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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 Constitution of India**

The Assembly met in the Assembly Chamber, Shillong, at  
1-30 P.M., on Friday, the 10th April, 1953.

P R E S E N T

Shri Kuladhar Chaliha, B. L., Speaker, in the Chair, the  
ten Ministers, the two Deputy Ministers, two Parliamentary Secre-  
taries, and seventy-nine Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

*Re: Re-transfer of Jowai Subdivision*

**Shri HARESWAR GOSWAMI** asked :

\*202. (a) Will Government be pleased to state whether they  
have received any representation from the Pnar people regarding the  
re-transfer of Jowai Subdivision from the newly constituted Mikir  
Hills to the United Khasi and Jaintia Hills District ?

(b) Is it a fact that the Nongphyllut, Lalung, Khyrwang  
and Nongtung are non-Mikirs and they inhabit the area mentioned  
above ?

**Shri BISHNURAM MEDHI (Chief Minister)** replied :

202. (a)—Jowai Subdivision continues to form part of the Unit-  
ed Khasi-Jaintia Hills District and as such, the retransfer of the  
Jowai Subdivision from the United Mikir and North Cachar Hills  
District to the United Khasi-Jaintia Hills District does not arise.

However, a portion of the Jowai Subdivision predominantly in-  
habited by the Mikir people was incorporated in the United Mikir  
and North Cachar Hills District, at the time that district was consti-  
tuted. A representation was received from the Pnar people asking  
for the retransfer of the said portion of the United Mikir and North  
Cachar Hills District, which formerly formed part of the Jowai  
Subdivision, back to the Jowai Subdivision. Similar representations  
had been received and considered by the Boundary Commission  
appointed to fix the boundaries of the United Mikir and North



Cachar Hills District, and the Commission after taking into account these representations recommended the incorporation of the said portion in the United Mikir and North Cachar Hills. The report of the Commission was accepted by Government and approved by the Legislature.

(b)—Yes.

The Nongphylluts, Lalungs, Khyrwangs, and Nongtungs could not be excluded from the Mikir Hills even if they so desired as they were living in pockets in a predominantly Mikir area and it was found impracticable to demarcate the area exclusively inhabited by these people, so as to facilitate their exclusion from the United Mikir and North Cachar Hills District.

**Shri HARESWAR GOSWAMI :** What will be the population of non-Mikirs in that area. ?

**Shri BISHNURAM MEDHI (Chief Minister) :** Between two to three thousand, and Mikirs about 23 thousand, Sir.

#### Rangrenggiri Reserve near Damra

**Shri HARESWAR GOSWAMI** asked :

\*203. Will the Minister-in-charge of Forests be pleased to state—

(a) Whether Rangrenggiri Reserve near Damra was advertised for working out railway sleepers this year ?

(b) What were the terms and conditions for working out these sleepers ?

(c) Who was given this sawing and extracting contract ?

(d) Whether it is a fact that these terms have been changed later and if so, what are the new terms ?

(e) Who effected these changes and when ?

(f) Whether it is a fact that this Reserve was advertised for these purpose for the last twenty years and no Assamese came forward to work out the sleepers ?

**Shri BISHNURAM MEDHI (Chief Minister)** replied :

203. (a)—Yes.

(b)—The sale notice inviting tenders for the monopoly right to work out Sal trees marked and to be marked in the Rangrenggiri Forest Reserve may be seen in the *Assam Gazette* of the 11th June, 1952. It was specified in the sale notice that the successful tenderer shall execute an agreement in the prescribed form embodying among other things the conditions particularly as regards payment of royalty, drawal of advances and procedure of working as detailed in clauses 9 to 22 of the sale notice.



It would thus be cleared that the terms and conditions for working out the sleepers were to be incorporated in an agreement to be executed by the successful tenderer. No such agreement has so far been executed.

(c)—As stated in reply to question (b) no agreement has so far been executed with any person for working the Rongrenggiri Forest Reserve, and as such no contract has so far been allotted. However, the tender of one Shri M. L. Sharma was accepted and it is intended to get the necessary agreement executed by him.

(d)—As the agreement incorporating the terms and conditions under which the forest reserve is to be worked has not so far been executed by any party, the question of changing the terms does not arise.

(e)—Does not arise.

(f)—Certain trees marked in the Rongrenggiri Forest Reserve were advertised for sale in the form of five coupes in August 1947 and purchased by an Assamese gentleman, but he succeeded in converting only about 90 of these trees and extracting a few sleepers. It is not a fact that this reserve was advertised for sale of trees for production of sleepers for the last 20 years and that no Assamese came forward to work out the sleepers.

### C. I. Sheets issued in the Dhubri Subdivision in 1951

**Jonab TAMIZUDDIN PRODHANI** asked :

\*204. Will the Minister-in-charge of Supply be pleased to state—

- (a) Whether it is a fact that in 1951 permit for about 1,600 bundles of C. I. Sheets were issued in the Subdivision of Dhubri ?
- (b) If so, how many of these permit holders were able to get their quota and when ?
- (c) Whether it is a fact that against these permits only 400 bundles of C. I. Sheets were available in 1952 ?
- (d) If so, what has happened to the permits for the remaining 1,200 bundles ?
- (e) Whether the Supply Advisory Committee have given them prior consideration in relation to others ?
- (f) If not, why not ?

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

204. (a)—Yes, permits for over 1,600 bundles were issued.  
 (b)—Ninety-five permit holders got their quotas in 1952 and five in 1953.



(c)—No, 530 bundles could be made available in 1952.

(d), (e) & (f)—The Supply Advisory Board gave effect to a few permits previously issued and after considering the urgency of all other pending applications probably issued and are issuing fresh permits.

### Khanapara Agricultural Farm

**Shri HARESWAR GOSWAMI** asked :

\*205. Will Government be pleased to state—

- (a) Whether any money was sanctioned to the Khanapara Agricultural Farm for drainage work and if so, what was the amount ?
- (b) Whether the said work was done by the students or by daily labour ?
- (c) Whether this Farm employ any labour on daily wage rates and if so, what has been the average monthly wage bill on this account during the year 1952-53 ?

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

205. (a)—No money was sanctioned for drainage work.

(b)—The work was done partly by the Village People and partly by the students as the drainage work benefits both the Farm and the Village People.

(c)—The Agricultural School employs labour for normal activities and the monthly average bill on this account amounted to Rs.166-5-0 during 1952-53.

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

#### Land settled with landless peasants in different districts of Assam

**Shri HARESWAR GOSWAMI** asked :

176. Will the Minister of Revenue be pleased to state—

- (a) How much land has been settled with landless peasants in the different districts of Assam during the year 1952-53 (January) ?
- (b) How many families have been provided with land (district-wise) during the same period ?
- (c) Whether Government have any figures of landless people in the different districts of the State and if so, will Government be pleased to state those figures ?
- (d) How much land from the tea gardens have been requisitioned or acquisitioned during the same period ?



(e) How many Grazing Reserves have been dereserved during the same period stating the area of each Reserve so dereserved?

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

176. (a) & (b)—The statement I shows the areas settled in 1952 (upto December 1952) and the number of families with whom lands have been settled in different districts.

## I

Statement showing the settlement of waste land during 1952 (i.e., upto 31st December 1952) and the number of families provided

Name of district	No. of families provided with	Area of land settled Bighas
Sibsagar ...	1,585 ...	24,290
Lakhimpur ...	796 ...	12,603
Darrang ...	1,748 ...	9,653
Cachar ...	253 ...	1,809
Kamrup ...	8,640 ...	43,433
Goalpara ...	227 ...	1,497
Nowgong ...	4,299 ...	52,418
Total ...	17,548	1,45,703

(c)—No figure for landless people in different districts is available ; but the total number of landless families in the entire State is estimated at 1,68,573 (according to the estimate of the Director of Statistics on the basis of Darrang figures).

(d)—An area of 12,323 bighas have been requisitioned or acquired during the period from the tea gardens.

(e)—The statement II shows the names of Professional Grazing Reserves and Village Grazing Reserves with areas of each of them that have been de-reserved or temporarily thrown open during the period.

## II

District	Name of Grazing Reserves V. G. R. and P. G. R.	Area dereserved			Remarks
		B.	K.	L.	
Lakhimpur ...	(1) Ghogar Professional Grazing Reserve.	1,000	0	0	... For 3 years.
Sibsagar ...	(1) Moinapara Professional Grazing Reserve.	100	0	0	... Ditto.
	(2) Jerengapathar Professional Grazing Reserve.	2,000	0	0	... Dereserved for 3 years.



District	Name of Grazing Reserves V. G. R. and P. G. R.	Area dereserved			Remarks		
		B.	K.	L.			
Sibsagar— <i>concl'd.</i>	(3) Jakaisuk Professional Grazing Reserve.	4,000	0	0	} Dereserved for 3 years.		
	(4) Patiapathar (No.2) Village Grazing Reserve.	20	4	8			
	(5) Baralikum Village Grazing Reserve.	295	0	17			
	(6) Gariagaon Village Grazing Reserve.	330	3	2			
	(7) Chowkona Village Grazing Reserve.	77	0	4			
	(8) Khatiakhuti Village Grazing Reserve.	67	2	15			
	(9) Pukhuriaporia Vil- lage Grazing Re- serve.	10	0	0			
	(10) Naobaisagaon Vil- lage Grazing Re- serve.	134	3	3			
	(11) Gendheli Village Grazing Reserve.	380	4	17			
	(12) Namgarumara Vil- lage Grazing Re- serve.	158	2	0			
	Darrang ...	(1) Rowtapathar Vil- lage Grazing Re- serve.	215	2		10	... Dereserved.
		(2) Balisuti and Singrimari Village Grazing Reserves.	167	3		17	... Ditto.
(3) Puniani Village Gra- zing Reserve.		120	0	0	... For 3 years.		
(4) Damgaon Village Grazing Reserve.		90	0	17	... Ditto.		
Goalpara ...	(1) Kartempur Village Grazing Reserve.	109	1	5	... Ditto.		
Nowgong ...	(1) Paramaibheti Vil- lage Grazing Re- serve.	15	0	0	} ... Ditto.		
	(2) Rowmari Village Grazing Reserve.	212	2	1			
	(3) Moamari Village Grazing Reserve.	649	3	15			
	(4) Brahma Village Gra- zing Reserve.	545	1	15			
	(5) Borsola No.2 Village Grazing Reserve.	148	0	0			
	(6) Panbaristra Village Grazing Reserve.	10	0	0			
	(7) Sutargaon Village Grazing Reserve.	10	0	0			
	(8) Golaghatia Village Grazing Reserve.	271	3	7			



District	Name of Grazing Reserves A.G.R. and P.G.R.	Area dereeserved			Remarks
		B.	K.	L.	
Nowgong— <i>concl'd.</i>	(9) Mohmari Village Grazing Reserve.	10	0	0	For three years.
	(10) Bandarmela Village Grazing Reserve.	419	3	12	
	(11) Sibpur Village Graz- ing Reserve.	281	0	5	
	(12) Jhargaon Village Grazing Reserve.	77	0	0	
	(13) Koraibari Village Grazing Reserve.	78	3	14	
	(14) Ghogarjola Village Grazing Reserve.	70	0	0	
	(15) Sindisarhabi Profes- sional Grazing Re- serve.	100	0	0	
	(16) Rowmaribeel Profes- sional Grazing Re- serve.	535	0	0	For 3 years.
Kamrup ...	(1) Suagpur Profes- sional Grazing Re- serve.	1,925	2	6	Dereserved.
	(2) Tintukuria Profes- sional Grazing Re- serve.	800	0	0	
	(3) Subankhata Bhog- para Professional Grazing Reserve.	3,000	0	0	
	(4) Bhogedia Village Grazing Reserve.	407	0	0	
	Total ...	18,844	0	0	

**Shillong-Silchar-Tripura Border Road and Haflong-Lower Haflong Road.**

**Shri JOYBHADRA HAGJER** asked :

177. Will Government be pleased to state—

- (a) The length of the Shillong-Silchar-Tripura Border Road that falls within North Cachar Hills Subdivision ?
- (b) Whether the Subdivisional Officer, Public Works Department, Haflong is in charge of the whole length ?
- (c) The amounts of grants provided for in 1952-53 separately for—
  - (i) the completion of the road ; and
  - (ii) its maintenance.



(d) & (e)—Some people are unwilling to stay. But steps for requisitioning the available surplus land from Tangana Tea Estate nearby are being taken.

(f) & (g)—The District Development Board has suggested to reclaim the areas in Phillobari, Bozaloni and Mahakali for rehabilitation purposes which is under examination.

### Assam Government Press

**Jonab TAMIZUDDIN PRODHANI** asked :

180. (a) Will Government be pleased to state if it is a fact that the Assam Government Press was inspected in November 1952 by an Expert in Printing Technology from Madras at the request of this Government ?

