those individuals or companies will be permitted to show or exhibit those films in the areas specified by the Government. The State Government is concerned only with the granting of license to individuals or companies and regulation of cinemas as provided under Part III of the Cinematograph Act of 1952. As regards other points that have been raised regarding smoking, congestion and ventilation, all these things will be regulated by rules to be framed under clause 10 of the Bill. With regard to issue of tickets, provision is already there in clause 10, sub-clause (2) (e) of the Bill which reads—"Regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act". Whether we should issue tickets to school children, students and College boys and girls may be a matter which may crop up at the time of framing the rules. With regard to the point whether College students can be prevented from witnessing films open for adults, I have grave doubt. Sir, with regard to the regulation of cinemas, sub-clause 3 of clause 5 is very clear. Sub-clause (3) of Clause 5.—reads as follows—

"...The State Government may, from time to time, issue direction to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, or where any



such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted”

Therefore, Sir, this Bill seeks to give some power to the State Government to exercise its discretion so far as exhibition of scientific, educational and indigenous films, and films dealing with news and current events are concerned.

Now, Sir, my Friend has said that the Deputy Commissioner has been given sole authority for the purpose of issuing license. That has been the case only in the Cinematograph Act, 1952, but here Sir, under clause 4 it is provided that “.....The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the district magistrate.....”, but under clause 5(2) it is provided “.....Subject to the foregoing provisions of this section and with the previous approval of the State Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.....”. Therefore, Sir, the District Magistrate may issue licence, but his action will be subject to the previous approval of the State Government, therefore, it cannot be said that he is the sole authority in the matter of issuing licences.

Sir, with regard to the suggestion of my Friend, Mr. Phookan of the necessity of having a Special Officer to supervise the functioning of cinemas, I beg to submit that these matters are matters to be dealt with while framing the rules and these need not be embodied in the Act.

We have given, as I have already stated, certain instances in the nature of which our rules will be framed. This is not exhaustive, it is only illustrative.

Then, Sir, as regards appeal. My Friend has said that the appeal should have been made to lie with the District Judge or something like that. But Sir, this is quite a different thing. Provision for appeal has been made under clause 9. Only in respect of issuing of licence and other acts done by the licensing authority including suspension and revocation, the State Government has been made the ultimate appellate authority whose orders will be final. But so far as the penalties provided under clause 7, are concerned, they will follow the ordinary course of law. That is, if there be an appeal it will go as a matter of course to the Sessions Judge, or the High Court as the case may be, as provided for in the Criminal Procedure Code. Therefore, I could not follow my Friend when he said that the District Judge or the Sessions Judge should be the appellate authority. As I said, Sir, provision for appeal has been embodied in the Act. But as regards issue of licence, revocation or suspension or any other act that may be done by the licensing authority, appeal

will lie not only by the licensee affected but by any other member of the public who may be aggrieved by the order of the licensing authority, such as the location of a cinema house in a particular locality, etc. That is, any member of the public may file an appeal under this particular against the issue of a licence, if that person or persons feel annoyed or displeased or think that the public interest and convenience may be jeopardised by the installation or establishment of a cinema house at a particular locality. Such appeal may be filed under clause 9.

Now, my Friend Md. Umaruddin Saheb spoke something about supervision. This matter will be dealt with by the rules to be framed under this Act.

Then as regards the exemption clause. This is No.11. Sir, in this connection I must say for the information of the hon. Members that this exemption clause has been embodied not only in the Central Act, but also in the Madhya Pradesh Act. This clause says "The State Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibitions from any of the provisions of this Act or of any rules thereunder".

Again Sir, my Friend has said that clause 7 is too hard. But this is a penal section. It provides punishment for violation or contravention of the provisions of this Act, with a fine which may extend to Rs.1,000 and in the case of a continuing offence, with a further fine which may extend to Rs.100 for each day during which the offence continues. In this connection I must say, Sir, that we have been directed to make this provision in this Act in the light of the provision of Part III of the 1952 Act. Therefore we have made this provision which is also embodied in the similar Acts of other State Governments also. This is done so because of the fact that such violation or contravention of the conditions imposed by authority may lead to the breach of the peace and in some cases, to communal disharmony or to some such things which will vitally affect the interest of the public, if a licensee defies these orders or contravenes all these provisions. This provision is therefore necessary to safeguard the interest of the public. This is the maximum limit that has been given, but it will depend on the facts and circumstances of each particular case and the Magistrate or the Judge will judge and decide each case on its own merits. Therefore, Sir, I don't think there can be any complaint about this provision.

Now Sir, as regards the point raised by Mr. Bhattacharyya whether minors or girls or whether college students can be allowed or not to attend the cinemas, Sir, I have already replied at the very outset that this matter is not for the State Government but for the Central Government to consider. But as regards annoyance from

loudspeakers and such other things which may annoy the public, these things will be taken into consideration while framing the rules under this Act. (*A voice*—‘what about the type of cinema house’s?’). As regards that point, the question of size, ventilation, sanitation, etc., will have to be considered at the time of framing the rules. But I can assure the House that all these things will be strictly followed as provided in the rules and no license will be issued merely for the luxury and profit of the Parties and nothing would be done which is detrimental to the interests of the public, to safeguard which, this Government and the Central Government always stand.

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

**Mr. SPEAKER:** The question is that the Assam Cinemas (Regulation), Bill, 1953, be taken into consideration.

The Motion was carried.

### **The Assam Embankment and Drainage, Bill, 1953**

Before we come to the next item I will read the message I received from the Governor of Assam in that connection: “I recommend under Article 207(1) of the Constitution of India that the Assam Embankment and Drainage Bill, 1953, be introduced and moved in the present session of the Assam Legislative Assembly.

JAIRAMDAS DAULATRAM,  
Governor of Assam.”

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Embankment and Drainage Bill, 1953.

**Mr. SPEAKER:** The Motion moved is that the Assam Embankment and Drainage Bill 1953, be introduced.

The Bill, was introduced.

**Shri SIDDHINATH SARMA (Minister):** Sir, I beg to move that the Assam Embankment and Drainage Bill, 1953, be referred to a Select Committee consisting of—

1. The Minister-in-charge.—Chairman.
2. Shri Hareswar Das.
3. Shri Kamala Prasad Agarwala.
4. Shri Hareswar Goswami.
5. Maulavi Muhammad Umaruddin.
6. Shri Sarveswar Baruwa.
7. Shri Lila Kanta Bora.
8. Maulavi Mahmud Ali.
9. Shri Dharanidhar Basumatari.
10. Shri Ramesh Chandra Barooah and
11. Shri Girindranath Gogoi.

Five members will form the quorum and the Select Committee will submit its report on or before the 31st July, 1953.

Sir, the necessity for introduction of this Bill has been explained fully in the Statement of Objects and Reasons. The Assam Embank-

ment and Drainage Act, 1941 is sought to be replaced by a measure with better provisions. The Assam Embankment and Drainage Act of 1941 in its existing form makes it difficult for the Government to start work expeditiously specially for construction of Embankment, Irrigation and Drainage Schemes after observing all the statutory formalities. As Assam lacks in hydrological data and contour surveys, it is therefore not always possible to prepare correctly a detailed schedule of lands likely to be benefited under a scheme before the scheme is actually executed. There are also certain other defects which this Bill seeks to rectify and also to simplify the procedure to a certain extent in the light of experience gained. Moreover the Bill provides for levy of water-rate or betterment cess with retrospective effect and also for payment of compensation in conformity with the provisions in the Constitution in this respect.

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

**Mr. SPEAKER:** The Motion moved is that the Assam Embankment and Drainage Bill, 1953, be referred to a Select Committee consisting of—

1. The Minister-in-Charge—Chairman.
2. Shri Hareswar Das.
3. Shri Kamala Prasad Agarwala.
4. Shri Hareswar Goswami.
5. Maulavi Muhammad Umaruddin.
6. Shri Sarveswar Baruwa.
7. Shri Lila Kanta Bora.
8. Maulavi Mahmud Ali.
9. Shri Dharanidhar Basumatari.
10. Shri Ramesh Chandra Barooah and
11. Shri Girindranath Gogoi.

Five members will form the quorum and the Select Committee will submit its report on or before the 31st July, 1953.

**Maulavi Md. UMARUDDIN:** Sir, I beg to move as an Amendment that the Assam Embankment and Drainage Bill, 1953 be circulated for eliciting public opinion thereon by the 30th June, 1953.

Sir, it may be argued in this case that since there is a motion by the mover of the Bill to refer it to a Select Committee in which I myself have been proposed as a member, the Amendment which I am moving, is redundant. But, Sir, had not a certain fundamental matter of policy been involved in this particular Bill I would not have come forward with my Amendment. Sir, that policy is that in the various development projects under Embankment and Drainage which we propose to implement during the next 5 years under the Five-Year Plan, will be carried out either under loans or under certain grants. As a matter of fact the Finance Minister has made

it abundantly clear that we have not got the money to implement all such schemes on grant basis and that the Government of India would be prepared to grant us loans to implement many of the projects which we have under contemplation. If we take up some projects from loans naturally the question of imposition of levy will arise. Also even if we complete such projects with grants then again it will be open to the Government to impose levy if the people derive such benefit from which there will be no hardship on their part to give a share of their net gain to the State. Sir, I do not know what policy the Government is going to follow in this matter—whether Government is going to implement only so many of the schemes for which they have the money to implement on grant basis or whether they would go ahead with more schemes from loans which will be granted by the Government of India. In the latter case the question of imposition of levy is inevitable. Therefore, a question of policy is involved in this matter and we must make it clear before the public that if we propose to bring about benefit by development schemes whether they would accept the proposition of the Government in imposing levy. It is necessary that we should get the reaction of the people on this move because it is a matter of policy. If we get their response that the Government should go ahead with all the important schemes even out of loans and that they will be prepared to make contribution for repayment in due course, it will only strengthen the hands of the Government and Government will be in a better position to come to a definite policy as to whether or not schemes which will be financed from loans will be worth taking up or not. Therefore, Sir, here in the context of implementation of the Five-Year Plan an important matter of policy is involved. Therefore, Sir, this Bill should, in my opinion, be circulated for eliciting public opinion and to get their general reaction on this proposed measure. If opinion be received in favour of the policy which the Government propose to adopt through the medium of this Bill, it will actually be adding to Governments facilities in carrying the Bill into execution.

In addition to that Sir, I want to point out certain important features of the Bill which should, in my opinion, receive the particular attention of the Select Committee. Sir, however, urgent a scheme may be for public benefit certain precaution and certain safeguards cannot be overlooked. If certain individuals are going to be affected by a certain project for the benefit of a very large number of people, those affected individuals have a right of compensation for loss of their crops and property and for curtailment of their rights as well. I find, Sir, in clause 3 officers have been given authority to cut standing crops. In the same clause, under sub-clause (iv) a special provision has been made for giving notice only in the

case of a necessity of entering into a court or garden attached to a dwelling house.

In my view, Sir, the cutting of crops and entry into a part of the homestead falls under the same category and in such cases the person who is liable to be affected should be given notice of at least 7 days time to remove his crop or to allow entry into his homestead. But in these former case discretion has been left to the officers which may cause great harm to the people and that the scope for that harm can be removed by giving the person time to remove his crop himself by a statutory provision.