(b) If the reply to the above question be in the affirmative, will Government be pleased to lay a copy of the Inspection Report of the said Expert on the Library table for the information of the members ?

(c) Is it a fact that the said Expert from Madras in his report condemned the existing two Foremen of the Government Press for their ignorance in Press Technology ?

(d) If so, what action have Government taken on the report of the Madras Expert ?

(e) Is it a fact that while appointing Shri Bhagaban Chandra Das as 2nd Foreman of the Assam Government Press the usual practice of consulting the Assam Public Service Commission was not followed and if so, why ?

(f) Is it a fact that a sum of Rs.54,000 has been spent on overtime allowance of the Press employees during the current financial year ?

(g) If so, what is the reason for this abnormal rise in the overtime allowance this year as compared with the amount spent on this account during the past few years ?

(h) Will Government be pleased to state what is the minimum educational qualification prescribed by them for recruitment in the Clerical and Reading Branch of the Assam Government Press ?

(i) Is it a fact that some non-matriculate outsiders have recently been recruited in the Assam Government Press as Clerks and Copy-holders in preference to the existing experienced hands and if so, why ?

**Shri RAMNATH DAS (Minister)** replied :

180. (a)—Yes.

(b) No, as the Report is under consideration of Government.



(c)—In view of reply to 180 (b), this does not arise.

(d)—The hon. Member is referred to reply to 180 (b).

(e) Yes. When the Assam Public Service Commission submitted nomination in connection with filling up of the temporary post of Assistant Superintendent, it was remarked by them that Shri Bhagaban Chandra Das, the 2nd Foreman was suitable for consideration. On the basis of this and on the recommendation of Press Superintendent he was temporarily appointed to the post.

(f)—The overtime allowance for the year 1952-53 is Rs. 52,743.

(g)—The hon. Member is referred to reply to starred question No.128 (c) asked by Shri Radhika Ram Das, M.L.A., in this Session of the Assembly.

(h)—The minimum educational qualification prescribed by Government is matriculation.

(i)—The reply is in affirmative. Two persons were employed in short leave vacancies and on return of the permanent incumbents from leave they will be discharged. (One temporary hand has since been discharged).

#### Loss of lands by erosion in the Mangaldai Subdivision

**Shri DANDIRAM DUTTA** asked :

181. (a) Are Government aware that large number of cultivators have lost their lands by erosion in the Mangaldai Subdivision ?

(b) If so, what steps Government are taking for their settlement ?

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

181. (a)—Yes. Four immigrant villages, namely N. C. Karai-khowa, N. C. Pubkharpari, N. C. Magurmari and N. C. Baigurmari have been eroded by the Brahmaputra. Of these, the latter two villages were chars in the Brahmaputra.

(b)—The eroded persons of N.C. Magurmari and N. C. Baigurmari have been given settlement of lands in N. C. Arimari Char of Seal mari. Action is being taken to settle the others in N.C. Gadhowa Chapori.

#### Amount of Money advanced as loan or subvention to different Local Boards and Municipalities

**Shri HARESWAR GOSWAMI** asked :

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

(a) How much money was advanced as loan or subvention to each of the different Municipalities and Local Boards of Assam during the year 1950-51 and 1951-52 ?



- (b) The purposes for which these loans and subventions were given ?  
(c) How much of the loan has since been repaid ?  
(d) Whether the Local Self-Government Department keep regular watch to see that these loans and advances are properly spent for the purpose earmarked ?

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

182. (a), (b) & (c).—Statements containing the information asked for are laid on the Library Table.

(d)—Regular watching and checking is done by the Examiner of Local Accounts.

**The Press (Objectionable Matters) (Extension to Assam Autonomous Districts) Bill, 1953.**

**Mr. SPEAKER :** The next item of business is the consideration of the Press (Objectionable Matters) (Extension to Autonomous) Districts Bill, 1953, clause by clause.

**Shri BISHNURAM MEDHI (Chief Minister) :** There is one amendment, Sir.

**Shri A. S. KHONGPHAI :** Mr. Speaker, Sir, in view of the discussions we had previously, I do not want to move the amendment.

**Shri BISHNURAM MEDHI (Chief Minister) :** Mr. Speaker, Sir, as the only amendment standing in the name of Mr. Khongphai is not moved, I beg to move that the Press (Objectionable Matters) (Extension to Assam Autonomous Districts) Bill, 1953 be passed.

**Mr. SPEAKER :** The Motion moved is that the Press (Objectionable Matters) Extension to Assam Autonomous Districts) Bill 1953 be passed.

*(after a pause)*

The question is that the Press (Objectionable Matters) (Extension to Assam Autonomous Districts) Bill, 1953 be passed.

(The Motion was adopted).



**The Assam Co-operative Societies (Amendment) Bill, 1953.**

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** Mr. Speaker, Sir, as there is no amendment, I beg to move that the Assam Co-operative Societies (Amendment) Bill, 1953 be passed.

**Mr. SPEAKER:** The Motion moved is that the Assam Co-operative Societies (Amendment) Bill, 1953 be passed.

(after a pause)

The question is that the Assam Co-operative Societies (Amendment) Bill, 1953 be passed.

(The Motion was adopted)

**The Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953**

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, as there is no amendment, I beg to move that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be passed.

**Mr. SPEAKER:** The Motion moved is that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be passed.

(After a pause)

The question is that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be passed.

(The Motion was adopted)

**Assam Forest (Amendment) Bill, 1953**

**Shri RADHA CHARAN CHOUDHURY:** Mr. Speaker, Sir, I beg to move that in the 4th and 5th lines of the proposed Proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, for the words "such other manner as the State Government may direct in this behalf", the following words shall be substituted:—

"re-auction in a subsequent date ; and even if, in the re-auction also the situation of price remains quite unsatisfactory as in the first auction, such forest officer shall be authorised by the Government to sell the produce in such other manner as the State Government may direct in this behalf".

Sir, the aim and object of the Bill are to have adequate money by sale of forest produce. It has already been said that in private sale we cannot expect adequate price for the forest produce. It



is, therefore, better that if in the first auction the price offered is not adequate the forest produce should be sold by re-auction on a subsequent date. In so doing the Government may expect more price than before. Not only this, Sir, the parties, *viz.*, the contractors will also be satisfied. So, Sir, instead of being satisfied with the first auction a chance may be given for re-auction for a second time. But if even at the re-auction the price level remains the same, or is unsatisfactory, then and then only Government should authorise the Forest Officers to sell the forest produce in any way Government may like. This is what I want to say.

**Mr. SPEAKER:** Amendment moved is:

That in the 4th and 5th lines of the proposed proviso to subsection (2) of Section 76 of the Regulation going to be inserted by clause 2, for the words "such other manner as the State Government may direct in this behalf", the following words shall be substituted:—"re-auction in a subsequent date; and even if, in the re-auction also the situation of price remains quite unsatisfactory as in the first auction, such Forest Officer shall be authorised by the Government to sell the produce in such other manner as the State Government may direct in this behalf."

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, I am sorry I cannot accept this amendment. My Friend, Shri Radha Charan Choudhury, wants that in case of failure to realise a reasonable amount of revenue by selling the forest produce at the auction under the rules, the Forest Officers should be directed to re-auction the produces. Sir, the discretion is always left with the Forest Officers either to accept the bid offered at the first auction, or to re-sell the produces again in auction, if he thinks it necessary under the circumstances before steps to be taken to sell the materials as directed by Government. I, therefore, do not see why a mandatory provision should be made in the Regulation. Nowhere else it is found that such a mandatory provision is made in any rule or law. The discretion of the officer is always there, Sir.

**Mr. SPEAKER:** Will you please look into the proviso?

There seems to be a slight inaccuracy in your argument. It is stated, "Provided that when no price is offered or the price offered in such auction is considered inadequate the sale by such auction shall be stopped and such Forest Officer shall sell the produce in such other manner as the State Government may direct in this behalf". He therefore cannot go in for a second auction.



**Shri RAMNATH DAS (Minister)**: I quite follow the provisions of the Bill, Sir. But my Friend by his amendment wants to provide a procedure to be followed by the Forest Officer to re-sell the produce again by auction.

**Mr. SPEAKER**: You object to that ?

**Shri RAMNATH DAS (Minister)**: Yes, Sir.

**Mr. SPEAKER**: That's all right.

The question is :

“That in the 4th and 5th lines of the proposed proviso to sub-section (2) of section 76 of the Regulation going to be inserted by clause 2, for the words ‘such other manner as the State Government may direct in this behalf’, the following words shall be substituted:—‘re-auction in a subsequent date ; and even if, in the re-auction also the situation of price remains quite unsatisfactory as in the first auction, such Forest Officer shall be authorised by the Government to sell the produce in such other manner as the State Government may direct in this behalf.’”

(The amendment was negatived.)

**Mr. SPEAKER**: Mr. Khongphai to move his amendment.

**Mr. A. S. KHONGPHAI**: Mr. Speaker, Sir, I beg to move that in the proposed proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, after the words “in such other manner” in the fourth line the words “not below the price offered by the bidder” shall be added.

Sir, if my amendment is accepted, the proposed Proviso will read like this: “Provided that when, no price is offered or the price offered in such auction is considered inadequate the sale by such auction shall be stopped and such Forest Officer shall sell the produce in such other manner, not below the price offered by the bidder, as the State Government may direct in this behalf”.

Sir, the object of my amendment is this: suppose in the auction the price offered by the highest bidder was Rs.1,000, which was, however, not considered adequate, then the Officer is given the power to sell the produce in such other manner as the Government may direct. It may some time happen that if full discretion is given to the officer he may sell it at less than Rs.1,000—say at



Rs.300, Rs.400 or Rs.500. By this amendment I want to restrict his discretion so that he may not sell the produce at less than Rs.1,000, which was the price offered by the bidder. So, the object of this amendment is to insert certain words in the proposed proviso. The proviso as it stands now, reads like this, "Provided that when no price is offered or the price offered in such auction is considered inadequate the sale by such auction shall be stopped, and such Forest Officer shall sell the produce in such other manner as the State Government may direct in this behalf". My object is that the officer cannot sell below the price which has been offered by the bidder.

**Mr. SPEAKER:** Mr. Khongphai, what shall you do if the bidders do not come?

**Mr. A. S. KHONGPHAI:** It has been made so in the Bill. Therefore, I say, Sir, the Forest Officer will sell the produce in such a manner which will not be below the price offered by the bidder.

**Mr. SPEAKER:** Amendment moved:

"That in the proposed proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, after the words 'in such other manner' in the fourth line the words 'not below the price offered by the bidder' shall be added."

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, I am sorry in not being able to accept the amendment moved by my Friend, Mr. Khongphai; because, I feel that this provision will be unnecessary and redundant. When the Forest Officers will withdraw from the auction, it is generally and naturally expected that they will not sell the produces at a price lower than which is received in auction. Otherwise there will be no meaning to withdraw the sale from auction. Therefore, I feel this amendment will be unnecessary and redundant, as such, I cannot accept it.

**Mr. SPEAKER:** The question is that in the proposed proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, after the words "in such other manner" in the fourth line the words "not below the price offered by the bidder", shall be added.

(The amendment was negatived.)

**\*Shri GHANA KANTA GOGOI:** Mr. Speaker, Sir, I beg to move that in the proposed Proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, after the word "behalf" at the end the words "and the price fetched must in all cases be higher than what was offered in the auction sale" shall be added.



Sir, my amendment is very much like that of Mr. Khongphai's amendment, but there is a slight modification in my amendment in comparison to that of Mr. Khongphai's. My objection is that the price fetched must in all cases be higher than what was offered in the auction sale.

**Mr. SPEAKER:** Mr. Gogoi, the prices have gone down.

**\*Shri GHANA KANTA GOGOI:** It should be the duty of the Forest Officers to report to the Government that the price offered is not below the auction sale. The Forest Officer must see that in any case the price offered does not fall. So, Sir, I think this amendment is necessary.

**Mr. SPEAKER:** Amendment moved is that in the proposed proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, after the word "behalf" at the end, the words "and the price fetched must in all cases be higher than what was offered in the auction sale" shall be added.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I want to speak a few words. I want to move an amendment to the amendment moved by Mr. Gogoi. I do not know whether it is admissible or not.

**Shri RAMNATH DAS (Minister):** How can you do that?

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I beg to move the following amendment to the amendment moved by Shri Ghanakanta Gogoi to clause 2 of the Assam Forest (Amendment) Bill, 1953:—

Add the following as an additional proviso, after the words 'auction sale' appearing at the end of the amendment moved by Shri Ghanakanta Gogoi:

"Provided further that the Forest Officer shall not sell the produce unless an opportunity has been given to the defaulter concerned to arrange sale thereof within such period as may be deemed sufficient by the Forest Officer."

Sir, while I support the amendment moved by Mr. Gogoi, at the same time, I feel that the requirement of the case can be best met by adding a proviso to his amendment, and hence this amendment, has been brought before the House.

**Mr. SPEAKER:** This a new amendment. I rule it out. You can speak on the amendment of Mr. Gogoi.

**Maulavi MUHAMMAD UMARUDDIN:** Sir, my point is this. It is not always possible for a Forest Officer to contact all the possible purchasers. While it is agreed that the State has a prior claim on the produce in satisfaction of the arrears, it cannot

\*Speech not corrected.



be denied that the defaulter should be given an opportunity to arrange for sale of the produce at as high a rate as possible.

**Mr. SPEAKER:** This is a general discussion. Will you please confine to the points raised only?

**Maulavi MUHAMMAD UMARUDDIN:** In such a case—before the Forest Officer takes any action for the sale of the produce—two conditions must be satisfied. The first is that the defaulter should be given a chance to sell the produce within a reasonable period of time and secondly the price at which the Forest Officer will sell it should not be lower than the highest price fetched at the auction. It is therefore necessary to have a Statutory provision so that the Forest Officer may not act in a manner which may prove prejudicial to the defaulter.

It is not safe to rely in such a vital matters on the discretion or judgement of the officer alone. There is therefore no harm in making such a specific provision and I cannot understand why the Minister-in-charge, Forest is fighting shy of accepting the amendment.

With these words, Sir, I support the amendment moved by Mr. Gogoi.

**Shri RAMNATH DAS (Minister):** Sir, I am again sorry in not being able to accept even this last amendment moved by my Friend, Mr. Gogoi. I am really sorry to say that he has not adduced any valid ground for acceptance of his amendment by this House. The arguments he has advanced in support of his amendment, are the same as that of Mr. Umaruddin's argument. I do not say that Government will give instruction not to sell the materials at a lower price. What I said is that it is generally and naturally expected that the officer will not sell the materials at a price lower than what is received in the auction. Therefore, Sir, the argument advanced by Mr. Umaruddin cannot be accepted although the principle is there in the provision made.

**Mr. SPEAKER:** The spirit is accepted.

**Shri RAMNATH DAS (Minister):** The spirit is already there. Therefore, Sir, I oppose the amendment as no additional provision is necessary.

**Mr. SPEAKER:** I put the question.

The question is that in the proposed proviso to sub-section (2) of Section 76 of the Regulation going to be inserted by clause 2, after the word "behalf" at the end the words "and the price fetched must in all cases be higher than what was offered in the auction sale" shall be added.

(The amendment was negatived.)

**Mr. SPEAKER:** The question is that clauses 1 to 2 both inclusive do form part of the Bill.

(The question was adopted.)

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



(The question was adopted.)

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Forest (Amendment) Bill, 1953, be passed.

**Mr. SPEAKER:** Motion moved is that the Assam Forest (Amendment) Bill, 1953, be passed.

I put the question.

The question is that the Assam Forest (Amendment) Bill, 1953, be passed.

(The Motion was adopted.)

### **The Assam Repealing and Amending Bill, 1953**

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Repealing and amending Bill, 1953, be passed.

**Mr. SPEAKER:** Motion moved is that the Assam Repealing and Amending Bill, 1953, be passed.

*(After a pause)*

I put the question.

The question is that the the Assam Repealing and Amending Bill, 1953, be passed.

(The Motion was adopted.)

### **The Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953**

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, as there are no amendments I beg to move that the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953, be passed.

**Mr. SPEAKER:** Motion moved is that the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953, be passed.

(The motion was then put as a question and adopted).

### **The Assam State Acquisition of Zamindaris (Extension to Autonomous District of Garo Hills) Bill, 1953**

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, as there is no amendment, I beg to move that the Assam State Acquisition of Zamindaris (Extension to Autonomous District of Garo Hills) Bill, 1953, be passed.

**Mr. SPEAKER:** The motion moved is that the Assam State Acquisition of Zamindaris (Extension to Autonomous District of



Garo Hills) Bill, 1953 be passed.

*(After a pause)*

I put the question.

The question is that the Assam State Acquisition of Zamin-  
daris (Extension to Autonomous District of Garo Hills) Bill, 1953  
be passed.

The motion was adopted.

**The Assam Management of Estates (Extension to Autono-  
mous Districts of Garo Hills) Bill, 1953**

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker,  
Sir, I beg, to move that the Assam Management of Estate (Exten-  
sion to Autonomous District of Garo Hills) Bill, 1953, be passed.

There is no amendment.

**Mr. SPEAKER:** Motion moved is that the Assam Manage-  
ment of Estates (Extension to Autonomous District of Garo Hills)  
Bill, 1953, be passed.

*(After a pause.)*

I put the question.

The question is that the Assam Management of Estates (Ex-  
tension to Autonomous District of Garo Hills) Bill, 1953, be passed.  
(The Motion was adopted.)

**The Goalpara Tenancy (Extension to Autonomous District of  
Garo Hills) Bill, 1953**

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker,  
Sir, as there is no amendment, I beg to move that the Goalpara  
Tenancy (Extension to Autonomous District of Garo Hills) Bill,  
1953, be passed.

**Mr. SPEAKER:** The Motion moved is that the Goalpara  
Tenancy (Extension to Autonomous District of Garo Hills) Bill,  
1953, be passed.

*(After a pause)*

The question is that the Goalpara Tenancy (Extension to  
Autonomous District of Garo Hills) Bill, 1953, be passed.  
(The Motion was adopted.)

**The Assam Moslem Marriages and Divorces Registration  
(Amendment) Bill, 1953**

**Rev. J. J. M. NICHOLS-ROY (Minister):** Mr. Speaker,



Sir, I beg to move that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953, be passed.

There is no amendment.

**Mr. SPEAKER** : The Motion moved is that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953, be passed.

*(After a pause).*

I put the question.

The question is that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953, be passed.

(The motion was adopted).

### **The Assam Nurses', Midwives' and Health Visitors' Registration (Amendment) Bill, 1953**

**Shri RUPNATH BRAHMA (Minister)** : Mr. Speaker, Sir, I beg to move that the Assam Nurses', Midwives' and Health Visitors' Registration (Amendment) Bill, 1953, be passed.

There is no amendment.

**Mr. SPEAKER** : Motion moved is that the Assam Nurses', Midwives' and Health Visitors' Registration (Amendment), Bill, 1953, be passed.

*(After a pause).*

I put the question.

The question is that the Assam Nurses', Midwives' and Health Visitors' Registration (Amendment) Bill, 1953, be passed.

(The motion was adopted).

### **The Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953**

**Mr. SPEAKER** : Now we shall take up the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953. There are two amendments.

**Shri GHANA KANTA GOGOI** : Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 5, for the words "twenty years" in the first line the words "forty years" shall be substituted.

Sir, my object in moving this amendment is that the people of the rural area who will get the benefit of the project will have to pay a portion of the amount of rupees fifty lakhs in twenty years, and according to the provision of the Bill, Sir, the people of Dibrugarh specially those residing by the river side who have suffered much are not exempted from the payment of the levy. I just want to bring this amendment that the amount that will be levied from the people be realised in



forty years in place of twenty years. With these few words, Sir, I commend my amendment to the acceptance of the House.

**Mr. SPEAKER:** Amendment moved is that in sub-clause (1) of clause 5, for the words "twenty years" in the first line the words "forty years" shall be substituted.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I am unable to accept this amendment. My Friend, Mr. Gogoi, is not realising exactly what he is going to do. If this amendment is passed it will do immense injury to the rate payers of Dibrugarh. Sir, clause 5 (1) states—"For a period not exceeding twenty years from the commencement of this Act, every person owning property within any of the belts aforesaid, shall in respect of his property be liable to pay the fee which shall be levied annually at the rates specified in the Schedule."

So, Sir, the rate is specified in the Schedule and should be realised annually. Take the case of "A" belt, the rate is not exceeding 10 per cent. of the value of the property. If the rate is not altered and the period is made 40 years then in 40 years' time Dibrugarh people of that belt will have to pay 400 per cent. of the value of their property.

**Maulavi MUHAMMAD UMARUDDIN:** On a point of clarification, Sir, I have not been able to follow the argument of the hon. Deputy Minister.

**Mr. SPEAKER:** His argument is clear that unless you amend the schedule, this amendment has no meaning.

**Maulavi MUHAMMAD UMARUDDIN:** But the ceiling is there, Sir.

**Shri HARESWAR DAS (Deputy Minister):** I am sorry, my Friend, Mr. Umaruddin, has not followed my argument, Sir. He is appearing and disappearing like a whirlwind during this session and therefore he could not follow my argument (*Laughter*). So, I ask him to follow my argument. Where does he get that ceiling? There is no ceiling of fees in this Bill.

**Shri GHANA KANTA GOGOI:** On a point of information Sir, does the hon. Deputy Minister mean that he expects that this 10 per cent. will be realised within the period of 20 years according to the provisions of this Bill?



**Shri HARESWAR DAS (Deputy Minister):** The Bill says, 'For a period not exceeding twenty years' so there is a wide margin there. That is to say, though the period is twenty years, we may stop in ten years and the annual rate is also not exceeding 10 per cent. Here also there is a wide margin. So what is the meaning of making it forty years? That will simply empower Government to realise 400 per cent. of the value of the property from the A Belt of Dibrugarh people. Therefore, Sir, if this amendment of Mr. Gogoi is accepted, it will do immense injury to the people concerned. So I request him to withdraw it.

**Mr. SPEAKER:** The question is that in sub-clause (1) of clause 5, for the words "twenty years" in the first line the words "forty years" shall be substituted.

(The amendment was negatived).

**Maulavi FAIZNUR ALI:** Mr. Speaker Sir, I beg to move that in the Schedule of the Bill for the figures "10", "8", "6", and "4" occurring against the items Belt A, B, C and D, the figures "5", "4", "3", and "2" respectively shall be substituted.

Sir, the Central Government is going to erect a revetment along the Brahmaputra river in order to protect the town of Dibrugarh from erosion. The cost of this revetment is estimated at about one crore of rupees. Half of this amount is proposed to be granted to our Government by the Centre and the other half given as loan without any interest to be repaid within 20 years. So the State Government has brought this Bill in order to levy a tax on the residents within the area which will be benefited by this revetment. Accordingly the area has been divided into four Belts, namely A, B, C, and D, and certain percentages have been fixed on the value of the property falling within these Belts, namely 10, 8, 6, and 4.

I submit, Sir, that this rate is very excessive. Of course we do not know what is the value of the property in the area likely to be benefited by this revetment. I am informed — I am open to correction — that in the municipal area alone the value of property is about 6 crores. But beyond the municipality there is a large adjoining area which will be protected by this revetment. Apart from this there is also a mooring tax to be levied on steamers stationed at Dibrugarh near the rivetment at one rupee per hundred tons daily.



Now, Sir, the total amount to be paid to the Central Government is 50 lakhs—half a crore within twenty years, that is to say, 2½ lakhs annually. I submit, Sir, that if the rate of 10, 8, 6 and 4 per cent. which Government propose under this Bill is retained, then the annual realisation will be far more than 2½ lakhs of rupees. That is why I submit that these rates are very excessive. We want only fifty lakhs within twenty years, and not more. So I propose that the rates be reduced to 5, 4, 3, and 2 per cent. in place of 10, 8, 6, and 4, because I think by the rates proposed by Government it will realise more than 50 lakhs within 20 years. But the figures suggested by me, *i.e.* 5, 4, 3 and 2 will be sufficient to realise the amount which Government shall have to repay to the Central Government, namely, 50 lakhs of rupees. Accordingly I propose that the rates be reduced and I hope Government will accept my amendment.

**Mr. SPEAKER:** Amendment moved is that in the Schedule of the Bill for the figures "10" "8" "6" and "4" occurring against the items Belt A, B, C and D, the figures "5", "4", "3" and "2" respectively shall be substituted.

**Shri HARESWAR DAS (Deputy Minister):** Sir, I am convinced with the argument advanced by my Friend, Maulavi Faiznur Ali, and I accept his amendment.

**Mr. SPEAKER:** Then I will put the Motion. The question is that in the Schedule of the Bill for the figures "10", "8", "6" and "4" occurring against the items Belts A, B, C and D, the figures "5", "4", "3" and "2" respectively shall be substituted.

(The amendment was adopted).

The question is that clauses 1 to 15 do form part of the Bill.

(The question was adopted).

The question is that the Schedule, as amended, do form part of the Bill.

(The question was adopted).

The question is that the title and the Preamble do form part of the Bill.

(The question was adopted).



**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker Sir, I beg to move that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, as amended, be passed.