Now, Sir, under clause 7, it has been stated: "Whenever from any action taken under sections 4, 5 and 6 it appears to the State Government that any embankment or drainage work is necessary for the improvement of any lands or for the proper cultivation or irrigation thereof or for protection from floods, other accumulation of water or from erosion by a river or for the improvement of health of any tract, the State Government may cause a detailed survey for the Scheme to be made and a scheme for such embankment or drainage work to be drawn up by the Embankment Officer and published together with an estimate of its cost and a statement of the proportion of such cost which the Government propose to defray." Here, the Government will publish a proposed scheme for certain purposes which has been mentioned here but we see here the proportion of cost. This notification will specify the part of the cost which the Government will defray. That is, the Government may not defray the entire cost but under the very principle of this Bill, Government should defray the whole cost whether from grant or from loan. If the Government pay the whole cost then it should be seen whether a part or the whole of the cost should be realised from the people benefited by the scheme. Under the Drainage and Embankment scheme when a decision has been made to take up a certain scheme then under clause 8, a notification has got to be issued giving the cost of the scheme and calling for objections from various local authorities and public. In my opinion, when such notification is issued calling for objections, it must also be made clear by that notification to the people that this particular scheme will be to their benefit and will be liable to imposition of levy. My idea is that whenever a scheme is taken up, the people should be given prior notice that if the scheme implemented it will involve the question of levy, that is to say that the people will have to contribute either the whole of the cost or part of the cost and there will be no room for subsequent objection if it is made clear to the people regarding the burden of levy on them. If the condition of imposition of levy is set out in the notification in that case before undertaking the project, the people will be able to give their objections, if any.

Secondly, Sir, before the rate of levy is determined as under clause 11 and the levy is actually assessed under clause 13, there must be a lapse of time between completion of the project and actual effect on the people. I mean to say that the particular project must be subjected by a certain observation for a certain period and it must be ensured that really the project is going to give material benefit to the people and then only imposition of the levy will be justified.

**Mr. SPEAKER:** What will be the time required for observation of an embankment or a drainage?

**Maulavi MUHAMMAD UMARUDDIN:** At least 2 to 3 years, Sir.

If it is found by survey that the scheme will be of material gain to the people then the people will have no hardship to pay the levy and I think, then and then only Government should go forward with the imposition of the levy. Because it is not outside our experience that a certain scheme may fail. So before imposition of levy, there must be a definite guarantee to the people that they were going to derive benefit for a certain length of time.

Then again, another question is, what will be the basis of the imposition of levy? That is an important matter. The whole Bill is vague in this respect. Underlying principle is that the benefit must be substantial. It should not mean that the levy one is to pay will be from his capital, or from his own basic resources—that is the canon or principle. There must be a definite finding that the scheme will succeed in its aim and that time has come for the imposition of the levy. How we are going to do it, is a very important matter. Merely stating that Government is going to spend some money is not by itself stating that a justification for imposition of levy. The question of basis must be carefully laid down, subject to careful investigation.

So, Sir, though the matter will be examined by the Select Committee, at the same time it is essential that the reaction of the public should also be obtained. The public should be given an opportunity to know what are these measures and what should be the basis of the levy, etc. Therefore, I say that this Bill is very important. It has got a very far reaching significance. It will greatly affect the economic and social condition of the people and it will also equally greatly affect the Government as it is intimately connected with the momentous Five-Year Plan. So this Bill should go to the public to enable them to express their opinion at least on the material provisions which are likely to affect the people in course of the operation of the schemes and thereafter.

With these observations, Sir, I commend my motion for the acceptance of the House.

**Mr. SPEAKER:** Motion moved is that the Assam Embankment and Drainage Bill, 1953 be circulated for eliciting public opinion thereon by the 30th June, 1953.

**Shri DANDIRAM DUTTA:** Mr. Speaker, Sir, I beg, to move as an amendment that the Assam Embankment and Drainage Bill, 1953, be circulated for eliciting public opinion thereon by the 31st July, 1953.

**Shri DANDIRAM DUTTA:** মাননীয় অধ্যক্ষ মহোদয়, এই বিলখন আমাৰ নিতান্ত দৰকাৰ। এই বিলখনৰ উদ্দেশ্যত কোৱা হৈছে যে মঠাউৰি বন্ধা আৰু খাল খনা (Embankment and Drainage) বিভাগৰ আঁচনিবোৰ যিমান সোনকালে হয় কাৰ্য্যত পৰিণত কৰা; কিন্তু ইয়াক ভালকৈ পঢ়ি চাই বুজা গল যে, এই বিলে আঁচনিবোৰ সোনকালে কাৰ্য্যত পৰিণত কৰাটো দুৰ্ব্ব কথা বৰঞ্চ সেই কামবোৰ সমাধান কৰিবৰ কাৰণে পলম কৰি বহুত পিচলৈহে নিবলৈ বিচাৰিছে। চৰভেপুটি কলেক্টৰৰ দ্বাৰা তদন্ত কৰি ডেপুটি কমিচনাৰৰ জৰিয়তে ৰাজ্য চৰকাৰলৈ পুস্তাৰ পঠোৱাটো বৰ দীৰ্ঘকালিন ব্যৱস্থা, কাৰণ মঠাউৰি বন্ধা আৰু খাল খনা বিভাগটো ৰাজহ বিভাগৰ বিষয় নহয়। চৰভেপুটিকলেক্টৰৰ দ্বাৰা তদন্ত নকৰি পোনপতিয়াকৈ স্থানীয় মঠাউৰি বন্ধা আৰু খাল খনা বিভাগৰ বিষয়াৰ দ্বাৰাই তদন্ত কৰালে অনতিপলমে কাম সমাধা হব বুলি আশা কৰা যায়।

**Mr. SPEAKER:** অকল চৰভেপুটি কলেক্টৰে কৰিলে নহয় নে কি?

**Shri DANDIRAM DUTTA:** নহয়, পুথমতে চৰভেপুটিকলেক্টৰে তদন্ত কৰি ডেপুটিকমিচনাৰৰ জৰিয়তে ৰিপট দিব লাগে।

**Mr. SPEAKER:** তেন্তে কোনে দিব লাগে বুলি কৈছে?

**Shri DANDIRAM DUTTA:** মই কৈছো যে চৰভেপুটিকলেক্টৰ বা ডেপুটি কমিচনাৰৰ দ্বাৰা কামটো নকৰি, স্থানীয় বিভাগীয় বিষয়াৰ দ্বাৰা তদন্ত কৰাৰ লাগে চৰভেপুটিকলেক্টৰে তদন্ত কৰি ডেপুটি কমিচনাৰৰ জৰিয়ত চৰকাৰলৈ ৰিপট পঠাওতে বহুত পলম হব। তাৰ পৰিবৰ্ত্তে স্থানীয় বিভাগীয় বিষয়াৰ দ্বাৰা তদন্ত কৰি চৰকাৰলৈ ৰিপট পঠালে সোনকালে হব। ইয়াৰ বাহিৰেও দেখা যায় যে চৰকাৰী বিষয়াক দৰকাৰ হলে গছ কটা, শস্য কটা বা বেৰ আদি গুচাবলৈ যি ক্ষমতাৰ ব্যৱস্থা ৰখা হৈছে, সেই অনুপাতে গিৰিহতক আগ জাননী দিয়াৰ কোনো উল্লেখ নাই আৰু ক্ষতিপূৰণ দিয়াৰো কোনো ব্যৱস্থা নাই। এই ব্যৱস্থাবোৰ নথকাত গিৰিহতৰ যে কিমান লোকচান হব অলপ চিন্তা কৰিলেই বুজা যায়। আকৌ কোনো এখন আঁচনি কাৰ্য্যকৰি কৰাত বিভাগীয় বিষয়াক আটাইখিনি ক্ষমতা দিয়া হৈছে। আমাৰ মতেবে কোনো কোনো ঠাইত বিষয়াসকলে স্থানীয় মানুহৰ পৰামৰ্শ লব লাগে। বহুত ঠাইত দেখিব যে তেওঁলোকে নিজৰ মতেবেই কামবোৰ কৰাত জনসাধাৰণৰ বহুত অনিষ্ট হৈছে। তেজপুৰৰ নাগশঙ্কৰ মৌজাৰ দেউৰীজান অঞ্চলত জানটো খানি দিয়াত ওচৰৰ ৪১৫ খন গাঁৱৰ পথাৰত পানী নাইকীয়া হৈ ৰাইজৰ বহুত অনিষ্ট কৰিছে। মন্ত্ৰী ডাঙৰীয়াই নিজে দেখি আছিলে। যদি বিভাগীয় বিষয়াসকলে স্থানীয় ৰাইজৰ পৰামৰ্শ ললেহেতেন, তেন্তে এই পথাৰ কেইখনৰ অনিষ্ট নহল হেঁতেন।

প্ৰিমিয়াস আৰু চেছ লগোৱাৰ যি ব্যৱস্থা কৰিছে তাৰপৰা জনসাধাৰণৰ বহুত ক্ষতি হব। যেতিয়ালৈকে কোনো বান্ধ, দোং বা মঠাউৰিয়ে খেতিয়কৰ পুকৃত উপকাৰ নকৰে বা কৰিব নোৱাৰে তেতিয়ালৈকে কোনো প্ৰিমিয়াস বা চেছ লগোৱা উচিত নহয়। আৰু দেখা যায় যে এই আইন পুৰ্ব্বতন হোৱাৰ আগতে যিবিলাক বান্ধ, দোং বা মঠাউৰি বন্ধা হৈছিল, সেইবিলাকৰ ক্ষেত্ৰটো প্ৰিমিয়াস আৰু চেছ লগোৱা হব। এই ব্যৱস্থা আইনত ৰাখিলে জনসাধাৰণৰ বহুত অনিষ্ট সাধন কৰা হব। গতিকে এই আইন পুৰ্ব্বতন হোৱাৰ আগতে হোৱা বান্ধ, দোং বা মঠাউৰি আদি যি কৰা হৈছিল, সেইবোৰত প্ৰিমিয়াস বা চেছ লগোৱাৰ ব্যৱস্থা ৰখা উচিত হোৱা নাই। ইয়াৰ



বাহিৰেও এই আৱশ্যকীয় বিলখনত আৰু বহুত বেমেজালি দেখা যায়। গতিকে এই বিলখনৰ খুঁত বিলাকৰ হাত সাৰিবৰ কাৰণে ইয়াক জন মতৰ কাৰণে পুঁচাৰ কৰা নিতান্ত দৰকাৰ।

**Mr. SPEAKER:** The Motion moved is that the Assam Embankment and Drainage Bill, 1953 be circulated for eliciting public opinion thereon by the 31st July, 1953.