**Mr. SPEAKER:** Motion moved is that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, as amended, be passed.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I am sorry that certain amendments which I had sent from Calcutta with a view to make some improvement in this Bill have not reached here in time and so they could not be placed in the list of Amendments in connection with this Bill. Now, though the Bill is going to be passed with the majority of votes, I fill it my duty to point out that this Bill is going to be an Act with certain invidious, improper and inadequate provisions. Sir, as I have already observed, during the discussion of the Bill at the earlier stage, that the Government is proceeding on the assumption that the revetment will be a success and result in direct benefit to the people of Dibrugarh. These are two assumptions on which Government has been proceeding. As it is well known, a very small or modest beginning has been made towards the construction of this revetment and very little money has so far been spent. But even then Government has been so anxious to recover the money which is going to be spent, from the public and with that end in view they have come forward with this Bill at this stage. So, Sir, I say the Bill is *prima facie* premature. Secondly, Sir, the Government has decided to levy betterment fee on the people of Dibrugarh who are supposed to be benefited by this revetment and I agree on principle that this can be done.

But it should be done at the proper moment. It is something like serving a bill for the dinner before the dinner has actually been served or eaten. This is the position which this Bill actually implies. Sir, I do not understand why Mr. Das goes away from the accepted principle and responsibility underlying the imposition of betterment fee. I want to know how he has been holding this high hope that the revetment will be a success. Has he been actually advised by some astrologer that this revetment will be a success and result in bringing benefit to the people of Dibrugarh? Sir, we have seen the fate of having many projects that had been started in the past. This is a project which is intended to fight with nature, with the violent forces of nature—the mighty Brahmaputra.



Therefore, Sir, we cannot say at this stage that this revetment will be a success, and if so, to what extent. The failure may be due to faulty execution or other technical defects on the part of the Government agency. So, there is no hurry in coming forward with this Bill. This Bill could be introduced after one year or after a reasonable period of the completion of the revetment. Why is this hurry, why this impatience, why this hunger for money? I cannot understand. At the same time Government is doing no charity to the people of Dibrugarh. This Government has the responsibility for the protection of the Dibrugarh town. The people of the Dibrugarh town are as much citizens as the people of other places of the State. Anyhow, the Center has been pleased to give 50 lakhs of rupees free in this connection and another 50 lakhs free of interest. This Government is not going to spend a single farthing out of its own coffer, but will serve as an agency of the Central Government in the execution of the project and will charge certain commission... (A voice from the Treasury Benches: It is absolutely absurd.) It is not absurd, Sir. This State Government will be only giving some of its officers to work on the project and for that also they want to realise money from the people of Dibrugarh town. I could appreciate the idea of realising money from them if they could be eventually benefited by the project. But this is a matter the result of which remains to be realised. So, Sir, I say that first of all the measure is premature. If it had been expected that the revetment would be a success and this Bill introduced on the understanding that it would be brought into force only after the fulfilment of certain contingencies, I would have been prepared to accept that position. But that is not the attitude of the Government. Clause 3 of the Bill provides that Government will make a decision as regards the imposition of the levy and that decision will be final. Again, the decision will indicate the area upon which the betterment fee will be levied.

Sir, it is not indicated what will be the basis on which Government will make this decision. Who has advised Government that benefit will accrue directly from the revetment? If the Government cannot take responsibility of giving a guarantee that the revetment will be a success then Government cannot say that the people there will be benefited and in that case, Government cannot justifiably levy the betterment fee. So many factors arise, Sir, in dealing with this question of imposition of the betterment fee. The betterment fee must be subject to the success of the revetment. Some experts must observe the functioning and effects of the revetment for a certain number of



years after its completion. They must satisfy themselves that the project is really going to protect the area which is threatened with erosion and then again the gradation of the area will be a difficult operation. In view of that how can it be said that area A or B is going to be benefited up to the contemplated degree? It is a very difficult question. This matter must be surveyed carefully. Even Clause 3 does not provide that this decision on the part of the Government to impose the levy will be subject to the observation by a Committee of Experts, and at the same time, the area to be brought under levy will be determined upon the advice of the experts. Secondly, Sir, we find that there is no provision here to issue notification specifying the areas to be brought under the purview of the levy so that the people affected could have an opportunity to make objection. But what we find is that Government decision is final and the people must accept it whether certain section of the people is actually benefited or not. On this ground I have strong objection to the imposition of the levy. Some people of Dibrugarh might think that they have not derived any benefit from the revetment and therefore, they could make out a case that this imposition of the levy by the Government is an injustice. So, Sir, I say that there should have been a provision for filing objections by the people so that those objections could be enquired into by the Deputy Commissioner or by the State Government and after examination of those objections final orders could be passed.

But there is nothing of the kind. The Bill is absolutely sweeping in this respect. It does not give any opportunity to the people to speak out their mind and to file objections. Government proceed on the assumption that the revetment is going to succeed and the people must submit to the imposition without any objection at all. This takes away certain basic right of the people. When any objection is raised or any defect is pointed out, Mr. Das says that the Member making the objection suffers from ignorance and that he does not understand this or that provision of the Bill. The Bill has been so badly drafted that many important matters have been left vague and incomplete.

He has made the Bill unintelligible and the fault is his. Clause 5 sub-clause (1), says that every person owning property within any of the Belts aforesaid, shall in respect of his property be liable to pay the fee which shall be levied annually at the rates specified in the Schedule. The word 'rates' calls for some comment. The schedule does not prescribe rates; the schedule only gives the ceiling to the rates and not the rates. The rate



probably will be determined by the Deputy Commissioner or Collector, but that these rates which he will fix will not exceed the ceiling indicated in the schedule. But no basis has been laid down on which these rates will be determined.

Secondly, I find that another provision should have been there, *i.e.*, abatement after levy has been imposed if the revetment proves useless and ceases to provide the contemplated benefit.

**Mr. SPEAKER:** You should not repeat the same thing.

**Maulavi MUHAMMAD UMARUDDIN:** So, there must be a provision for abatement of the levy under same circumstances, that is, either to abate the entire levy or to reduce the rate of levy. So, the Bill will not be complete unless there is the provision for abatement or reduction of levy. It is quite possible that due to some natural causes, earthquake or flood, the revetment may be destroyed or the Brahmaputra may change its course and move far away from the revetment throwing up a large tract of land in between. In such circumstances the revetment will be useless and there should then be the need for abatement or reduction of the levy according to circumstances. Thirdly, under clause 6, there are certain exemptions, but these exemptions are limited to two or three items. In course of time certain more items may be found necessary to subject to exemption. This clause does not make any such provision and in that case another piece of legislation will be necessary to grant exemption to more items. On that score also the Bill is defective.

As we have said, the most important aspect of the Bill is the assessment of valuation and rates of assessment and list of persons so assessed. This is the important function contemplated, but not clearly and adequately provided for in the Bill under clauses 3, 4 and 5. Not only this has not been provided for in the Bill but it has not been provided in the rule making clause also. In clause 15, the basis of assessment of valuation of property has not been provided; it only provides the manner of publication of the list of persons who will be affected. So, the Bill is defective in some vital aspects and I am sure it will be an instrument of harassment to the people of Dibrugarh.

With these words, I say that the Bill is defective and should not be passed by the House.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I fail to understand the stand taken by Umaruddin Saheb. He regrets that he sent some amendments from Calcutta which were not allowed. Why should he go to Calcutta, which is not his constituency to send these amendments (*Laughter*)? If he was serious



about the amendments, and he thought that this was an important Bill why should he go to Calcutta and send his amendments from there, why did he not leave these amendments with the Secretary here? For such reasons I say that we are not getting co-operation from the hon. Member. My Friend complains that I charge them with ignorance. This is incorrect. I consider Members of the Opposition to be intelligent persons and we expect much from them. At the time of consideration of the Bill, my Friend was here, and he opposed the Bill. He could have at that time drafted his amendments and leave them with the Secretary. If my Friend thought that the Bill would oppress the people of Dibrugarh, he should have tabled the amendments in time to stop that oppression. He did nothing like that. So I say we are not getting co-operation from Opposition as they do not apply their minds. Instead of submitting the amendments in time, the hon. Member left for Calcutta and sent the amendments from there and due to delay in transit they were not accepted. That supports my contention.

Now, he said that he was not sure of the success of the revetment and enquired whether we consulted any astrologer, who predicted the success of the revetment. We do not bring Bills, Sir, after consulting astrologers. My Friend possibly consulted some astrologers while drafting the amendments and possibly the verdict of the astrologer was against him and so he left for Calcutta (*Laughter*).

Now, I have not been able to understand the stand of my Friend in opposing the Bill. The construction of revetment and acquisition of land for that purpose are dealt with in another Bill and that Bill has been passed by this House. This Bill only is supplementary to that Bill. If that Bill was rejected by this House, then we would not have come with this Bill and this Bill would have been then premature. This Bill is not premature, but it is a consequential one. The first Bill having been already passed, this Bill has become necessary. After passing it will have to be sent to the President for approval and this will take a long time. In the meantime works of acquiring land and construction of the revetment will begin. Even after this Bill passes into an Act, various difficulties in valuation and assessment of property will arise. That will also consume much time. When my Friend said that this Bill is premature, I could not follow his argument. It is not premature. It seems my Friend, Mr. Umaruddin, is against giving money to Government. Government require money to serve the people. It is for the benefit of the people that Government require money. In the words of an eminent Indian Historian I may say that rivers dry up, waters evaporate but returns in the shape of rain and fertilises the soil for the benefit of mankind. (*Hear, hear*)



Here Government take money, money evaporates from the pocket of the people, but returns in the shape of various beneficial measures and enriches them.

The other day, at the consideration stage, my Friend introduced Kabuliwala in his speech. I do not know how the Kabuliwala could help in his speech. Possibly his point was that as the Kabuliwala realises money from people, Government also realises money from people and therefore there is no difference between a Kabuliwala and the Government. If that be his point, then he has committed a blunder, a Himalayan blunder. There is material difference in the approach of a Kabuliwala and the Government. The difference is here, as a dutiful servant serves his master with master's money, so this Government serves the people, its masters, with peoples' money. A Kabuliwala realises money for his own purpose. But Government takes money for the benefit of the people themselves. He has lost sight of this fundamental difference. So, I say he has committed a Himalayan blunder. (*Laughter*).

My Friend says that this Bill will oppress the people of Dibrugarh. What stand he has taken, I do not understand. When the Acquisition Bill was introduced, my Friend, who had no stake at Dibrugarh, opposed it. Whereas my Friend, Shri Nilmoni Phookan, who owns a house there, Shri Ramesh Barua and Shri Dalbir Singh Lohar who are residents of that town and own property supported it! My impression was that this was a complete answer to his objection.

Now, as regards this project, Sir, my Friend said that 'where is the knowing that it would be successful'? Can anybody assure absolute success? Can anybody say that he will live upto one hundred years? Nobody can say that. The risk is there. When a man is born he may die at any moment. The risk is there. But that does not debar him to work. One may die at the age of 20 years, but that does not mean that he should not go to school. After all we are human beings. We take necessary precaution and then start working. Here we have got our experts. The experts came from the Government of India. Those Engineers went to the spot, they examined the area and they suggested this measure. Our Engineers also associated with the work. Now, if we eliminate those experts—the experts from the Government of India and our experts, I do not know, how we can proceed with the work. We have got to rely on them. There is no way out. Even very recently the Government of India sent experts, and as a matter of fact they have deputed one *Ex-Engineer* to look after the work. They are in touch with the progress of the work. The Government of India have taken a keen interest in the whole matter. They are helping us with Engineer and superior officers are also coming to supervise the



work. Our Officers are also there. In this way every precaution has been taken so that the scheme may succeed. There is no pleasure to realise money from the people of Dibrugarh. It is for their benefit.

**Shri RANENDRA MOHAN DAS:** Sir, there is a provision for levying a mooring tax from the steamers coming within 400 yards of the revetment for the protection of the revetment. Now, if it is passed, I think, there will be difficulties so far as the Municipality and the Local Board are concerned, because according to the rules the Municipalities and the Local Boards have got the power to levy mooring tax. Now if it is taken away, there will be future difficulties and it is not clarified in this Bill. This is one point. Secondly.....

**Mr. SPEAKER:** No more please.

**Shri HARESWAR DAS (Deputy Minister):** This is for the lawyers to express opinion. Still I give my opinion. Under the Municipal Act, the Municipality can charge mooring tax, but they have got to maintain the approach roads, sanitation and other arrangements. Sir, I was a Chairman of the Goalpara Municipality. I found these difficulties, but subsequently by some manipulation we got over it. But the Mooring Tax, in this Bill is for the protection of the revetment. Those Steamers which moor within 400 yards of the revetment will be liable to pay this charge. My idea is that possibly not a single pie will be realised on this account, as the Steamer Companies who know business, will not come within the 400 yards of the revetment. This is a protective measure. This will just deter the Steamers to come within 400 yards of the revetment. If they come within 400 yards, they will be required to pay this tax. There is no legal bar to charge such a tax by two separate bodies. The Steamers may pay two such taxes; one to the Government and another to the Municipality for the different purposes mentioned above. Here our idea is to protect the revetment in order. Realisation of money is not of primary consideration.

As regards the point my Friend, Umaruddin Saheb, has said that the Dibrugarh people are being oppressed. It is for the Dibrugarh people to express such opinion.

**Maulavi Muhammad UMARUDDIN:** Sir, have I no right to say for the Dibrugarh people?

**Shri HARESWAR DAS (Deputy Minister):** I don't say, "you have no right". But who is the best person to say so. My answer is that the Dibrugarh people, *i. e.* their representatives



here ; even Shri Gogoi, a Member from Dibrugarh and also a Member of the Opposition wants this Bill, rather he wanted to raise the fee. What more evidence does my Friend require ?

So, Sir, these are the only points raised by my Friend. With these remarks, I request my Friends not to press these points further.

**Mr. SPEAKER :** The question is that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, as amended, be passed.

(The Motion was adopted.)

### The Assam Cinemas Regulation Bill, 1953

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** Mr. Speaker, Sir, I beg to move that the Assam Cinemas (Regulation) Bill, 1953, be passed.

**Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, I beg to move that in clause 4, for the words "the district magistrate" in line three the words "an officer appointed specifically for this purpose by the Government" shall be substituted.

Sir, in clause 4 of the Bill, regarding the Licensing Authority, it states, "The Authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the district magistrate.

Sir, when this Bill was taken up for consideration, I referred to the onerous task that our District Magistrates were expected to perform. He is in a way what not to the Government. Our District Magistrates are the Chairman of the Supply Advisory Board, Chairman of the Land Advisory Distribution Committee, and Chairman of so many other committees. Naturally the District Magistrates do not find any time to devote actually to their normal duties, which are generally heavy. Even after this, we want to impose upon them other tasks, which we apprehended will not be duly performed. We have that experience. So, we hope that this work will be given to some other people and not to the District Magistrate. Sir, in the Statement of Objects and Reasons, it is intended as to how to regulate the cinema houses. We know in our State the cinema houses are not up to the standard. They suffer from various defects. If any body peeps any of the cinema houses, he will have to say that they (the cinema houses) in Assam are far below the standard, that is expected of any cinema house, where people have to remain not alone, but in the mids of crowds for hours together. In giving licenses, the question of ventilation, sanitation, exit, entrance etc. should be taken into consideration. Therefore, if this task is to be rightly performed, it is necessary that there should be a special officer. As there are special officers for



inspection of factories, or working of the factories, similarly, there should be a special officer for performing this task. It may be argued, when I am speaking of a special officer being appointed, that I am speaking for incurring more expenditure by the Government. Because, we know that very officer for this purpose will incur more expenditure of the Government. But as we are really interested in improving the condition of the cinema houses, it is necessary to spend something, and in the long run, that expenditure may bring more dividend to the State Exchequer in the form of amusement tax, etc. With these words, I commend my amendment for the acceptance of the House.

**Mr. SPEAKER** : Amendment moved is that in clause 4, for the words "the district magistrate" in the line three the words "an officer appointed specifically for this purpose by the Government" shall be substituted.

**Shri MOHI KANTA DAS (Parliamentary Secretary)** : Mr. Speaker, Sir, these very points were raised by my Friend on the last occasion, to which I gave my replies, point by point, and I tried to impress upon him the futility of his argument on all these. I was expecting that he would not come again to argue on the same point. My point is that the term "special officer" mentioned in support of his amendment, is too vague. I do not know, what sort of officer my Friend wants. Whether he would be below the rank of Deputy Commissioner or above the rank of Deputy Commissioner.

The second point is that whether Government will have to incur extra expenditure by appointing that special officer for that particular purpose. My Friend's amendment is not clear on all these points.

Moreover, we find, nowhere, in the Central Act or Acts of Madhya Pradesh and other States, that this power has been taken away from the District Magistrates. Because the Central Legislature and the State Legislatures thought that the District Magistrate, or the Deputy Commissioner would be the proper person, as he is the man on the spot and conversant with local conditions ; moreover he will have time enough to pay attention to all these matters as this task will not involve much time. So the Deputy Commissioner has been made the licensing authority. But my Friend, in his argument to-day submits that the Deputy Commissioner would not be able to discharge their duties in this connection because of his manifold responsibilities. But on a previous occasion during the discussion at consideration stage, he seemed to have held the view that he did not like that the Deputy Commissioners should have this power. Now he has given up that trend of argument, and has said that the Deputy Commissioner would have no time to manage this task, as he is overworked. So his two points of view are contradictory



Sir, I beg to request him to go through the provisions of the whole Bill. I am sure he does so, if he will find that nowhere the Deputy Commissioner has been given the sole authority in the matter of suspending licenses, etc. It is the State Government which will give the final orders. Therefore, I hope that the Leader of the Opposition would see his way to withdraw his amendment.

**Mr. SPEAKER:** The question is that in clause 4, for the words "the district magistrate" in line three the words "an officer appointed specifically for this purpose by the Government" shall be substituted.

(The amendment was negatived).

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that the proviso to clause 4 shall be deleted.

The proviso says, "Provided that the State Government may, by notification in the official Gazette, constitute for the whole or any part of the State such other authority as it may specify in the notification to the licensing authority for the purpose of this Act".

Sir, it is really very unfortunate that our speeches are misinterpreted by the Members sitting in the Opposite. I was not complaining about giving more power to the Deputy Commissioner. All that I was saying was that the poor fellow was overworked and he should not be overburdened with such as other works, such as issue of licenses to the cinema houses etc.

Now in this clause, I find that, if my Friend is really serious of giving the licensing power to the Deputy Commissioners, he should keep and it should not be given to other persons. But in the proviso, it is also provided that if the State Government consider it necessary, they may constitute somebody else. Who is that somebody else? What does this expression mean? It may be anybody. It may be a Government Officer, or somebody of their own liking, who may be made the licensing authority. It gives more power to the Government, to the party in power, to favour someone. Sir, this proviso is very vague and unwarranted. Therefore, this should not be kept there.

**Mr. SPEAKER:** Amendment is that the proviso to clause 4 shall be deleted.

**Shri GAURISANKAR BHATTACHARYA:** Mr. Speaker, Sir, I want to say only a word or two in support of the amendment of my Friend, Mr. Goswami. He has said, Sir, that it is not clear to him who that somebody will be. To me, Sir, it is quite clear. This is the only point to explain for which I have taken my stand. When the election time draws near, Government by notification will appoint a person for the purpose of collecting money for the Congress Fund. This is the whole purpose of the provision. When the Government think that some of their minions is to be appointed



to a "lucrative" job, then this post will be created at that time. The party in power, through the Government, will create that post during the time of election because then they will certainly need money. For this reason the matter is quite clear to us and so we cannot but oppose this provision.

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Sir, this amendment is contrary to the first amendment. In the first amendment the mover wanted to replace the district magistrate by some other officer to be appointed by the Government. Sir, I have already stated in my first speech that the first amendment is absolutely unnecessary. The Bill has made provision that at the time when Government think it necessary, some other officer may be appointed to act as licensing authority for any part or for the whole of the State. Therefore, Sir, this amendment is quite contrary to the first amendment. Moreover, Sir, as I have refused to accept the first amendment, I cannot also accept this amendment. Therefore, I oppose it.

**Mr. SPEAKER:** The question is that the proviso to clause 4 shall be deleted.

(The amendment was negatived).

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that in sub-clause (1)(a) of clause 5, for the word "substantially" the word "fully" shall be substituted.

Now, Sir, in clause 5(1) we find—"The licensing authority shall not grant a license under this Act unless it is satisfied that—  
(a) "the rules made under this Act have been substantially complied with....."

Sir, I am opposing to the word "substantially". I want to substitute it by the word "fully". Sir, if the rule is not fully implemented, then the rule will be a dead letter. Therefore, if we want the rule to be implemented, it must be implemented fully, so as to leave no room for any doubt; otherwise, Sir, there will be room for loose interpretation of the rules and also it may be that some officers may take advantage of such defective rules and avail themselves of certain opportunities which may lower the standard of administration.

With these few words, I commend my amendment and, Sir, I hope my amendment will be accepted by the House.

**Mr. SPEAKER:** Amendment moved is that in sub-clause (1)(a) of clause 5, for the word "substantially", the word "fully" shall be substituted.



**Shri MOHI KANTA DAS (Parliamentary Secretary):** Sir, this word "substantially" has been used in the Act and also in the Acts of various States as well as in the Act of the Central Government. Sir, whenever an applicant has been able to satisfy the Licensing Authority or the State Government that he has fulfilled substantially all the rules and regulations of Cinema Act and after necessary examination by the officer concerned the license will be granted to the applicant. Moreover, Sir, we have made provision for giving preference to scientific, educational, cultural and other important films. In this respect provision is already there in clause 5(2)—"Subject to the foregoing provision of this section and with the previous approval of the State Government the licensing authority may grant licenses 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".

So, Sir, the final discretion is left to the State Government. Therefore, Sir, I see no ground to accept this amendment, and therefore, I oppose it.

**Mr. SPEAKER:** The question is that in sub-clause (1)(a) of clause 5, for the word "substantially" the word "fully" shall be substituted.

(The amendment was negatived).

**Shri A. S. KHONGPHAI:** Mr. Speaker, Sir, I beg to move that after sub-clause (3) of clause 5, the following shall be added as sub-clause (4):—

"(4) A condition shall be inserted in every license that the licensee will not exhibit, or permit to be exhibited in such place any film other than a film which has been certified as suitable for public exhibition by a Board consisting of licensing authority and two or more persons to be appointed by the State Government."

Sir, my object in moving this amendment is very simple. It seeks only what type of films are to be exhibited to the public in general so that those type of films would be harmless to the people, and to the student community in particular such films would be exhibited which will give them healthy recreation, which will give them additional value to their study and at the sametime they may not harm the student community in any way.

Sir, I have gone through the Cinematograph Act of 1918.—Under section 7(1) of the main Act, Sir, we find—"Any Provincial Government may, by notification in the official gazette, constitutes as many authorities as it may think fit for the purpose of examining and certifying films as suitable for public exhibition, and



declare the area (hereinafter referred to as the 'local area') within which each such authority shall exercise the powers conferred on it by this Act. Where an authority so constituted consists of a Board of two or more persons not more than one half of the members thereof shall be persons (in the service of the Crown)''.

This I am reading from section 7 of the Cinematograph Act, (Act II of 1918) Sir. And also in the report of the Select Committee we find—"We understand that the authorities to be constituted under clause 7 will, as a rule, be authorities whose certificates will be valid throughout British India. It has been pointed out to us that cases may well arise where a film the exhibition of which might not be objectionable in many parts of India would, owing to local conditions, stand on a different footing in other parts, and we have therefore inserted a provision enabling any certificate to be restricted by the Local Government either generally in its Province or any part thereof." So, Sir, my point is that our State Government will also see that this enabling clause is added in this Bill which will give more power to them to see that the films exhibited are really beneficial to our people. With these few words, Sir, I think I have nothing further to add and I commend my amendment to the acceptance of the House.

**Mr. SPEAKER:** Amendment moved is—

That after sub-clause (3) of clause 5, the following shall be added as sub-clause (4):—

"(4) A condition shall be inserted in every license that the licensee will not exhibit, or permit to be exhibited in such place any film other than a film which has been certified as suitable for public exhibition by a Board consisting of licensing authority and two or more persons to be appointed by the State Government."

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Sir, I am sorry I cannot accept this amendment because it is fundamentally wrong. The State Government has got no power of certification which is the duty of the Central Government as provided under section 3 of the Central Act. Under that section of the Central Act there is to be a Board of Film Censors to be constituted by the Central Government for examining and certifying films. In this connection I may refer my Friend to the Union List in the Seventh Schedule serial 60, "Sanctioning of cinematograph films for exhibition" and to the State list serial 33 that "cinemas subject to the provisions of entry 60 of List I." Therefore, Sir, this amendment proposed by my Friend is outside the jurisdiction of the State Government, and for that reason I oppose the amendment:



**Mr. SPEAKER :** The question is—

That after sub-clause (3) of clause 5, the following shall be added as sub-clause (4) :—

“(4) A condition shall be inserted in every license that the licensee will not exhibit, or permit to be exhibited in such place any film other than a film which has been certified as suitable for public exhibition by a Board consisting of licensing authority and two or more persons to be appointed by the State Government.”

(The amendment was negatived.)

**Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 6, the words “or the Licensing Authority in respect of the Area within its jurisdiction ” occurring in lines two and three shall be deleted.