**Shri JADAB CHANDRA KHAKLARI:** অধ্যক্ষ মহোদয়, আমাৰ অসমত বৰ্ত্তমান মাটিৰ সমস্যাটো এটা ডাঙৰ সমস্যা। ভূগনীয়া অহাৰ কাৰণে বহুত অসমীয়া মানুহো মাটিহীন হৈ পৰিছে। কাৰণ ভূগনীয়াৰ বিলাক আমাৰ দেশত সোমাই মাটিবিলাক লৈ লৈছে। সেই কাৰণেই আমাৰ বহুত মানুহ মাটিহীন হৈছে।

**Mr. SPEAKER:** মঠাউৰি লাগেনে নেলাগে ?

**Shri JADAB CHANDRA KHAKLARI:** লাগে, তাৰ কথা পিচত কম। এই ভূগনীয়াৰ বিলাকৰ লগে লগে ভূমিকম্প, বানপানী আদি বিপদ বিলাক আহি আমাৰ মাটিৰ সমস্যাটো আৰু বেচি গুৰুতৰ কৰিছে। ভূমিকম্পই আমাৰ পথাৰত হাজাৰ হাজাৰ পুৰা খেতিৰ উপযোগী মাটি একেবাৰে নষ্ট কৰি পেলাইছে। যিসকলে সেই পথাৰবোৰ দেখিছে, তেওঁলোকেহে উপলব্ধি কৰিব পাৰিব। সেইবিলাক ঠাইৰ মাটিৰ সমস্যা দূৰ কৰিবলৈ সদায় চৰকাৰি মাটি বা ফৰেষ্টৰী মাটি বিচাৰি হাহাকাৰ কৰিলে মাটিৰ সমস্যা সমাধান নহয়। সেই কাৰণে মাটিৰ সমস্যা সমাধান কৰিবলৈ হলে যিবিলাক মাটি ভূমিকম্পই নষ্ট কৰিলে, সেই বিলাক নলা (Drain) কাটি পুনৰ খেতিৰ উপযোগী কৰিব লাগিব। বহুত ঠাইত আমাৰ মানুহ বিলাক অশিক্ষিত; তেওঁলোকে নেজানে যে চৰকাৰে এই মাটিবিলাক খেতিৰ উপযোগী কৰিব পাৰে। মই কওঁ যে চৰকাৰৰ পৰা এটা চাৰ্ভে দল কৰি ভূমিকম্পই নষ্টকৰা মাটি বিলাক চাৰ্ভে কৰি নলা (Drain) কাটিব লাগে আৰু খেতিৰ উপযোগী কৰিব লাগে। এই বিষয়ত বহুত অভিজ্ঞ লোক (expert) আছে; তেওঁ বিলাকে ইচ্ছা কৰিলে বা বত্ব কৰিলে ভূমিকম্পই নষ্ট কৰা মাটি বিলাকৰ উন্নতি কৰিব পাৰে। সেই অভিজ্ঞ লোকৰ আগত আমি একো কথা কব নোৱাৰো আৰু কলেও আমাক নানা কথা কৈ আমাৰ মুখ জ্বৰু কৰি দিয়ে।

মাৰঘেৰিটা নগৰৰ ওচৰত প্ৰায় এশ পুৰা মাটি আছে। সেই মাটি বিলাকো অভিজ্ঞ মানুহ বিলাকে খেতিৰ উপযোগী কৰিব পাৰে। আমি কিবা কথা কলেও নানা বকমৰ বিজ্ঞানৰ কথা কৈ তেওঁলোকে আমাৰ মুখ বন্ধ কৰি দিব পাৰে, গতিকে এই আইনখন কৰাত বৰ ভাল হৈছে এই বিলখনে আমাৰ বহুত উপকাৰ কৰিব কুলি মোৰ বিশ্বাস।

কিন্তু বিল এখন পাচ কৰি বা এটা কমিটি গঠন কৰি নাইবা এই সদনত বিষয়টো বহুলকপে আলোচনা কৰি বহি থাকিলেই প্ৰকৃত কাম সিদ্ধ নহব। এই ক্ষেত্ৰত মই ইয়াকেই কব পাৰো যে, মঠাউৰি নহলে আমাৰ ডিব্ৰুগড় অঞ্চলটো একেবাৰেই বিশ্বস্ত হোৱাৰ যথেষ্ট সম্ভাৱনা আছে। তাৰ পিচত বুঢ়ীদিহিঙৰ এপাৰে এটা মঠাউৰি বান্ধিলে; আনপাৰে পানী উপৰি পৰি সেইলোক সকলক সেই পানীয়ে নানা অত্যাচাৰ কৰিছে। তেওঁলোকে তাৰপৰা নিষ্কৃতি পাবলৈ মন্ত্ৰীসকলক দৰ্খাস্ত কৰি ডেপুটী কমিছনাৰক দৰ্খাস্ত কৰিও বিনুখ হব লগীয়া হৈছে। এইখিনিতেই মই চৰকাৰৰ তীক্ষ্ণ দৃষ্টি আকৰ্ষণ কৰো যাতে তাৰ যথাযথ ব্যৱস্থা গ্ৰহণ কৰি এই গুৰুতৰ সমস্যাৰ সোনকালে এটা সমাধান কৰে।

যোৱা ভূমিকম্পৰ ফলত বহুত নদীৰ গভীৰতা বহুতো ঠাইত কমি গৈছে। তাৰ ফলত টোলাই নদীৰ এটা অংশত বহুত পানী জমি গৈছে। তাৰ উপৰি ভূমিকম্প, বানপানীত বহু গছগছনি ভাৰি আহি সেইবিলাকেও সোত একেবাৰে বন্ধ কৰি দিছে। সেই পানীবিলাক তাত একেবাৰে বন্ধ হৈ থাকিলে নদী কাষৰীয়া লোক সকলক নানাৰকমে অনায়াস কৰিব। নৈৰ সোত মুকাল কৰিবলৈও বহুতো কাম কৰিবলগীয়া হৈ আছে। যদি অচিৰে এই কাম বিলাক হাতত লোৱা নহয় তেন্তে বাৰিষাৰ লগে লগে তাত দুগুণ কাম বাঢ়িব।

সেই কাৰণে Embankment and Drainage বিভাগে যাতে এই কামবিলাক অতি সোনকালে হাতত লৈ ভবিষ্যতৰ সবহ ব্যৱহাৰ হাত সাৰে। ইয়াকে কৈ মই এই বিল সমৰ্থন কৰিলো।

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker Sir, I beg to oppose the amendment moved by Shri Umaruddin, because I think it is not necessary. Construction of the Embankment and Drainage schemes are contemplated to be taken up by Government in any locality under this Bill. The Government may not take up a scheme which is not demanded by the people of the locality and opposed to it and consider unnecessary by the people concerned. The Government are taking up these schemes at the representation of the public after careful scrutiny. When the Government finds that villages or paddy fields or localities are likely to be protected or benefited by these schemes, then only Government will decide to take a scheme in a locality or area. Under such circumstances, if the people of a locality are opposed to it or think that they are not likely to be benefited and will be unwilling to pay water rate or betterment cess, the Government will not force any schemes in that locality. So, the Government before taking up any Embankment and Drainage schemes, always take into consideration the views of the local people whether they are agreeable to abide by the terms and conditions of provisions of the Bill when enacted.

Before the current year the Government of India used to give grants to the State Government in order to enable them to take up work under the Grow More Food Schemes. But it has been decided by the Government of India that no grant will be made available by the Central Government to the State Government for this purpose. Any grant from the Central Government will be in the form of a loan for this purpose. So all such schemes will be loanable schemes. Therefore the State Governments will have to realise the money borrowed and expenditure incurred for the scheme for the service rendered to the people.

My Friend, Mr. Umaruddin, has criticised for not having or following a policy in this matter. I may point out in this connection that while discussing the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, it has been pointed out that for the construction of a stone revetment four miles long along the bank of the of the Brahmaputra for protection of Dibrugarh Town, the Government of India agreed to give outright a grant of 50 lakhs which is half of its cost and interest free loan of the remaining half. Naturally the other half of Rs.50 lakhs will be realised from the public who will be benefited by that scheme. As the Government are not likely to receive any outright grant from the Government of India for these schemes, they will have to take loan to meet the expenditure. The loan taken will have to be repaid by this Government. So the expenditure incurred for a scheme will be realised from persons benefited by levying a water rate or betterment cess.

My Friend, Mr. Umaruddin, has raised another objection to the provision of clause 3 (III) which authorise an officer to cut down and clear away any part of any crop or tree, etc. without payment of any compensation and without any notice. If he compares the provision of the old Act he will find that it provides notice for 10 days only. The provision of the old Act of 1941, section 3 clause (ii) says, "Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without previously giving the occupier at least 10 days' notice in writing of his intention to do so".

In the present Bill it provides previous notice for not less than two months. I refer to section 3 (i). It says, "Whenever it appears to the State Government that any embankment or drainage work is likely to be necessary in any locality, a notification to that effect shall be published in the official Gazette, and the Deputy Commissioner shall cause public notice of the substance of such notification to be given at convenient places in the said locality on a date not less than 2 months in advance of taking up the works". So Sir, a better provision has been made in this new Bill than the provision made in the old Act of 1941.

**Maulavi MUHAMMAD UMARUDDIN:** Here the notice of the scheme is given, but the crop may not be ripe at that time and the officer may cause damage to the crops. That is my point.

**Shri SIDDHINATH SARMA (Minister):** Probably my Friend has not gone through the clause 3 of this Bill carefully. Clause 3 (i) provides giving notice of not less than two months in advance before taking up any work; Clause 3 (iii) provides "As far as possible cutting of crops should be avoided".

Will my hon. Friend look into clause 3 (iii) of the Bill which reads, "Where otherwise such inquiry cannot be completed, such officer or other person acting under his orders, may cut down and clear away any part of any standing crop, fence, trees or jungle. As far as possible cutting of crops should be avoided." So, Sir, cutting of crops will arise only when inquiry cannot be conducted without it.

Sir, in the old Act the provision is that an officer or other person acting under his orders cannot enter the land or compound of a person unless the compensation is paid first; hence survey of the area could not be undertaken without tendering payment for all the damages done. So the previous Act was defective. Suppose there is a tree or some jungles which are required to be cut down and without cutting of which survey cannot be done, or if it is considered

absolutely necessary to cut these, under the present Bill, the officer is authorised to cut down such a tree or jungles but as far as possible the cutting of crops should be avoided. Over and above, as I have stated already, a person is given two months' notice before the work will be undertaken. Sir, my hon. Friend enquired as to what will be the basis of betterment cess and water rate. In his opinion the Bill has not provided any basis for such cess. It is not so. Sir, I refer him to clause 11 of the Bill which reads as follows :

“For all works carried out under section 9, the State Government may unless they decide otherwise in specific cases, levy on settled land proposed to be chargeable under section 13 an annual water rate or betterment cess and on unsettled Government waste land improved by the works a premium payable on settlement of such land, or cess or both so as to realise the *initial cost of the Scheme* and that of its maintenance in the manner as Government may prescribe. The total annual water rate, betterment cess or premium to be levied under a scheme shall be fixed as nearly as possible so as not to exceed the following limit :

(i) Six per cent. per annum on the first cost of the said works adding thereto the estimated yearly cost of maintenance and supervision of the same.”

So, Sir, the total amount realisable for a scheme is the initial cost and its maintenance. What part of it will be realised annually?

Sir, the limit is given in the Bill. Clause 11 (i) provides 6 per cent. per annum on the first cost of the said works adding thereto estimated early cost of maintenance and supervision of the same or as nearly as possible so as not to exceed this limit of 6 per cent. of the total cost including the cost of maintenance. Clause 11 (ii) reads, “Such rate may be varied from time to time within such maximum by the State Government.” Rate may vary. It may be less but the maximum is final. It cannot exceed the maximum limit provided in the Bill. So, Sir, this is the basis of calculation of the cess. There was no basis of levy of this betterment cess or water rate in the previous Act. I shall point out the provision of the previous Act. Section 9 (ii) provides, “An annual rate may be charged on the occupier or, if there is no occupier, the owner of all lands proposed to be made chargeable under Section 7 so as to liquidate the cost of the scheme within a period not exceeding 20 years as Government may prescribe. Such rate shall not be varied by the Provincial Government.” The old Act provides that the entire cost is realisable within a period not exceeding 20 years, but the Bill provides to exceed the limit. Sir, under the new Bill, there is scope for fixing the water-rate and betterment cess at lesser rate than 6 per cent. and thus the period may extend beyond 20 years. So, Sir, the people will get better relief when the Bill is passed to an Act.

**Maulavi Md. UMARUDDIN:** What is the time limit for payment of the loans ?

**Shri SIDDHINATH SARMA (Minister):** It may be in 16 to 20 years or more. But in case there is an emergency such as flood and other difficulties, in that case the rate may vary. There is ample power in this Bill to vary the rate from time to time. I refer to clause 11 (ii).

**Maulavi Md. UMARUDDIN:** On what basis ? Land revenue or what ? There must be gradation of benefit from year to year, there must be good and bad lands. How the cost will be distributed ? That is what I mean.

**Shri SIDDHINATH SARMA (Minister):** Clause 13 (Preparation of Schedule of lands) provides the basis, Sir. It reads:

“As soon as possible after a Scheme comes into operation under this Act the State Government shall get a Schedule of lands, chargeable under this Scheme as required for section 11, prepared by the Deputy Commissioner.

The Deputy Commissioner shall in consultation with the Embankment Officer cause to be prepared from cadastral or other maps of the district a map showing the boundaries of land that have been improved under the Scheme and a Schedule of estates shown therein and rates proposed to be charged per acre according to the degree of benefit derived.”

### Adjournment

The Assembly was then adjourned for lunch till 1-30 P. M.

### After lunch

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I was just explaining that the rates proposed to be charged would be according to the benefit derived from such a scheme. That is to say, if the benefit is nil, the charge will be nil, and if the scheme fails completely then there will be no charge at all. Sir, if you will refer to clause 11 you will find that the word ‘may’ is used there. This clause says, “For all works carried out under section 9 the State Government ‘may’ unless they decide otherwise in specific cases, levy, ... etc”. My Friend asked if the scheme failed altogether, what would happen? My reply to that is, in that case Government may not levy any cess at all. If there is any injustice in levying the cess the person aggrieved has got the right to appeal. I refer to paragraph 3 of clause 13 which reads as follows: “The Deputy Commissioner shall then invite objections if any, by a proclamation allowing one month’s time for their receipt from the public. On receipt of any objection, the Deputy Commissioner shall

publish a notice stating the place, date and time at which the enquiry will be held for the purpose of ascertaining the validity of the objections. Any person aggrieved by the decision of the Deputy Commissioner may appeal to the Commissioner within one month from such decision". So, Sir, in view of these safeguards there will be no hardship to the people in this case because, as I have said, the people have got the right the appeal and if the degree of benefit is nil, they need not pay anything for such a scheme.

And further more the State Government reserves the right for approval of such rates and Schedules of land with or without notification. I refer to paragraph 4 of clause 13.

**Maulavi Md. UMARUDDIN:** On a point of information, Sir. If once the Government has come to a decision that there will be a cess, how can there be an appeal unless that is provided in the Act?

**Shri SIDDHINATH SARMA (Minister):** I could not follow the hon. Member Sir.

**Mr. SPEAKER:** Mr. Umaruddin's point is that whether or not the Government decision to levy a cess is appealable?

**Maulavi Md. UMARUDDIN:** Let me explain Sir. The Hon'ble Minister says that that there will be a Government decision to levy a cess under this scheme, my question is whether or not that decision is appealable. In other words, clause 13 does not apply here, because while the Deputy Commissioner or any officer proceed with the assessment, how can there be an appeal unless there is specific provision for that? That is why I say that this Bill must come before the public for eliciting their opinion.

**Mr. SPEAKER:** Don't you think that the High Court has jurisdiction over such cases?

**Maulavi Md. UMARUDDIN:** No, Sir. I mean.....

**Mr. SPEAKER:** But if a person is restricted in a wrongful manner, I think the High Court has jurisdiction.

**Shri SIDDHINATH SARMA (Minister):** I shall be able to explain that, Sir. No scheme will be taken up without the consent of the people or force on unwilling people. (Maulavi Md. Umaruddin -- there is no provision for that). No provision is necessary, and I shall explain. As I have already said, Sir, these schemes are loanable schemes. The Government of India will not give us any grant. The Government of India may give loan for productive schemes and have defined productivity also. The qualification for a loan for a scheme is that its cost is realisable within 20 years. That is, those schemes will be termed as productive schemes the cost of which will be realisable within 20 years. The Government of India will not give us any loan for unproductive schemes. Regarding this I have already made it clear the

other day in reply to a cut motion on Embankment and Drainge scheme. So Sir, such productive scheme will be taken up by Government with the approval of the experts of the Government of India. Under a new Grow More Food Programme, a particular section of the people will be benefited by it and it will also be confined to certain section of people and to certain areas. For example, if such a scheme is taken up in Goalpara, a section of people and a certain area in the district will be benefited. The people benefited by this scheme will have to pay the cess for service rendered to them. But no scheme will be enforced in any particular locality or areas. A provision has been made for issue of a notification—under Clause 3 of the Bill—"right of entry upon private land and payment for damage." After issue of such notification if there be any objection from the poeple of the locality concerned that they do not want such a scheme, then automatically the scheme will be dropped. Government do not like to force a scheme, then automatically the scheme will be dropped. Government do not like to force a scheme upon unwilling persons or in a locality. But as a matter of fact, Government have been receiving applications and Resolutions from some people for taking up such schemes in their localities and stating that they are willing to pay the necessary cess or water rate.

**Maulavi Md. UMARUDDIN:** Sir, I think the Hon'ble Minister is labouring under some misapprehension. Clause 3 and 13 are quite different. What I say is that it should be clearly laid down in the notice that a cess will be chargeable on the people likely to benefit from that scheme. I have suggested in my speech that there must be a clear provision that a cess will be chargeable, otherwise how the people will come to know that they will have to pay this cess if there is no provision to that effect.

**Mr. SPEAKER:** But the Minister has made it clear that Government will not force this scheme on unwilling people or unless there is a demand for it.

**Shri SIDDHINATH SARMA (Minister):** Yes, Sir. As I said, no scheme will be forced on unwilling villagers. In fact, Sir, Government have been receiving petitions for taking up such schemes for which they are willing to pay, and why should they not pay? Sir, if a bigha of paddy land can be saved from being washed away from which the peasant can raise at least 5 maunds of pady, the price of which comes to about Rs.40 to Rs.50, he will be willing to pay only eight or ten annas or a little more gladly. In fact schemes are selected or approved by the Embankment and Drainage Advisory Committee constituted by the House from the applications or proposals received by the Government.

My Friend, the mover of the amendment, wants this Bill to be circulated for eliciting public opinion. No such circulation is necessary as the opinion of the people who would be benefited by such schemes will be taken and no schemes will be taken up if the people of the area are not willing and in fact schemes are selected by the Embankment and Drainage Advisory Counsel from the applications and proposals received by the Government.

I think, Sir, I have met all the points raised by Messrs. Umaruddin and Dutta and I would request them to withdraw their amendments. Moreover, Sir, both the Leader of the Opposition and Mr. Umaruddin will be in the Select Committee and they will get ample opportunity to discuss this Bill in details and if there are any minor defects, those can be rectified in the Select Committee.

**Mr. SPEAKER:** Are you going to withdraw your amendment, Mr. Umaruddin?

**Maulavi Md. UMARUDDIN:** No, Sir, I do believe that it is necessary to circulate this Bill.

**Mr. SPEAKER:** The question is that the Assam Embankment and Drainage Bill, 1953 be circulated for eliciting public opinion thereon by the 30th June, 1953.

(The motion was negatived.)

**Mr. SPEAKER:** Do you propose to withdraw your amendment, Mr. Dutta?

**Shri DANDIRAM DUTTA:** No, Sir.

**Mr. SPEAKER.** The question is that the Assam Embankment and Drainage Bill, 1953, be circulated for eliciting public opinion thereon by the 31st July, 1953.

(The motion was negatived.)

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, a praiseworthy convention of this House is to take members of the Opposition in the Select Committees. But unfortunately, Sir, we were not consulted before our names were included in the list of members of the Select Committee. We do not like that procedure. In the present case, my name and the name of Mr. Umaruddin



have been put in the list of members of the Select Committee, but I feel that instead of my name, the name of Shri Ghana Kanta Gogoi should be put in.

**Shri SIDDHINATH SARMA (Minister):** I have no objection, Sir.

**Shri HARESWAR GOSWAMI:** In future, Sir, the procedure should be that before putting our names in the Select Committee, we should be consulted.

**Shri BAIDYANATH MOOKERJEE (Minister):** Government have taken note of it.

**Mr. SPEAKER:** We expect that the convention set up will be followed by both the Whips and it is hoped this matter will not crop up again in our House,

The question is that the Assam Embankment and Drainage Bill, 1953, be referred to a Select Committee consisting of the following members:—

- (1) The Minister-in-charge (Shri Siddhinath Sarma), (Chairman) ;
- (2) Shri Hareswar Das ;
- (3) Shri Kamala Prasad Agarwala ;
- (4) Shri Ghana Kanta Gogoi ;
- (5) Maulavi Md. Umaruddin ;
- (6) Shri Sarveswar Barua ;
- (7) Shri Lilakanta Borah ;
- (8) Maulavi Mahmud Ali ;
- (9) Shri Dharanidhar Basumatari ;
- (10) Shri Ramesh Chandra Barua ; and
- (11) Shri Girindra Nath Gogoi.

Five members will form the quorum and the Select Committee will submit its report on or before the 31st July 1953.

(The motion was adopted.)

### Draft Assembly Rules

**Shri BAIDYANATH MOOKERJEE (Minister):** Mr. Speaker, Sir, I beg to present the Report of the Committee appointed by the House for further examination of the Draft Rules to be framed under Article 208 (1) of the Constitution of India for regulating the procedure and the conduct of business of the Assembly.

**Mr. SPEAKER:** Please move the next motion also.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I also beg to move that the Rules as reported by the Committee be taken into consideration.

As I have already said, Sir, while moving the first motion that under article 208 (1) of the Constitution of India a House of a Legislature of a State may make rules for regulating its procedure and conduct of business. For this purpose a Committee was formed on the 18th March, 1952 on a motion moved by the Leader of the House, which was accepted by this august House. That Committee had five sittings during the month of July and another sitting during the month of August and they submitted their report along with the draft rules. That report was presented to this House on the 19th September, 1952 by the Leader of the House. At that time the Leader of the House also moved another motion which sought to expand the Committee for further examination and scrutiny of the draft rules. That Motion was accepted by the House on the 20th September, 1952. Accordingly, Sir, another Committee was thus formed on the 20th September 1952. This second Committee held three sittings in the month of November and submitted another report along with the draft rules, which were laid on the table of the hon. Members on the 5th March, 1953. Now, Sir, the position is well-known to the hon. Members and so I move that the draft rules as presented by me on the recommendation of the Committee appointed by this House be taken into consideration.

**Mr. SPEAKER:** Motion moved is that the Rules as reported by the Committee be taken into consideration.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, when we take the Draft Rules into consideration, we have certain observations to make. At the very outset we should like to say that it is really praiseworthy that sincere efforts have been made to improve the existing rules and to help us to conduct better the business of the House. But I find that there are certain very serious gaps in these Draft Rules. For example, it is a general demand throughout the country that as only two sessions of the Assembly are not sufficient, there should be at least three sessions in a year. As a matter of fact, the first Committee that was appointed by this House recommended that there should be at least three sessions of the Assembly every year. But we find that this suggestion has been modified by the present Committee and it has been said that, "if possible" there should be more than two sessions of the Assembly in a year. We do not understand as to why this phrase 'if possible' has been brought if there is no purpose behind this.....