Sir, under clause 6, power to direct licensee not to exhibit certain films, it is provided ; “ 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.” By this amendment I want to do away with the words “ or the Licensing Authority in respect of the area within its jurisdiction ” and the clause will then read : “ The State Government in respect of the whole of the State or any part thereof may, if it is of opinion that any film which is being publicly exhibited is likely to cause breach of the peace by order, etc...” My purpose is that actually the work of censoring a film is to be done by the Central Government and in the Statement of Objects and Reasons also it is stated that so far as censoring is concerned it is the subject matter for the Central Government. Sir, once it is agreed to give this power to the Licensing Authority as provided for under clause 6(1) and if that Authority consider that exhibition of certain film is likely to cause breach of the peace, it can suspend exhibition of that film. If that is actually done, I don't know what will be the Constitutional position ; whether in view of the list enumerated in the Seventh Schedule which gives the power of censoring films to the Central Government, that power can be exercised by that Licensing Authority from the Constitutional point of view. Nevertheless even if this power can be exercised that should be exercised by the State Government, and that power should not be left to the



Licensing Authority. We know that the Licensing Authority may be a district magistrate or he may also be some other person who is not a district magistrate according to the provisions of clause 4 and if we leave such power in the hands of the district magistrate, it will be wrong. Therefore, I want this power, if at all it is to be used, should be used by the State Government. Moreover, Sir, a film is not shown immediately. Before a film is exhibited in a certain area it has to be advertised and therefore there is no question to hurry. The State Government can be approached during the interval between the day of its first advertisement and the actual exhibition of that film. There is a gap of time here. Therefore it will be better if this power is retained by the State Government. With these words, Sir, I commend my motion to the acceptance of the House.

**Mr. SPEAKER:** Amendment moved is that in sub-clause (1) of clause 6, the words " or the Licensing Authority in respect of the Area within its jurisdiction " occurring in lines two and three shall be deleted.

**Shri MOHI KANTADAS (Parliamentary Secretary):** Mr. Speaker, Sir, my Friend has raised a Constitutional issue. My only answer is that the licensing authority which has been given the power to issue license can also suspend any license under the Constitution. The Rule provides that he shall show the reasons and circumstances why a license is suspended. The reasons may be for public interest such as to prevent breach of the peace and matters like that. There is nothing objectionable under the Constitution in this clause. Moreover, Sir, as directed by the Centre, we have enacted this provision. In the Central Act passed in the year 1952 we find as follows in section 13(1): "The Lieutenant-Governor or, as the case may be, the Chief Commissioner, in respect of the whole Part C State or any part thereof, and the district magistrate in respect of the district within his jurisdiction, may, if he 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 the film shall be deemed to be an uncertified film in the State, part or district, as the case may be."

Sir, this Section 13 is applicable to C States only and not applicable to Parts A and B States. So we have brought this Bill on the lines of the provisions of Part III of the 1952 Act. My Friend's contention is that the district magistrate should not be given all the power for revocation or suspension. But, Sir, he has not gone carefully into all the provisions of the Bill. The Deputy Commissioner or the District Magistrate has not got the sole authority in respect of issuing license and suspending license and revoking license.



My Friend I think has not read the provision in this connection. In clause 6(2) of our Bill it is stated: "When an order under sub-section (1) has been issued by the Licensing Authority a copy thereof together with a statement of reasons therefor shall forthwith be forwarded by the Licensing Authority to the State Government and the State Government may either confirm or discharge the order." This shows that the order of the district magistrate in this connection is not final. The State Government only gives the final decision after going through the matter carefully and considering all the pros and cons of the subject.

Therefore, Sir, I do not see any reason to accept the Amendment of my Friend and, so, I oppose the Amendment.

**Mr. SPEAKER:** The question is—

That in sub-clause (1) of clause 6, the words "or the Licensing Authority in respect of the Area within its jurisdiction" occurring in lines two and three shall be deleted.

(The amendment was negatived.)

**Shri HARESWAR GOSWAMI:** Sir, in view of the rejection of my Amendment to sub-clause (1) I do not want to move my next Amendment\*.

**Shri HARESWAR GOSWAMI:** Sir, my next amendment is:

"That in sub-clause (3) of clause 6, the words 'unless discharged by the State Government under sub-section (2)' occurring in lines one and two shall be deleted".

Sir, in sub-clause (3) it is written:

"An order made under sub-section (1) shall unless discharged by the State Government under sub-section (2) remain in force for a period of 2 months from the date thereof....." Here I want to delete the words "unless discharged by the State Government under sub-section (2)", and then it will read as, "An order made under sub-section (1) shall remain in force for a period of 2 months from the date thereof....."

This also I am not pressing as my Amendment to sub-clause (1) was not accepted. It does not fit in and therefore, I am not moving it.

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\* Shri Hareswar Goswami to move:—  
"That sub-clause (2) of clause 6 shall be deleted",



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

That at the end of sub-clause (3) of clause 6, for the "full stop" a "colon" shall be substituted and the following paragraph shall be added thereafter.—

"Provided that all such subsequent orders shall be appealable in the Court of the District Judge."

Here the power has been given to the State Government to confirm the order given by the Licensing Authority suspending the exhibition of the film. In this case if there is no scope for appeal, then the licensee may suffer unnecessarily. Therefore, Sir, it is necessary that instead of relying too much on administrative justice this matter should be left to the judicial authority. Therefore, my amendment that "Provided that all such subsequent orders shall be appealable in the Court of the District Judge" should be inserted so that there can be appeal in the Court of the District Judge against that order and that suspension may be averted.

**Mr. SPEAKER :** Amendment moved is :

That at the end of sub-clause (3) of clause 6, for the "full stop" a "colon" shall be substituted and the following paragraph shall be added thereafter :—

"Provided that all such subsequent orders shall be appealable in the Court of the District Judge."

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** I am sorry, Sir, I cannot accept this Amendment of my Friend because there is a provision here. There is no such provision that administrative matters are taken to law courts. My Friend does not want to be satisfied with the findings of the State Government when the State Government extends the suspension period in public interest so as to prevent any breach of peace. Particularly to prevent breach of peace only the Licensing Authority can suspend the license for a certain period and the State Government can ratify it and for that discretion has been left with the State Government and when the State Government finds from the report of the district magistrate that those circumstances still continue then Government may order for further suspension of the license. So, here the State Government has been given that power to extend the period of suspension. Now, my Friend wants that against the order of the State Government there should be provision for filing an appeal or revision petition before the District Judge. This is a simple administrative matter. This kind of administrative matter may also be taken up before the High Court if my Friend finds that any person is aggrieved by the order of the State Government. There is sufficient provision made under clause 9 for appeal by any aggrieved person. In view of all these, Sir, I do not



see any reason why there should be a provision for going to the District Judge against the orders of the State Government. Neither in Madhya Pradesh Act, nor in the Bombay Bill, practically nowhere in India there is such a provision as my Friend wants to provide here.

Therefore, Sir, I oppose the Amendment.

**Mr. SPEAKER:** The question is:

That at the end of sub-clause (3) of clause 6, for the "full stop" a "colon" shall be substituted and the following paragraph shall be added thereafter:—

"Provided that all such subsequent orders shall be appealable in the court of the District Judge".

(The Amendment was negatived).

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that in clause 8 before the words "the Licensing Authority" in line eight, the words "the State Government on the report of" shall be added.

Sir, clause 8 relates to power to revoke licence. It says: "In the event of any contravention by the holder of a license of any of the provisions of this Act or Rules made thereunder or any of the conditions or restrictions upon or subject to which the license has been granted to him under this Act or in the event of his conviction of an offence under section 7 of this Act or under section 7 of The Cinematograph Act, 1952 the Licensing Authority may revoke the license or suspend it for such period as it may think fit."

Here instead of giving power to the Licensing Authority my amendment seeks to give this power to the State Government. That the State Government on the report of the Licensing Authority may revoke the license or suspend it, as it thinks fit. This is consistent with clause 6(1), because in clause 6(1) there is a power to suspend the exhibition of any film and that power is not given to the Licensing Authority, but it has been conferred on the State Government. Therefore, the revoking of a licence should be given to the State Government. It may be argued that the Licensing Authority who can issue licence should have the power to revoke also; but revoking a license may mean stopping the avenues of livelihood of a person. This power should be with the State Government who will be able to revoke a license on the recommendation of the Licensing Authority.

Sir, this is a simple amendment and, I hope, the Government will accept my amendment.

**Mr. SPEAKER:** Amendment moved moved is that in clause 8 before the words "the Licensing Authority" in line eight, the words "the State Governmet on the report of" shall be added.



**Shri MOHI KANTA DAS (Parliamentary Secretary):** Mr. Speaker, Sir, I am sorry, I cannot accept the amendment as, I think, it is quite redundant.

The Bill has given the power of issuing license to the District Magistrate, who will be the Licensing Authority and therefore he has also been given the powers of suspension and revocation. There is the provision for appeal embodied in clause 9 and any aggrieved person, not only the licensee but any member of the public, aggrieved by the decision of the District Magistrate or the Licensing Authority can appeal to the State Government for redress.

Therefore, this amendment is redundant and I oppose the amendment.

**Mr. SPEAKER:** The question is that in clause 8 before the words "the Licensing Authority" in line eight, the words, "the State Government on the report of" shall be added.

(The amendment was negatived).

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that in clause 9, the following shall be added as a separate paragraph:—

"All orders of the State Government shall be appealable in the Court of the District Judge."

Sir, I need not say much about this amendment. I have already stated about the necessity of making the orders appealable when I spoke at the consideration stage of this Bill and I want to incorporate it because too much power should not be left in the hands of the State Government and in these matters judicial decision is necessary and therefore these judicial decisions should be left with the District Judge.

**Mr. SPEAKER:** Amendment moved is that in clause 9, the following shall be added as a separate paragraph:—

"All orders of the State Government shall be appealable in the Court of the District Judge".

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Mr. Speaker, Sir, I have already spoken about a similar thing in reference to sub-clause (3) of clause 6.

If we accept this amendment, it will mean that any decision of the State Government in regard to any administrative matter will have to be referred to the District Judge. Therefore, I oppose this in view of the fact that there is enough scope and privilege to approach the High Court for a writ of *mandamus* in such matters whenever any one desires to do so.



**Mr. SPEAKER :** The question is that in clause 9, the following shall be added as a separate paragraph:—

“All orders of the State Government shall be appealable in the Court of the District Judge”

(The amendment was negatived.)

**Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, I beg to move that at the end of sub-clause (2)(e) of clause 10, the following shall be added as sub-clause 2(f):—

“(f) regulating the use of loud speakers and exhibition of posters and pictures.”

Regarding the powers to make rules by the State Government clause 10 enumerates certain things. It says in sub-clause (2):—

“In particular and without prejudice to the generality of the foregoing power, rules made under this Act may provide for—

(a) the procedure in accordance with which a license may be obtained and the terms, conditions and restrictions, if any, subject to which a license may be granted under this Act ;

(b) the regulation of cinematograph exhibitions for securing public safety ;

(c) the time within which and the conditions subject to which an appeal under section (9) may be preferred ;

(d) regulating the means of entrance and exit at places licensed under this Act and providing for prevention of disturbance thereat ;

(e) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.”

And, if my amendment is accepted, then sub-clause (f) will be added which will read as follows:—“(f) regulating the use of loud speakers and exhibition of posters and pictures.”

At the consideration stage, I spoke about loud speaker nuisance. In many cinemas in the State loud speakers are operated till 11 or 12 o'clock at night and it becomes a regular nuisance to the public of the neighbourhood.

Regarding posters and pictures, we find, certain cinema posters are exhibited in a way which is repulsive to the standard of morality here. Naked pictures are exhibited and such pictures affect the morality of our youngmen. When rules for other things can be made, rules for these loud speakers, pictures and posters should be made.

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



**Mr. SPEAKER :** Amendment moved is that at the end of sub-clause (2)(e) of clause 10 the following shall be added as sub-clause (2)(f):—

“(f) regulating the use of loud speakers and exhibition of posters and pictures.”

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** Mr. Speaker, Sir, I oppose this amendment. The Hon. Member in moving his amendment read out the sub-clauses (2) (a), (b), (c), (d), and (e) of clause 10 and tried to show that these were exhaustive, and wants by his amendment to add another sub-clause which will regulate the use of loud speakers and pictures and posters for exhibition. But I beg to submit that the list is merely illustrative and not exhaustive. I do not think, there is any necessity for incorporating this as the Government, if it finds it necessary to regulate those things, may provide accordingly while framing rules under the Act. So it is not necessary. So I oppose the Amendment.

**Mr. SPEAKER :** The question is that at the end of sub-clause (2)(e) of clause 10 the following shall be added as sub-clause 2(f):—

“(f) regulating the use of loud speakers and exhibition of posters and pictures.”