**Mr. SPEAKER:** Where do you find the suggestion made by the first Committee ?

**Shri GAURISANKAR BHATTACHARYYA:** I am referring to first page of the recommendations of the former Committee where it is written that 'in future there should be at least three sessions of the Assembly in a year' but thereafter—in the third paragraph—it has been said as a recommendatoin of the present Committee that 'in future, if possible, there should be more than two sessions of the Assembly in a year'. In the first case it was categorically said that 'there should be at least three sessions of the Assembly in a year', in the second case, that is to say by the present Committee, it has been said that 'if possible, there should be more than two sessions in a year'. So, Sir, the force has been weakened. I want to know what might be the underlying reason or motive behind this modification. I say 'motive' because it may be a bad motive also.

There is another thing, and that is with regard to the putting of questions here in the Assembly. This pertains to Rule 19 (1). It is no doubt a fact that when we give notice of questions, we are informed as to what question are allowed and what are disallowed and what for these are disallowed or if there be any modification thereon why that modification has been made. But as it is yet an informal convention, it was suggested by some of the Members of the Committee that it should be in black and white. As we are going to have revised

rules, this convention ought to be incorporated in the rules. This is that 'within a week' of the receipt of such notice of questions we should be informed as to whether our questions are allowed or whether they are disallowed, and if disallowed what for so that we may get sufficient time to redraft those questions in the light of the remark that might be made thereon. But if there be no such specific rule giving us that information within a week, then the present system which is.....

**Mr. SPEAKER :** At present there is no time fixed for this purpose, and sometimes Members are informed here and sometimes even before.

**Shri GAURISANKAR BHATTACHARYYA :** We want that it should be fixed at least 'within a week' so that we can redraft them in the light of the remark made thereon. Now I am referring to rule 95 (1). We are following a convention in this House and this convention is there in the Parliament and in many State Legislatures that if and when a resolution is moved on the floor of the House that becomes a property of the entire House and if there be even one single voice not agreeing to the withdrawal of that resolution, the mover of that resolution cannot withdraw it because, once it is moved on the floor of the House, it becomes the property of the entire House and so the mover of the resolution should not have the right of withdrawal and this practice actually we have been following here on the floor of this House. In the last session also we did so. But in these amending rules we find that if the majority of the Members agree to give leave to withdraw then that mover might withdraw the resolution which he had moved. It may create certain difficulties. Of course, I am not making any aspersion, but I am expressing certain apprehensions. There might be quite a good number of spurious resolutions which the movers do not mean to press, but in order to see that more important resolutions may be pushed back and that they do not come up for discussion and expression of opinion thereon, there might be discussion and discussion on a particular resolution even though that resolution may not be of very substantial character and after taking quite a lot of time of the House the mover of that particular resolution may want to withdraw that resolution. As we know the present composition of this House, if any member of the ruling party proposes to follow this procedure then there will remain every chance of all the resolutions of the Opposition being practically guillotined if they do not have the first or second place in the list. So, there will be a great disadvantage particularly to the Opposition in this House because the strength of the Opposition is

small and there is a clear majority of the Government party. If this new procedure is adopted, then as a matter of fact a very important right a right which the Members of this House were enjoying up till now, will be withdrawn. Therefore, under any circumstances I do not see any reason why there should be a substantial difference between a Motion and a Resolution, particularly on this point. Though a resolution is of a specific nature and a motion is of a general nature, even then there is no substantial difference between a resolution and a motion from this point of view. Therefore, with regard to the withdrawal of a motion and a resolution there should be no difference.

Then again, another point with regard to questions. Up till now, we have been following a convention that if a question is to be asked or notice is given in this particular Session of the House and if that question may not be answered during this Session, that question may continue till the next Session, provided a reference is made thereto. Now, if a fresh notice is to be given and all the formalities for a fresh question is to be followed, then it will create difficulties, because that question may not get the same precedence of place. Our experience shows that during the last Budget Session on the last date of the Session we were supplied with a book of answers to our unstarred questions and we were denied the opportunity of placing supplementaries on that day because on the last date of the Session a book, not a book-let, containing replies were supplied to us. Our experience shows that in the last Budget Session which prorogued earlier than expected.....

**Mr. SPEAKER:** Not this time.

**Shri GAURISANKAR BHATTACHARYYA:** Let us hope, Sir. In violation of the clear assurance given by the Leader of the House.....

**Mr. SPEAKER:** This time questions have been answered and very few are left unanswered.

**Shri GAURISANKAR BHATTACHARYYA:** It might be so, but these difficulties we had to face in the last Autumn Session as well as the last year's Budget Session. I think, the proper procedure would be to give precedence to the questions unanswered in the Session in which they were put and their answers should get priority in the next Session so that difficulty will not occur in giving and receiving answers. Moreover, our experience further shows that notice of some questions were given and answers of these questions were sent to our home addresses. Thereby, what happens? Firstly, we are deprived of the opportunity of putting supplementary questions. Secondly, an unwritten convention of the Parliament is broken, for this Parliamentary convention of the Question Hour is not for individual satisfaction alone but it is for the satisfaction of

the public at large and that is the convention followed by the British Parliament. Now, in sending an answer to my home address, I may personally know the information, but the public will not know anything about it. With regard to a question of mine regarding distribution of lands at Gauhati and Shillong the answer was not given in the last Budget Session because it was allegedly under investigation and during the last Autumn Session also the answer was not given in the House for the same reason and the answer was sent to my home address ; but the public could not know about it as it was not published in the Gazette. If it would have been published in the Gazette, then the public and the whole world would have known as to whom the lands were distributed and whether the lands were distributed properly or not. Thus, Parliamentary procedure and the procedure of the mother of Parliaments has been ignored.

Then, there are certain other points, *e. g.*, with regard to the Motion of No-confidence in the Ministry as well as on any individual member of the Ministry. It has been suggested that the minimum number required for getting leave to move such a Motion should be 22. Members of the House are to express their desire of moving this Motion by standing. I think, this ought not to have been the number for moving such a Motion as the quorum of this House for all other purposes is only 11 Members. When any business of the House can be performed with a quorum of 11 Members, why this particular business of no-confidence cannot be done with that number of Members ? For a House of 108 or 105 Members, there can be quorum with only 11 Members. But if that number is thought to be small, in that case the number of Members for quorum should be raised. Why only in moving a Motion of no-confidence on a Ministry or on an individual member of the Ministry this number of 22 Members is required ? For moving a no-confidence Motion on a Ministry or on an individual member of the Ministry this rising in their seats of 22 Members is, I think, a weightage given to the Ministry or an individual member of the Ministry. I do not think, this number of Members should be so wide. We want to safeguard and define the rights of the House as a whole, but not the rights of the Ministry alone. Therefore, my suggestion is that when the quorum of the House is 11 Members, for the purpose of moving a no-confidence motion against the Ministry or an individual member of the Ministry also 11 Members should do. If we cannot muster stronger, we cannot move such a motion. We in the Opposition at present consist of 16 or 17 Members only and with this number we will not be able to move any no-confidence motion.

**Shri RAMNATH DAS (Minister) :** What is the utility ?

**Shri GAURISANKAR BHATTACHARYYA :** The utility is there. By such a no-confidence Motion against the Ministry or

an individual member of the Ministry, we can focus attention of the public. That is a very important point, because the ultimate judges are our people and we want to focus everything before our people.

Secondly, even though at the time of moving a no-confidence motion, our number of Members may be 11 or 12, when other Members will hear us and realise the seriousness of moving such a Motion, some of them may cross the floor and this thing is not unknown to this House. In many other Houses also this thing happens. There are instances of this House when some Members were taken away by force or even stolen.

**Shri RAMNATH DAS (Minister)**: These things do not take place now.

**Shri GAURISANKAR BHATTACHARYYA**: There might be at least crossing of the floor.

**Shri RAMNATH DAS (Minister)**: From your side or from our side ?

**Shri GAURISANKAR BHATTACHARYYA**: If it is from our side in that case the Ministry will be stronger and if it is from the side of the Ministry, in that case the Ministry may fall and another may come in.

When for all other purposes the quorum of Members required is 11, in this case also this should be 11 and not 22.

This is very important, because as all the hon. Members of the House know, the Opposition has got only 16 or 17 Members at present. But we expect that there will be many more who may come to our side, there may be crossing of the floor. There are many potential opposition members in the other side of the House and even more than the oppositionists in our side. It may be that they are not vocal to-day in the House, because they belong to the Government party. There may come chances, big chances when many members from the Government side may come to our side. The number may be 10 or 12 ; it may be 30 or 40 also. I am not making any slur on any hon. Member or group that they are opportunists, that they are behind the Government purely on opportunist aim. They might think that it is their duty to support the power that be. It is natural that they will support the Party in power because there are some Government supporters who are saying, “যেয়ে রাজা, আমি তারে প্রজা”—

Particularly, there is one hon. Member in front of me and he is smiling, he said even in a public meeting that “যেয়ে রাজা, আমি তারে প্রজা”

He said so as I have quoted above. (*laughter*) (Question from the Government side).

**Mr. SPEAKER**: He has not mentioned anybody's name.

**Shri GAURISANKAR BHATTACHARYYA:** Sir, this is a very important point particularly in the present structure of our House.

I do not want to take much more time of the House. I again beg to suggest that in view of the great importance of our Rules being a guide, a custodian and a foundation of the protection and development of our conduct and rights, these loopholes and these defects in the Draft Rules should be remedied, and if this is done, these Rules will surely be greatly helpful to us—to the hon. Members of the House—and we shall be glad to support these rules. So, with the suggestion to the majority party that they will please consider the points and see that they are incorporated and modified accordingly, I resume my seat.

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Mr. Speaker, Sir, Mr. Bhattacharyya suggests that the quorum for moving a no-confidence motion should be fixed at 11, in place of 22. Sir, there is no sense in doing so in a House of about 103 Members. I can understand the ulterior motive of my Friend. If it is fixed at 11, he may be in a position to get these Members at his back and move no-confidence motions always and thereby hamper the conduct of the business of the House off and on. It will be against public interest. We shall not be able to dispose of our business expeditiously. Therefore from that point of view it is most objectionable. Sir, in no States the quorum is fixed at such ratio. It cannot be helpful in any way and as such it cannot be entertained.

With these words, Sir, I oppose his suggestions.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I was a Member of the Rules Committee and as such regarding the matters with which I could not agree, I have submitted my note of dissent. I would not have taken part in the discussion, if after the speech of my Friend, Mr. Bhattacharyya, Mr. Das would not have taken part in the discussion. It is regarding the quorum that is required to move a motion of no-confidence on a particular Minister or on the council of Ministers. Sir, Mr. Das has stated that there is no precedent in any State where the quorum should be like this,—that the quorum of the House should be identical to the requirement of a quorum of no-confidence motion. May I point out to the rules of the House of the People where it is stated that the quorum of the House is also the quorum required for moving a vote of no-confidence? Even in England, the mother of Parliament, we find there is no exception made out for moving a vote of confidence. There also the same quorum exists, and when we go into the logic of it, we find that there can be no question of having two quorums for this purpose. When we are entitled to discuss any matter when the House is in quorum there can be no question or



doubt that even with that quorum we can discuss a motion of no-confidence. As a matter of fact, if the hon. Member care to go through the procedure necessary for moving a vote of no-confidence he will find that the motion is not discussed on the day on which it is tabled. Actually a subsequent date is fixed for the discussion of the motion and sometimes it may so happen that ten days may elapse between the date on which a motion is tabled and the date on which the vote is actually taken. My Friend, Mr. Das, said that if this is allowed, every day a motion of no-confidence may be tabled and thus the business of the House may be hindered.

It is therefore necessary that these Motions should not be taken so lightly. But there is the Speaker. Sir, the Speaker can rule out any Motion which is frivolous, or to rule out a Motion which has been raised over and over again. Experience shows that a No-Confidence Motion does not come every day; it comes once in a blue moon. Even though we may bring it by an indirect way, it will be denial of a very important right. To-day, this House is composed in a queer way. We are only 14 in the Opposition and the rest belong to the Government party. To-day, if we insist on this rule that if this alignment is to continue (it is likely to continue) for 5 years, no No-Confidence Motion shall be discussed in this House. Therefore a very venerable right will be taken away from the House.

**\*Shri RAMNATH DAS (Minister):** No-Confidence Motion can be discussed in this House. But there is nothing in this rule to be discussed.

**Shri HARESWAR GOSWAMI:** Regarding want of confidence also, we see that if we do not allow these matters to be raised at a time, it will be difficult to discuss. We can discuss the activities of a Minister in connection with a particular Bill or in connection with a Cut Motion, but when we want to take the Ministry as a whole, it becomes very difficult. Therefore there is a provision for discussion, whether there is a want of confidence in the Ministry or not, and that right should not be taken away so lightly. The Government Benches should not fear also that they would be swept away overnights for within 2 or 3 days that will elapse between the tabling of the Motion and discussing of the Motion—The Ministry can muster strength in these 2 or 3 days. It must be said that this is being done in the House of the People and the House of Commons and everywhere.

There is another important point. An Opposition is officially recognised when it has the quorum. If we can have 11 members, we can have our Opposition. To-day we have been recognised officially as Opposition. Once this is recognised as official

\*Speech not corrected.

Opposition, you should not take away any right that belongs to us. So long 11 members combine together, it will be treated as the Official Opposition and we should not take away lightly any weapon that is ordinarily given to the Opposition. It is one of the important weapons. It is the alternative to the Government. Whether it is actually an alternative, that it is a different matter, but theoretically it is an alternative to the Government. So, we should not take away any weapon from the Opposition. From experience we have learnt that although it may not muster strength, or although it may not be possible to overthrow the Government within 3 days, politics prevail upon men, and the Opposition may be able to enlarge their strength here also. There may be some heart-burning and there may be actual opposition to the policy of the Government. They may line up with the Opposition if an opportunity is given. As soon as the flood gates are opened, water may rush in also. Therefore, we should not think that as there is no possibility of over-throwing this Government. Therefore this weapon should not be taken away. When we are recognised as the official Opposition we should be given all the weapons that Democracy gives to us. With these words, I would request the Minister-in-charge to consider the matter. I shall not discuss other points which have been clearly stated and defined and also amplified by my Friend, Mr. Bhattacharyya. I hope the Minister-in-charge will consider it once again. As it is a reasonable stand he should accept it. With these words, I hope the Minister-in-charge will accept our observation on this point.

**Shri BAIDYANATH MOOKERJEE (Minister)**: Mr. Speaker Sir, I have heard with rapt attention the speeches of my hon. Friends sitting in the Opposition Benches. I was thinking before I took my stand, whether all these points that had been raised by my Friends, specially by the Leader of the Opposition, should have been discussed at this stage. These draft rules will be considered, item by item, that is rule by rule, on a certain date, which will be fixed by you. That would have been the proper time for discussing all these points by tabling amendments in due course. However, Sir, when you have allowed it, I should say rightly too because every Member has got a right to say his say observing the relevancy. In spite of your liberal way of accommodation, my Friends in the Opposition always think otherwise and sometimes they stage walkout as a mark of protest to your ruling in a childish way. (Interruption) there was no voice of any kind from this side when my Friends in the Opposition Benches spoke and their speeches were allowed to be delivered undisturbed. But you see, Sir, how my Friends are trying to interrupt me.

Now, Sir, the other day, we were accused by my hon. Friend, Mr. Bhattacharyya, that the Ministers did not care to hear what the opposition Members say or suggest, and he quoted a Bengali verse also saying,

“বক আর বাক কানে দিয়েছি তুলো, মার আর ধর পিঠে বেঁধিছি কুলো।”

But this was far from truth. We always carefully hear the points raised by our Friends in course of their speeches and give due consideration to them. Sir, sometimes my Friends talk irrelevant and more often imaginary things which make our position difficult. When they oppose for oppositions sake and talk something which convey no sense or are absolutely unfounded those points cannot be replied for their vagueness and baselessness.

Sir, if I would not have taken notice of all the points including irrelevant and senseless ones raised by my Friends, I am afraid, some day, in future, again my hon. Friend, Mr. Bhattacharyya would have come out with some other verse and would have accused us for nothing. I had taken down all the points raised by them and before I give replies to them, I want to make one point clear and that is this that my Friends will try to understand us. What we say are full of substance but alas! my Friend's position is as follows—

“বোঝাবার চেষ্টা তুমি যত পার কর।  
(কিন্তু) বুঝিবার একেবারে শক্তি নাই মোর ॥”

Sir, with this background how can we help our Friends ; that is beyond our control. May God help them !

Now, Sir, for the clarification of this House and specially my Friend Mr. Bhattacharyya the compliment I would like to say..... in Bengali the following which will make not only our position clear but opposition members' position too particularly Mr. Bhattacharyya's :—

“কানেতে দিনি তুলা, পিঠেও বাঁধিনি কুলা।  
অভ্যাস হ'য়েছে তব বাঁধা বুলি বলা ॥  
আসল কথা শোন তবে প্রকাশ করে বলি।  
অন্ধকারে আছ পড়ে চোখে দিয়ে ঠুলি ॥  
খোলহে চোখের ঠুলি ছাড়হে বাঁধা বুলি।  
মন দিয়া শোন যাহা বন্ধুভাবে বলি ॥  
আঁধার যাইবে ছুটি আলোক উঠিবে ফুটি।  
‘বাহাদুরী’ না পেলোও পাবে যা তা খাঁটি ॥”

With this preface, Sir, I take up the first point. My Friend's first objection was that there should be three Sessions instead of two as at present ; he said that it was decided by the first Committee

that there should be three Sessions and my Friend did not find any reason why it was modified afterwards by the expanded committee. Sir, in all fairness, he should have mentioned that there were two recommendations in the report of the first Committee. One regarding number of Assembly Sessions and the other regarding hon. Member's Travelling and Daily allowances during the Assembly Session. I have already touched one point and the second one was as follows :—

“That intermediate journeys performed by Members in the midst of a Session should be allowed, and the Members may be given travelling allowance or daily allowance whichever is less once in a Session.” In the second report, Sir, regarding recommendation No.1 with your permission I will read page 1 of the same wherein it has been noted down :—

“As recommendation No.1 has since been given effect to by the Government by amending the Member's Travelling Allowance Rules, it has now become unnecessary to be pursued.”

My hon. Friend should have expressed this by way of gratification, but that is not to be found in his history.

**Shri GAURISANKAR BHATTACHRYYA:** It is irrelevant.

**Shri BAIDYANATH MOOKERJEE (Minister):** What ! Is it irrelevant, Sir, according to my Communist Friend ? The relevancy is this, that when he gets an opportunity even in his imagination and wildest dream he stands up and attacks the Government most brutally. It has been amply proved that irrelevancy is the monopoly asset of the Opposition Members.

Sir, we are trying our best to improve the economic condition of our people and to be fair and just to all. Sir, I do not remember exactly whether it is my Friend Mr. Bhattacharyya or the Leader of the Opposition quoted the phrase in course of a speech that the Devil must be given his dues. Are we worse than Devils according to our Friend the Opposition Leader that they do not pretend even to give us our dues ? They forget that in future some one from this side who hears them minutely will pay them back with their own coins. The other day if I remember aright, it was Saturday last, Sir, I told my Friend, the Leader of the Opposition, that so far as he was concerned he should be very very cautious in his utterances and try to avoid the use of irresponsible catchy words. Sir, it is very easy to accuse the Treasury Bench Members by irresponsible and shallow Opposition Members. So, Sir, in all fairness he should have mentioned that there were two recommendations, one was already accepted by Government and the other was there in a modified form awaiting Government's acceptance. Sir, I raise another point if one is of diseased mind

it becomes very difficult, rather impossible for such a person to understand the real position. He sees everything with a biased conscience. Sir, as it has been demonstrated to-day by the opposition leaders in most of their speeches that for all this changes and findings of the report and draft rules under consideration this Government is responsible. What a silly presumption, or was it due to colossal ignorance and negligence? It was the recommendation of the representatives of this very August House, and, Sir, you were the Chairman of that Committee. It is really absurd, Sir, to suggest that Government is responsible for all these. We have heard many absurd things and it is the climax today to accuse the Government for the findings of a Committee of this House. Sir, can there be anything more stupid than this, there is a limit to everything, that was my conviction, but I am thinking to change the same.

**Mr. SPEAKER:** Please don't use harsh words.

**Shri BAIDYANATH MOOKERJEE (Minister):** It is a Parliamentary word, Sir, and most appropriate in such a case, but if you don't like it, I may withdraw it. Sir, the Members of the Opposition including its Leader, Mr. Goswami, who took part in the debate accused the Government for the report and the draft rules presented before the House. Sir, do they mean that everything should be done according to the desire and whims of the Opposition? Then it would have been better according to the desire of my Friend, Mr. Bhattacharyya to ask the Leader of the Opposition to frame the rules and place before this House only to give our consent; but how that can be, certainly that cannot be done, Sir. Everything cannot be done to suit their purpose and wishes. Now Sir, with regard to the number of Sessions whether 2 or 3 or more, that will be decided afterwards. The next point was regarding rule 19—Questions. Sir, for the sake of clarification, my Friend Mr. Bhattacharyya tried his best, but he miserably failed, and I could gather this time also that he was hovering between light and darkness. You also tried to explain the exact position then and I hope, Sir, you could throw light on him. Now, Sir, regarding withdrawals of Resolutions; here also my Friend will get sufficient opportunity to discuss; he can table amendments in time and when moved that will be discussed by the hon. Members on the floor of this House. I hope, my Friend, Mr. Bhattacharyya, is listening to me patiently and will act accordingly and then the desire of the majority of the Members present in this House, will certainly prevail. Sir, my Friends are dreaming of a No-confidence Motion, but here also they will get ample opportunity to test the solidarity of our Party strength; and, if they can take away some Members

from our side which they hinted at, they can do that if they can. What a wild dream ! But, Sir, to impute motive in every case and at every stage cannot be understood by the sensible section of the people.

Now, regarding carry over of unanswered questions to the next session—in this case, Sir, not only the Government, but also the Assembly Secretariat have got some say in the matter. Sir, how is this that an hon. Member of this House, don't want to take the trouble of repeating his question which remains unanswered? Mr. Bhattacharyya wants that the Assembly Secretariat should sort out all the questions that could not be answered during a session and they will send to the Government asking them to answer in the next session, so on and so forth. Sir, what is the harm, if the admitted copies of the unanswered questions are sent by the hon. Members with only a forwarding letter. Instead of throwing these admitted copies into the waste paper basket, they should be kept in a file and the relevant questions may be tagged together with a forwarding letter and sent to the Assembly Secretary. Is this too much to expect, Sir? Can we reasonably expect that we will get full co-operation in solving our country's problems from such hon. Members who do not even care to take this little bit of trouble? So I would request my Friends to have a few copies of the questions typed along with the forwarding letter which will save trouble of my Friend, Mr. Bhattacharyya.