(The amendment was negatived.)

**Mr. SPEAKER :** The question is that clauses 1—12 do stand part of the Bill.

(The question was adopted.)

The question is that the title and the preamble of the Bill do stand part of the Bill.

(The question was adopted)

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** Sir, I beg to move that the Assam Cinemas (Regulation) Bill, 1953, be passed.

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

(After a pause)

(The Motion was then put and adopted),

**MR. SPEAKER :** We will continue to sit for another hour and shall finish the Government business.

**Shri HARESWAR GOSWAMI :** Even within an hour we shall not be able to finish.

**Mr. SPEAKER :** Then if required, we will extend for another hour or two.



## Resolution regarding formation of a Committee for proper appreciation of the full implication of the Estimates Committee

**Shri BAIDYANATH MOOKERJEE (Minister):** Mr. Speaker, Sir, I beg to move that a Committee consisting of the following members be constituted for proper appreciation of the full implication of the Estimates Committee and need or otherwise of constituting such Committees after studying the workings of such Committees in the Centre and in the States, and that the said Committee will submit its report with such recommendations as they consider desirable on or before 31st August 1953 for consideration of the House. Five Members present would form the quorum. Hon'ble the Speaker will be the Chairman of the Committee.

### Name of Members

1. The Speaker.
2. The Mover.
3. Shri Pratap Chandra Sarma.
4. Shri Radhika Ram Das.
5. Shri Bijoy Chandra Bhagavati.
6. Shri Akshoy Kumar Das.
7. Shri Mohendra Nath Deka
8. Shri Ramesh Chandra Borooah.
9. Shri Hareswar Goswami.
10. Maulavi Md. Umaruddin.

The Secretary, Legislative Assembly will be the Secretary of the Committee.

Sir, I am moving this Motion in pursuance of the recommendations of the Committee which was appointed by this House. This matter was also discussed on another occasion. So, I do not want to take any more time of the House.

**Mr. SPEAKER:** Motion move is: "That a Committee consisting of the following members be constituted for proper appreciation of the full implication of the Estimates Committee and need or otherwise of constituting such Committees after studying the workings of such Committees in the Centre and in the States, and that the said Committee will submit its report with such recommendations as they consider desirable on or before 31st August, 1953 for consideration of the House. Five Members present would form the quorum. Mr. Speaker will be the Chairman of the Committee.

### Name of Members

1. The Speaker.
2. The Mover.
3. Shri Pratap Chandra Sarma.
4. Shri Radhika Ram Das.



Name of Members—*continued*.

5. Shri Bijoy Chandra Bhagavati.
6. Shri Akshoy Kumar Das.
7. Shri Mohendra Nath Deka.
8. Shri Ramesh Chandra Borooah.
9. Shri Hareswar Goswami.
10. Maulavi Muhammad Umaruddin.

The Secretary, Legislative Assembly will be the Secretary of the Committee."

(The Resolution was then put and adopted.)

### Draft Assembly Rules, as framed by the Rule Making Committee

#### Rule 1A.

**Shri ANANDA CHANDRA BEZBARUA:** Mr. Speaker, Sir, I beg to move that (at page 2) the words "a Minister of State" occurring in the definition of "Minister" in rule 1A shall be deleted.

Sir, when there is no Minister of State it is not necessary to retain this expression in the definitions. I therefore submit that these words may be deleted.

**Mr. SPEAKER:** Amendment moved is that (at page 2) the words "a Minister of State, occurring in the definition of "Minister" in rule 1A shall be deleted.

**Shri BAIDYANATH MOOKERJEE (Minister):** I accept this amendment, Sir.

**Mr. SPEAKER:** The question is that (at page 2) the words "a Minister of State" occurring in the definition of "Minister" in rule 1A shall be deleted.

(The amendment was adopted)

#### Rule 2

**Shri ANANDA CHANDRA BEZBARUA:** Mr. Speaker, Sir, I beg to move that (at page 3) after sub-rule (1) of rule 2, the following shall be inserted as sub-rule (2) :—

"(2) When the day, hour and place have been appointed under sub-rule (1) for a meeting of the Assembly the Governor may change such day, hour or place and the Secretary shall send written notice of the change to each member."

Sir, the Governor has been given the power to convene meetings of the Assembly and it may sometimes be necessary either to defer a particular meeting or to convene it earlier than was at first appointed. He should therefore be given the power to do so. This is the reason for moving this amendment and I hope the House will accept it.

**Mr. SPEAKER:** Amendment moved is: That (at page 3) after sub-rule (1) of rule 2, the following shall be inserted as sub-rule (2) :—

"(2) When the day, hour and place have been appointed under sub-rule (1) for a meeting of the Assembly the Governor may change such-day, hour or place and the Secretary shall send written notice of the change to each Member."



**Shri BAIDYANATH MOOKERJEE (Minister):** I accept this ammendment, Sir.

**Mr. SPEAKER:** The question is: That (at page 3) after sub-rule (1) of rule 2, the following shall be inserted as sub-rule 2 :—

“(2) When the day, hour and place have been appointed under sub-rule (1) for a meeting of the Assembly the Governor may change such day, hour or place and the Secretary shall send written notice of the change to each Member.”

(The Amendment was adopted)

#### Rule 7A

**Shri ANANDA CHANDRA BEZBARUA:** Mr. Speaker, Sir, I beg to move that (at page 7) in sub-rule (1) of rule 7A, the figures and letters “4-30 P. M.” wherever they occur shall be substituted by the figures and letters “4 P. M.”

My submission is that specially in winter 4-30 P. M. will be almost evening. I therefore beg to submit that this should be 4 P.M.

**Mr. SPEAKER:** Amendment moved is that (at page 7) in sub-rule (1) of rule 7A, the figures and letters “4-30 P. M.” wherever they occur shall be substituted by the figure and letters “4 P.M.”

**Shri BAIDYANATH MOOKERJEE (Minister):** I accept the amendment, Sir.

**Mr. SPEAKER:** The question is that (at page 7) in sub-rule (1) of rule 7A, the figures and letters “4-30 P. M.” wherever they occur shall be substituted by the figures and letters “4 P.M.”

(The Amendment was adopted.)

#### Rule 13A

**Shri ANANDA CHANDRA BEZBARUA:** Mr. Speaker, Sir, I beg to move that (at page 8) in clause (iii) of rule 13A, the word “entering” shall be substituted by the word “taking”.

Sir, it is the practice that the members should bow to the Chair before taking his seat and it is certainly not the intention that as soon as a member enters the Chamber he should bow to the Chair from that place. This is why I want to substitute the word “taking” for the word “entering”.

**Mr. SPEAKER:** Amendment moved is that (at page 8) in clause (iii) of rule 13A, the word “entering” shall be substituted by the word “taking”.

**Shri BAIDYANATH MOOKERJEE (Minister):** I accept this amendment, Sir.

**Mr. SPEAKER:** The question is that (at page 8) in clause (iii) of rule 13A, the word “entering” shall be substituted by the word “taking”.

(The Amendment was adopted.)

**Shri RADHIKA RAM DAS:** Mr. Speaker, Sir, I beg to move that (at page 9), clause (ix) of rule 13A shall be deleted.

Sir, this clause is redundant because there are various provision in rule 13A for regulating and conducting the business of this Houses



At the same time, if this clause is retained, I think it casts a reflection on the prestige and dignity of the Members of the Legislature. So, I submit that this clause be deleted.

**Mr. SPEAKER:** Amendment moved is that (at page 9), clause (ix) of rule 13A shall be deleted.

**Shri BAIDYANATH MOOKERJEE (Minister):** I accept this amendment Sir.

**Mr. SPEAKER:** The question is that (at page 9), clause (ix) of rule 13A shall be deleted.

(The Amendment was adopted.)

### Rule 19

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that (at page 11) after the words "except in the case of" occurring in the third line of sub-rule (1) of rule 19, the words, "a question which has not been answered or" shall be inserted.

Sir, the first Drafting Committee had also recommended this and for good reasons too. An exception has been made in the case of those resolutions which were moved but could not be discussed for want of time. I submit, Sir, that the questions for which notice was given and which were submitted and about which Government are calling for information should automatically continue for the next Session because in that case, Government will not have to incur any new expenditure. Whatever expenditure might be already incurred in the process of collecting the answers will be of worth and the unnecessary lengthy procedure or cumbersome procedure of again giving notices will be eliminated. If the clause is there, there will be no difficulty and if the clause is not there both the Member concerned and Government will have unnecessary difficulties. From the financial point of view also, it is a sound proposition.

Thirdly, if the questions are not answered in the House and if the answers are sent to the homes of the Members, then perhaps the Parliamentary conditions are not fulfilled. Questions are not meant only for the personal satisfaction of the Member who puts them; but they are meant also for the House, nay for the entire country. It is the established rule in the unwritten convention in the British Parliament that this Question Hour is a very important right of the Members of the Legislature and from that point of view, question



should be answered on the floor of the House. Many a questions may not have to be repeated in the form of putting new questions, if this clause is there. Therefore, Sir, I request that this clause may be retained as proposed by the first Drafting Committee and now by me.

**Mr. SPEAKER:** Amendment moved is that (at page 11), after the words, "except in the case of" occurring in third line of sub-rule (1) of rule 19, the words "a question which has not been answered or" shall be inserted.

**Shri BAIDYANATH MOOKERJEE (Minister):** I am sorry, Sir, I cannot oblige my Friend. This point was discussed when the draft rules were placed before this House for consideration. Sir, it is true that this portion was omitted, which my Friend wants to insert now, by the Second Committee which was appointed by this House. My Friend, in course of his speech, said that so far as the resolution is concerned, provision has been made, but so far as the questions are concerned it has not been made. This is not correct, Sir. A resolution, if moved and cannot be finished in a particular Session, will be brought over in the next Session. That analogy cannot be applied in case of questions. If a question is in the process of answer and if that cannot be fully replied, certainly this analogy will apply, but there cannot be such a case. Those questions which will not be answered in a particular session, for them separate notices are to be sent to the Secretary, Legislative Assembly. In view of what I have stated, I cannot accept the amendment.

**Mr. SPEAKER:** The question is that (at page 11), after the words "except in the case of" occurring in the third line of sub-rule (1) of rule 19, the words "a question which has not been answered or" shall be inserted.

(The Amendment is negatived.)

**Shri RADHACHARAN CHOUDHURY:** Mr. Speaker, Sir, I beg to move that (a page 11), between the words "which" and "was" occurring in the fourth line of sub-rule (1) of rule 19, the words "could not be moved or which" shall be inserted.



Sir, in rule 19 (1) it is said, "On the termination of a session of the Assembly all pending notices shall lapse and fresh notice shall be given for the next session, except in the case of a resolution which was moved but could not be discussed or decided upon for want of time". Now, I want here to mean that not only the resolution which could not be discussed or decided for want of time, but also the resolution which could not be moved for want of time, should be also added. The resolutions are generally submitted by the private Members of the Legislature and such resolutions are of special importance. So, Sir, we should not allow such a matter of importance to be lapsed, rather it should not be lapsed, but it should get the priority in the next session, without giving any notice for it.

**Shri BAIDYANATH MOOKERJEE (Minister):** In this case also, Sir, I cannot accept the amendment.

**Mr. SPEAKER:** The amendment is almost of the similar nature. Is not it ?

**Shri BAIDYANATH MOOKERJEE (Minister):** Yes, Sir.

**Mr. SPEAKER:** The question is that (at page 11), between the words "which" and "was" occurring in the fourth line of sub-rule (1) of rule 19, the words "could not be moved or which" shall be inserted.

(The amendment was negatived.)

### Rule 25.

**Shri RADHIKA RAM DAS:** Mr. Speaker, Sir, I beg to move that (at page 13) the "full stop" at the end of proviso to rule 25 shall be deleted and the following words shall be added thereafter:—

"with the consent of the Minister-in-charge".

Sir, a question may be put by a member at least 15 clear days before the commencement of the session. Now in case of emergency, if the Minister-in-charge is to answer the question in less than 15 days he may not be able to do so and he will be put to a difficult position. So the consent of the Minister-in-charge may be obtained in such cases ; and with that end in view I beg to move my amendment, which may be accepted.



**Shri HARESWAR GOSWAMI:** It is not clear, Sir. It seems the amendment is out of order.

**Mr. SPEAKER:** Mr. Das, what do you mean by the words, "Minister-in-Charge"? I think the words "Minister-in-charge of the Department concerned" will be more happy.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, here in the original Rule, the word "Minister-in-Charge" is there. I may read the Proviso, Sir.

"Provided that the Speaker may, with the consent of the Minister-in-charge, allow a question to be put at shorter notice than fifteen days or may extend the time for answering the question to a subsequent meeting".