**Mr. SPEAKER.** That can be done by the Assembly Secretariat also.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I am placing my views before the House and the hon. Members are at liberty to give their verdict. I am nobody to give a decision alone. I have got only one vote, the desire of the majority will prevail.

Now, Sir, regarding the different rules for withdrawal of a Resolution and a Motion, my Friend raised objection that why there should be a difference of procedure for withdrawal between a Resolution and a Motion? I also agree with him that this difference should be removed. But I do not know whether my Friend's suggestion that Resolution also should be treated like a Motion will be accepted by the House or the Motions will be treated in the same way as it has been provided for in the draft rules. The hon. House will decide that, but the difference should not be there is an agreed point.

Again, Sir, regarding sending replies of unanswered questions to home address. It was decided when, of course, I do not know, but since the last Budget Session I notice that the information which could not be supplied soon, it was said in course, of an interim reply that information had been called for then some hon. Members by way of a supplementary question remarked, "will it see the light of the day" or some such sarcastic remarks were passed. Sir, when we have to give a reply to a question, being true to ourselves, and sincere to our work and words as we are if we cannot supply the requisite information on the floor of the House, we promise to supply them when received. Sir, what is our position? If we do not supply the information we are accused for suppressing the same which we do not like as that is bad, and if we supply it when the information received after the session, that is also being objected to by Mr. Bhattacharyya. That is also bad. The difficulty is that our Friends in the Opposition are determined to accuse the Government at every step. I again repeat, Sir, that the 'chokher thuli' i.e. eye cover, must be removed which is obstructing their clear vision. If my Friends want to see things in their real perspective let them do so through a clean glass and then all their present difficulties will be over and the trouble which they are taking at present, so to say, for nothing, will be of real benefit to the people and the State. I must give them this credit, Sir, that they are devoting time and spending energy, not for constructive purpose but for destructive motive. They are taking too much care and trouble for accusing the Government and also by studying papers, etc.; so credit must be given to them for that but all are in vain because the direction is wrong. Their energies are being directed through wrong channels. If it had been directed through the right channel and in the right direction, then in that case the State would have been much benefited.

The next point is about 'No Confidence Motion. My Friend said that a No Confidence Motion is tabled once in a blue moon! So they should be given a scope for that. Now, Sir, it is a case of *abdar* i.e. indulgence, (laughter). Sir, my Friends in the opposition want that the rule should be framed in such a way that there should be no bar to move a No Confidence Motion, even if they are only 11, or 12 or 13, in all; they must have the opportunity to move a No Confidence Motion once in a blue moon of their lives, because if they cannot do that, they do not enjoy the special fun! Sir, is it a matter of joke, is it for the sake of fun, Sir? What purpose will it serve? There was another pious hope expressed by my Friends, Messrs Goswami and Bhattacharyya, like this, 'who knows that some Members of that side may not cross the floor and come over to this side'.....(Voices from the Opposition Benches.

the hon. Minister himself may be one.) Some one is leaving in the fools paradise. What a joke ; Sir ! Does it look well of that side after their performance only the other day to say like this ? Sir, that day there was a walk out drama staged by the Opposition Members, and I am sure that my Friends have not forgotten what happened then. I will not use the words 'joratoli Party'. But let us recollect what happened to this united party's fate. The Deputy Leader of the Party and the Whip of the Party sat tight...*(laughter)*—It was a case of "not Naran, not Charan" these two persons did not move while a few others had left. Does it look well for them, Sir, for the Leader of that Party to challenge the solidarity of our group—the Congress group, (*hear, hear*) ? Sir, there is a limit even to one's proverbial tolerance, but this thing has really become intolerable to all. It looks like an unbalanced man's cry to challenge the *bonafide* and the solidarity of the Congress Party. Again I repeat and request my Friends to recollect what happened the other day. It is a matter of shame that a Party having only 7 or 8 members could not act jointly out of all persons when others had left, the Deputy Leader and the Whip stuck to their seats like fixtures. I think my Friends should take a lesson from that day's performance and will be cautions in their utterances.

**Mr. SPEAKER :** I think you are finishing ?

**Shri BAIDYANATH MOOKERJEE (Minister).** If you so desire, Sir. As I have already stated that ample opportunity will be available in future to discuss all these things, I hope my Friends will take the opportunity and will say their say in time and see after convincing the House that the suggestions which they have given are accepted by this House. At this stage I cannot do anything by way of accommodating my Friends' suggestions and as a matter of fact acceptance or rejection will depend on the verdicts of this House and not on me or the Government. I remember some hon. Member from that side hinted in the past that the Government wanted to act as dictators. Well, Sir, we do not want to take that position and we never act in that way. Sir, it is only men like Abu Hussain that can indulge in such things. I am only a trustee and whatever trust has been reposed on me I shall carry it out to the best of my ability.

With these words, Sir, I request this hon. House to accept my Motion for consideration of the Draft Rules as moved by me.

**Mr. SPEAKER.** The question is that the Draft Rules as reported by the Committee be taken into consideration.

The Motion was (adopted).



## The Assam Local Self-Government Bill, 1952

**Mr. SPEAKER:** Now I take up the Assam Local Self-Government Bill, 1952.

The question is:

That Clauses 1 to 4 do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 5, as amended, do form part of the Bill.

The Motion was adopted.

The question is:

That Clauses 6 to 15 do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 16, as amended, do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 17, as amended, do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 18, as amended, do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 19 do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 20, as amended, do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 21, as amended, do form part of the Bill.

The Motion was adopted.

The question is:

That Clause 22, as amended, do form part of the Bill.

The Motion was adopted.

The question is :

That Clauses 23 to 89 do form part of the Bill,

The Motion was adopted.

The question is :

That Clause 90, as amended, do form part of the Bill.

The Motion was adopted.

The question is :

That Clause 91 do form part of the Bill.

The Motion was adopted.

The question is :

That Clause 92, as amended, do form part of the Bill.

The Motion was adopted.

The question is :

That Clauses 93 to 103 do form part of the Bill.

The Motion was adopted.

The question is :

That Clauses 1 and 2 of Chapter VIII do form part of the Bill.

The Motion was adopted.

The question is :

That Schedule 1 do form part of the Bill.

The Motion was adopted.

The question is :

That the long Title and the Preamble do form part of the Bill

The Motion was adopted.

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Local Self-Government Bill, 1952, as amended, be passed.

**Mr. SPEAKER:** The Motion moved is that the Assam Local Self-Government Bill, 1952, as amended, be passed.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, all the different Sections of the Bill have been passed. Even then at this last stage we have got to place our observations. By Section 94, the State Government has been given quite a wide power to make rules. This is a very important point. If the spirit that has been expressed even by different Members of the Government party is borne in mind, then there will be sufficient scope for the Government, even now, to see that this Local Self-Government Act

is not made quite a retrograde step. But, if the Government does not take advantage of this Section with a view to give sufficient attention to the popular demand, if the Government proposes to look only to its party interest in preference to the country's interest—if the Government in a word makes the party interest greater than the country, then this particular Act will not be a progressive measure, rather it will be a very retrograde step. Therefore, let us hope that the Government will take advantage of this Section and, at the time of making rules, will see that the demand of the people for universal adult suffrage will be taken into serious consideration. On important points, particularly on the point of the qualifications of electors, we had suggested an amendment for specifying adult suffrage as the basis, but unfortunately that was rejected on a technical ground. But even then here in this Bill nowhere it has been stated as to what will be the qualifications of electors under the Local Self-Government Act. It is for the Government, under section 94, to make rules for this purpose and the Hon'ble Deputy Minister Mr. Hareswar Das had said that we should not think that the Government has already decided against adult franchise. Let us hope that it is so. Let us hope that the Government has not already decided against adult franchise in the matter of Local Bodies.....

**Shri HARESWAR DAS (Deputy Minister):** I did not speak anything on the question of franchise, Sir.

**Shri GAURISANKAR BHATTACHARYYA:** It may be the Parliamentary Secretary, Mr. Mohikanta Das.

**Shri MOHIKANTA DAS (Parliamentary Secretary):** What I said was that the question of adult franchise will be considered at the time when the rules will be framed. How can I anticipate things which are non-existent in the face of the Act.

**Shri GAURISANKAR BHATTACHARYYA:** Any way Sir, my own impression was that Mr. Mohikanta Das when he said with regard to this—"How do you know that adult franchise might not be taken up by Government?" it was implicit that it was not yet decided whether election was to be held on adult franchise or not. That has been left to the Government for decision. I am sorry that when I gave certain compliments to some friends of the Government benches in expectation of some good sense dowing in them, they refused to accept it. I am sorry, for it.

**Shri BAIDYANATH MOOKERJEE (Minister)** Nobody will refuse it.

**Shri GAURISANKAR BHATTACHARYYA:** Even now, let me hope that the Government will be pleased to see that at the time of making rules this question of adult franchise is accepted; because this is a demand throughout the entire country. When for more or less important things we have taken this principle of adult franchise in our State, for this particular case also we should not avoid it.

Secondly, with regard to nomination. I must thank Mr. Das for his amendment which he has moved, where he said that Government may not have to take resort to nomination. Instead of making it positive he has made it probable. Government may or may not nominate. Let us hope that Government will not think it fit to nominate to local bodies even one or two members.

Thirdly, though there is scope in section 14, sub-section (2) for appointment of members by the Government, let us hope that there will arise no occasion for that and let us further hope that section 21, sub-section (2) and section 23, that is, with regard to the appointment of Chairman or Vice-Chairman there will arise no such occasion. Let that be left to the Boards themselves. Let us hope that section 89, by which Deputy Commissioners have been given power to suspend execution of certain resolutions of the Boards—that power will not be invoked. Furthermore, let us hope that section 92, which goes to empower the Government for supersession, will not be invoked.

These are requests or suggestions, we have placed in spite of stubborn resistance from the Government Party to accept our amendments which actually ventilated the feelings of the country. We know that by its actions, the Government has done quite a good amount of harm to the cause of our people. We know also that they have, as a matter of fact, instead of pushing ahead democracy in this country, have suggested retrograde steps even through this Bill. We know that democracy can be successful only if it is fostered, if it is helped to grow in all stages and in all spheres, not only in the matter of State and Dominion Legislatures, but in all spheres of life. By curbing that democracy in so many ways, by giving extraordinary powers to the Deputy Commissioners, leaving extraordinary powers in the hands of Government, and so on and so forth, Government has done an injustice on democracy. In a word, Government has done injustice to the country as a whole.

So, even at this last stage we appeal to their good senses, we appeal that they may reconsider their position and at the time of making rules, they may see that rules are as liberal as possible. I do not claim to be a poet and so I cannot cite a verse of my own composition as one of our Hon'ble Ministers did; because as Shakespeare says, "A lover, a lunatic and a poet are all compact

for imagination" and I admit that unlike our Supply Minister, I lack it. May I make this fervent appeal to the Government that though by your actions you have all along been giving blow after blow to the cause of democracy, please do not give any further blow. Reconsider your position and retrace your steps. Let me quote from a celebrated poet and say,—

“গিয়াছে দেশ দুঃখ নাই  
আবার তোরা মানুষ হ।”

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I rise at this stage to oppose the very Bill, the passing of the Bill. When news went out that there will be a new Local Self-Government Bill, hopes were roused in the minds of the people that they will soon get rid of the archaic, mtribund and puppet Act of to-day.

If we go into the history of the Local Self-Government, we will know that these institutions were established in our country to give training in the art of Self-Government and also to bring out local talents but to-day that necessity is no longer there. We have Self-Government not in the local areas but we have Self-Government in our State and in our country as well. We believe in our democracy. These democratic organs cannot be done away with and when we believe that these organs are necessary, nay essential to the growth of democracy. So, we should give full powers and full facilities to these organs. Sir, when we agreed to go to the Select Committee, we had the hope that our proposals will have the blessing or consent of the Party in power, and as a matter of fact, what we were asking were not impossible and absurd things. As a matter of fact, the premier newspapers, the two most important daily papers of Assam, expressed the same feelings and they advised that the Local Self-Government Act needs revision and the revision must be on progressive lines. But to-day after coming out of the Select Committee and after having discussions here, we find that not only the proposals given by us in the Select Committee have not been accepted but the Bill has remained as reactionary and anti-people as before.

**Mr. SPEAKER:** I think some proposals were accepted by the Government?

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

Then, Sir, there was one proposal about the tenure of the Board. We decided after mature deliberations that the length of the tenure should not be more than three years, but to-day we find, because the party in power wishes that the tenure should be four years, they have put it as four years. Even the recommendations of the Select Committee have been flouted and they have accepted it as four years as the tenure of the Board.

Sir, as regards the adult franchise, we all know that in the republican constitution such a vital matter has prominently featured. It is an article of faith of the constitution that elections in our country will be held on the basis of adult franchise. To-day when we have got the adult franchise as the basis of our election to the Panchayats, adult franchise as the basis of election to the House of People and Assemblies, we are not to have the adult franchise as the basis of election so far as our Local Bodies are concerned! Sir, I could not understand the arguments advanced in the Select Committee. But I must say the line of thought is renegade and reactionary. I do not know why the Government should be afraid of adult franchise. Is it because that some tea garden labourers will be included in the Board, that there will be tea garden labourers who will take part in the voting so far as the Local Bodies are concerned, and so we should not have any adult franchise? I have heard so from some responsible Member.

**Shri RAMNATH DAS (Minister):** Where from the hon. Member heard this?

**Shri HARESWAR GOSWAMI:** I have heard so from authorities. If you want me to say all these, I shall go on saying all these things. Are we still following the principle—"No taxation no representation"? That principle has been given a good-bye. The principle of the time of John Steward Mill do not stand in the twentieth century. Government should know this.

Now, Sir, there is the provision for giving representation to the unrepresented classes. But who is the unrepresented class to-day? Is it Dr. Jyotish Chandra Das of Gauhati who has been given nomination by Government to the Gauhati Municipal Board? Our feeling, our suspicion is genuine, because we find that this provision has been kept by Government to give representation to certain people of their own to increase the weightage to the represented party only. Nowhere the Minister-in-charge of the Local Self-Government can show me that he has given nomination to one Member belonging to a different Political Party. I can challenge Government to show me a single instance in this respect. It will be found that 99 per cent. of the nominations have gone to some congress members and only 1 per cent. to some people belonging to non-party man. This device is kept by Government to give weightage to those people, to give something like consolation prize to these people who fail to secure people's confidence in other respects.

Then there is the question of supersession or suspension of the Boards. I hope the hon. Members are aware that at Silchar recently there was a conference of the Local Bodies, which was presided over

by no less a person than Shri Shidhaw, an *ex*-Minister of the Central Government. He himself said that these obnoxious provisions should go. The conference passed resolution and submitted a Memorandum to the Government incorporating all these suggestions with a request that those suggestions should be incorporated in the Bill, but the Government has not taken any notice of it. To-day Government think that as they have got a big majority in the House, they can do whatever they like. They do not care to listen to the voice of the people, they do not like to hear their advice.

Then there is another important thing—a new thing. That is about the question of Government servants not being able to contest in the Local Board election. Sir, we find in the Gauhati Municipal Board one Kartik Hazarika, a Government School teacher has been allowed to be a member. But according to the new provisions, that Government servant cannot stand in the Local Board election. Sir, we all know these Municipal Boards and the Local Boards are all treated as local bodies and are under Local Self-Government Department. But while Government behave in a particular way in case of a particular Body, they behave in a different way in case of different Body. Why should this distinction be there in case of Local Boards and Municipal Boards? Sir, the answer is very simple. Government to-day is guided by some motives. They will apply certain rules where it suits their purpose best.

**Mr. SPEAKER :** Was there any provision before?

**Shri HARESWAR GOSWAMI :** I am not sure, Sir. But my point is that even if there were certain provisions in the past which we do not consider to be good now, we must replace them. We should not be guided by the past rules always, if they are not found to be conducive now. If those rules were defective, we must remedy them.

Sir, what we find in the Bill? We find the spirit has been taken away, the carnel has been taken away, only the skeleton has been left. We feel, through the working of the provisions of these reactionary rules the Local Boards cannot be the true organs of democracy. Sir, to-day the Government may not like to hear all these, but we know, Sir, we are voicing the feeling of the people of the country. I challenge the Government that if they are so confident, let them face the electorate on this issue—on the principle of nomination, on the principle of adult franchise, and if the electorate give their verdict in favour of the Government, then we shall abide by the decision of the Government in this respect.

With these observations, Sir, I oppose this Bill.

**Maulavi ABDUL MATLIB MAZUMDAR (Minister) :** Mr. Speaker, Sir, the Local Self-Government Bill has passed through its

final stage. It is now an Act of our Legislature and undoubtedly it is very important piece of Legislation. Sir, I am extremely grateful to the hon. Members of the Select Committee who took great pains to examine the whole Bill which was a pretty long one and gave their valuable suggestions. I am also thankful to the other hon. Members of this House on both sides for their kind co-operation and helpful suggestions.

Sir, we differed and seemed to differ a great deal. But, I think, I will not be wrong in my presumption that all the hon. Members, on both sides, who took part in the debate, had in the background of their arguments and reasons one common intention, that is, framing and making the Local Self-Government Act as best suitable for the administration of the Local Boards, as possible.

Sir, although the hon'ble Leader of the Opposition styled the Bill as a carbon copy of the existing Bill, and although he staged a walk-out in protest, considering the small and limited number of objections and amendments—coming from his side, and those being mainly about nomination and supposed control by the Deputy Commissioners and also an amendment regarding adult franchise, I am constrained and at the same time glad to think that he was not very serious. Sir, being clever politician he might have something else at the back of his mind as my Colleague Mr. Mookerjee puts it very often—"playing into the gallery".

Sir, considerable anxiety was expressed for bringing an amendment as regards adult franchise being included in the qualifications of electors and voters. I have already submitted that Government have not committed anything as yet. They have not departed from any precedent and procedure adopted in this State or any other State in India. Sir, this anxiety should not find place in the mind of my Friend. He should not have such idea that he can voice the sentiments of the whole population; he should not imagine that a group which is several times lesser than the party in power, can represent the country better. It has been already made amply clear, and I think the Leader of the Opposition should not require it said over and over again that the power reserved by Government is to be exercised only in extraordinary circumstances.

Regarding the qualifications of voters I should like to say that Government are not unaware of the wishes of the people, or rather I should say they are very alert in this regard and fully alive to the progress of time. So I assure my Friend that Government will not take any action in this regard which will fall far short of their expectation.

Sir, mention has been made that the Government have reserved the power of nomination in their hands to apply it whenever they will find that they are not fully in power in certain places. Sir, I



beg to point out that all the nominations that had been made in the past, if they are thoroughly examined, it would be found they had been given only to the deserving persons. It has been mentioned that there has been provision in the Municipal Act that certain Government servants are allowed to stand in the Municipal Election. This provision has not been included in this Act. The circumstances are quite different. The people are quite different and the respective interests of the people differ greatly. I do not understand why the Leader of the Opposition should draw a parallel between the Local Self-Government Act and the Assam Municipal Act in this matter.

The Municipal Act is under revision. If it is found suitable, this very clause may be retained or it may be omitted. It is quite premature to visualise anything about the Municipal Act. I do not like to arrogate anything and say that we represent the whole population as my hon'ble Friend in the Opposition has said that he believes the whole State will denounce this Bill. Sir, I can challenge my Friend for entertaining such a belief. It is not fair to make such a clear charge and then fail to substantiate it by facts. It is well-known to the whole country as to which Party and which of the Leader, it has voted to power. Or rather I should say which of the Leaders it has entrusted to make legislation or to do things necessary for the betterment of the people and the country.

Sir, it has been also mentioned that, our Government, *i. e.*, the Congress Government is flouting the voice of the people. But we should remember that this Bill was also circulated once and before it came to Select Committee it was sent to the people to have their suggestions and views.

Sir, my Friend said that the Select Committee's reports and views have not been accepted. But he should remember that in making the Select Committee this House did not commit anything. Objection has been taken that there has been complete alteration of the Committee's reports and views, as if the Select Committee can do anything and every thing. Sir, the report of the Select Committee may be accepted, revised and upset by this House.

Mention has also been made that the opinion of the Local Bodies Conference was set at naught, was discarded. I beg to submit Sir, with all respect to Mr. Sidhwa that he hails from a place which is completely different in circumstances from our State and hence this House may not be in a position to agree and accept any opinion given by him. Sir, as a matter of fact our Party includes many gentlemen who are Members of that Association of Local Bodies and their views have been taken into consideration. Sir, I have said that we hope to serve our country with this Bill which we have just now adopted, but supposing after working for sometime this Bill is found not serving the real objectives, and falling short of

the aspiration of our people, there will be ample time and opportunity to come forward with amendments and alterations. We cannot consider that at one jump we can arrive at the top and that every thing has been obtained as a full fledged independent country. We should not suppose like that, let us progress gradually but steadily, and let us not suppose thing which cannot be carried into action. My Friend Mr. Bhattacharyya quoted Shakespeare's verses, I think Sir, we should not be like poets anywhere and everywhere and try to give shape to airy nothings. Sir, my humble aim is to work gradually, the Bill which we have passed, and in the evolution of social progress a time may come when although now differing we may agree.

With these few words, Sir, I again thank the hon. Members and request them to accept the Bill.

**Mr. SPEAKER :** The question is that the Assam Local Self-Government Bill, 1952, as amended, be passed.

The question was adopted.

Adjourned

The Assembly was then adjourned till 12 A.M. on Thursday the 2nd April 1953.

The papers were presented to the Hon. Minister, Assam, for his consideration.

ASSAM  
Legislative Assembly, Assam

Shillong  
The 3rd October, 1953.

Now, as regards other questions :—

**Presentation of (i) Appropriation Accounts 1949-50 and Audit Report, 1951 (ii) Finance Accounts, 1949-50 and the Audit Report 1950 on (iii) Report of the Public Accounts Committee on the Appropriation Accounts for the year 1949-50.**

\***Shri MOHENDRA MOHAN CHAUDHURY (Minister) :**  
Mr. Speaker, Sir, I beg to present :—

(i) Appropriation Accounts, 1949-50 and Audit Report, 1951.

(ii) Finance Accounts, 1949-50 and the Audit Report, 1950 ; and

(iii) Report of the Public Accounts Committee on the Appropriation Accounts of the Government of Assam for the year 1949-50. Copies of these Reports have already been supplied to the hon. Members of the House.

### Adjournment

The Assembly was then adjourned till 10 A.M., on Thursday, the 2nd April, 1953.

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\* The Reports were presented by Shri Mohendra Mohan Chaudhury, Minister, in the absence of the Finance Minister, Shri Motiram Bora.

Shillong :  
The 3rd October, 1953.

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

*[Handwritten signature]*  
1953

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