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir. I take my stand to oppose this amendment moved by my Friend, Shri Radhika Ram Das.

It is really very sad that after the rules have been passed twice by two committees, new sets of amendments have been brought by the Members of the Party in power and most of these amendments are sure to be accepted by the Party in power. Sir, I oppose the amendment. Because, just to-day, I have received a letter that the Minister-in-Charge refusing to agree to reply to certain short notice questions tabled by me. Those questions relates to the Forest Department, about which, I moved an Adjournment Motion here. As the Motion was declared out of order, I had to put a short notice question, to which the Minister-in-Charge has refused to reply. If we leave this in that way, the Minister-in-charge will always try to escape from the replies which they are otherwise bound to give. They will therefore say that as they are short notice questions, they need not be taken up. This will take away a great right of the House. Ministers will always say that it is not possible to reply to such a question and as such they will never reply to short notice questions. I oppose this amendment and I hope that this House will agree to the amendment that has been accepted by the Rule Making Committee.

**Mr. SPEAKER:** The question is that (at page 13) the "full stop" at the end of the proviso to rule 25 shall be deleted and the following words shall be added thereafter:—

"with the consent of the Minister-in-charge of the Department concerned".

(The Amendment was adopted).



## Rule 29

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that (at page 13) after the proviso to rule 25, the following paragraph shall be added:—

“On the termination of a Session, questions not answered shall be carried over to the next Session unless the member giving notice of those questions expresses his intention of withdrawing them.”

**Mr. SPEAKER:** Mr. Bhattacharyya, what is the practice in Parliament, or in the House of People?

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I have no idea about this.

At any rate, I think, this amendment is innocuous, and this is moved with a view to help the Government also from incurring some extra expenditure or at least to save the Government from the subject of certain expenditure. Because, in the process of collecting informations, to which notice was already given and which was admitted, the Government already incurred certain expenditure. If those questions lapse, that expenditure becomes a waste. But if those questions remain in contemplation for the next session, that is to say, if the Members intend to put those questions, they do not want to withdraw them, there is no further expenditure for the Government, or there is no principle involved. So, I think, it is so very advantageous both to the Government as well as to the Members, that I hope this amendment will receive support from the Government side also and will be accepted.

**Mr. SPEAKER:** Amendment moved is that (at page 13) after the proviso to rule 25, the following paragraph shall be added:—

“On the termination of a Session, questions not answered shall be carried over to the next Session unless the Member giving notice of those questions expresses his intention of withdrawing them.”

**Shri BAIDYANATH MOOKERJEE (Minister):** Mr. Speaker, Sir, I am really sorry, I cannot accept his amendment. It will be something like putting “old wine in a new bottle.” It was the same amendment which was moved by my Friend before this, in another form. He wants to say, “the questions which could not be answered should be carried over to the next Session”. This is practically to the same effect. I do not understand, why my Friend wants to show such an attitude. I would request him to spend a little bit of his energy to solve the problem. Let him hear what I am saying. If the admitted copies of the questions are preserved, they can be sent with a forwarding letter. I gave this advice previously also that when the forwarding letters are typed, several copies may be made at a time, because in that case only a signature would be necessary in that copy and the problem will be solved. So, Sir, I am sorry, I cannot accept the amendment.



**Mr. SPEAKER :** I put the question.

The question is that (at page 13) after the proviso to Rule 25, the following paragraph shall be added :—

“On the termination of a Session, questions not answered shall be carried over to the next Session unless the Member giving notice of those questions expresses his intention of withdrawing them”.

(The amendment was negatived.)

**Shri RADHIKA RAM DAS :** Sir, I beg to move that (at page 15) sub-rule (2) of rule 29 shall be substituted by the following :—

“(2) Members shall be permitted to put any supplementary questions on ordinary ‘Unstarred’ questions with the permission of the Speaker”.

Sir, sub-rule (2)—reads “No supplementary question on ordinary ‘unstarred’ question shall be put except with the permission of the Speaker”.

This means that in exceptional cases the permission may be given by the Speaker, and it may not be given generally. In case of long answers it is not possible to follow properly unless supplementary questions are put. This amendment only seeks the permission of the Speaker to put supplementary questions on ordinary unstarred questions.

**Shri BAIDYANATH MOOKERJEE :** (Minister) Sir, I accept the amendment.

**Mr. SPEAKER :** The question is that at (page 15) sub-rule (2) of rule 29 shall be substituted by the following :—

“(2) Members shall be permitted to put any supplementary questions on ordinary ‘unstarred’ questions with the permission of the Speaker.”

(The amendment was adopted).

#### Rule 33

**Shri RADHIKA RAM DAS :** Mr. Speaker, Sir, I beg to move that (at page 17) in sub-rule (18) of rule 33—

(i) the word “similar” occurring in the third line shall be deleted ; and

(ii) the “fullstop” at the end shall be deleted and the following words shall be added thereafter :—

“disclosure of which is against public interest”.

Here, Sir, the words “similar subjects” may include everything and may create confusion, if the word “similar” is not deleted. Then another thing, Sir, “disclosure of which is against public interest.” If these words are added there will be no confusion, because if it is against public interest the Questioner may not ask such questions as it will not be possible for the Ministers to answer such questions which are against public interest.



**Mr. SPEAKER :** Amendment moved is that (at page 17) in sub-rule (18) of rule 33—

(i) the word “similar” occurring in the third line shall be deleted ; and

(ii) the “full stop” at the end shall be deleted and the following words shall be added thereafter :—

“disclosure of which is against public interest.”

**Shri HARESWAR GOSWAMI :** Sir, I rise to oppose this amendment, because here in this House you are the custodian of our rights and privileges. The amendment of my Friend, Mr. Das, seeks to prevent disclosure of certain matters of public interest. Sir, you are the custodian of the rights and privileges of this House and if that objection comes from you then it may mean something. Sir, this is the supreme House in our State, and the Ministers, although they are Ministers, they are so because of our will and therefore should not be allowed to take away any right from us. But if the amendment had been like this “if the Speaker considers that the disclosure of such information is against public interest”, I would have accepted it. Therefore, Sir, I am opposing to this amendment.

**Shri BAIDYANATH MOOKERJEE (Minister) :** Sir, I accept the amendment.

**Mr. SPEAKER :** The question is that (at page 17) in sub-rule (18) of rule 33—

(i) the word “similar” occurring in the third line shall be deleted ; and

(ii) the “full stop” at the end shall be deleted and the following words shall be added thereafter :—

“disclosure of which is against public interest”.

(The amendment was adopted).

#### Rule 42

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** Mr. Speaker, Sir, I beg to move that (at page 18) the figures and letters “4-30 P. M.” occurring in the third line of proviso to rule 42 be substituted by the figure and letters “4 P. M.”

Sir, the reason is simple. It only seeks to reduce the time from 4-30 P. M. to 4 P. M.’

**Mr. SPEAKER :** Amendment moved is that (at page 18) the figures and letters ‘4 30 P. M.’ occurring in the third line of proviso to rule 42 shall be substituted by the figure and letters ‘4 . M.’



**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I accept the amendment.

**Mr. SPEAKER:** The question is that (at page 18) the figures and letters "4-30 P.M." occurring in the third line of proviso to rule 42 shall be substituted by the figure and letters "4 P. M."

(The amendment was adopted).

#### Rule 50

**Shri RAJENDRA NATH BARUA:** Sir, I do not want to move my amendment.

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Sir, I beg to move that (at page 21), in sub-rule (I) of rule 50 the words 'unless some members desire that it be put to the vote', occurring at the end shall be substituted by the words 'with the leave granted by the majority votes of the House'.

Sir, this is quite clear. It is only a consequential amendment.

**Mr. SPEAKER:** Amendment moved is that (at page 21) in sub-rule(I) of rule 50 the words 'unless some members desire that it be put to the vote' occurring at the end shall be substituted by the words 'with the leave granted by the majority votes of the House'.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I accept the amendment.

**Maulavi Md. UMARUDDIN:** Sir, the last Committee appointed for the purpose of re-examining the draft rules was of the opinion that rule 50 should remain in its present form, that is to say, a member who had moved a motion or an amendment to a motion could withdraw the same unless some other member desired that it should be put to vote and this withdrawal would only be allowed with the leave of the House expressed without a dissentient voice. But by the amendment moved by Mr. Das—it is sought to provide that the withdrawal of the motion or the amendment to the motion should be on the basis of the majority of votes.



Sir, in course of the discussion on this rule—during the deliberations of the last Committee—you were pleased to refer to corresponding rules of several State Legislatures as well as of the House of Commons where the principle as embodied in Rule 50 was accepted—that is to say, no member moving a motion or amendment to a motion could withdraw the same except with the leave of the House expressed without a dissentient voice. This is based on the salutary principle that once a motion or an amendment to a motion has been moved and discussed by the House—it becomes the property of the House and that it should not be allowed to be withdrawn even if a single member desires that the motion be put to vote and decided on its merits. The underlying principle is that the member concerned may be prevailed upon or influenced by questionable motive to resort to the withdrawal. But we find that the party in power seems determined to decide everything on the basis of majority of votes alone—in other words—it is majority conscious, if not Fascistic in its outlook, and would like to carry everything through numerical strength in utter disregard for merit or principle.

It is indeed, deplorable that the party in power is obsessed with this overwhelming majority and is inclined to ignore even fundamental rights of Members of the House. This is obviously an undemocratic attitude which can by no means be tolerated.

With these words, Sir, I oppose the amendment moved by Mr. Mohikanta Das.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker Sir, I oppose the amendment. In this I am in good company because in the British House of Commons as well as in the House of the People the rule prevails that no motion can be withdrawn unless the House unanimously gives leave. And, Sir, you also were pleased to give the same ruling here on the floor of this House itself during the last session. The second point is that the Drafting Committee elected by this House unanimously decided in favour of keeping this rule—the rule which is not an innovation of our Legislature, but a rule which is in vogue in our Parliament and also in other Parliaments. We do not find any reason cogent and sensible as to why that rule should be violated. Why a new rule should be created here? Whenever we bring any suggestion or make constructive criticisms, we are charged of being accustomed to see only the bad things of the party in power. Whenever we plead for doing something in the interest of the public and also in the interest of this House we are told “mind your own business”.

Now, this particular rule infringes the democratic tradition and right of this House. If we discuss a matter and if that matter is sought to be withdrawn, there should be some procedure to have the



vote on it in record. Now, it so happens in our House that at the time of taking leave, the votes are not recorded and if the principle for giving leave only on unanimity is taken away, some Member might go on giving long speeches in support of certain motion which ultimately after taking a lot of the time of the House—that member might simply not press but withdraw. The result will be that not only a lot of time of the House will be wasted, but also some other matters which may perhaps be equally, if not more important than the one which was discussed, shall have to be left out. So, from whatever point of view we see—if we see from Parliamentary traditional point of view, or from the angle of public interest—we find that this amendment is retrograde and reactionary. If we see from the existing Rules of our Parliament and the Mother of Parliaments, we find that this does not fit in. If we see from the point of view of convenience of the Members of Legislature, we see that this is derogatory. If we see from the utilisation of the time of the House in the best possible manner, we see that this is detrimental to that good principle. So, look at it from whatever point of view, from whatever angle, you will find that particular amendment is not only not necessary, but it is simply a weapon in the hands of the party in power, the ruling clique, to have the time of this House eaten up as the Whip of the Ruling Party desires. It would mean taking away the right of this House. So we most vehemently oppose this amendment and we appeal to the Mover of this amendment to reconsider his position, to ponder over what he is going to propose and we request him most earnestly not to commit the mistake of bringing such derogatory, reactionary and undemocratic amendment in these rules.

**Mr. SPEAKER:** The question is that (at page 21), in sub-rule (I) of rule 50, the words 'unless some members desire that it be put to the vote' occurring at the end shall be substituted by the words, 'with the leave granted by the majority votes of the House'.

(The amendment was adopted.)

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Mr. Speaker, Sir, I beg to move that (at page 21) the sentence, "A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Assembly expressed without a dissentient voice", occurring in sub-rule (2) of rule 50, shall be deleted.

This is only a consequential amendment to the one just now passed.



**Mr. SPEAKER :** The amendment moved is :

That (at page 21) the sentence, "A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Assembly expressed without a dissentient voice" occurring in sub-rule (2) of rule 50, shall be deleted.

**Shri HARESWAR GOSWAMI :** We are really very much pained to see the nature of amendments moved by the Friends sitting in the opposite. These rules were gone into by a Committee and it was again referred back to a second Committee and after long and matured discussions we came to certain conclusions. But to day we find that the Party in power not being satisfied with the Report of the Committee they themselves choose, have come with certain amendments which are not necessary and which are not to be found in the rules of other States. The amendments moved are of a reactionary type in the sense that they want to take away the power of this House to suit the wishes of the Party in power. To-day because they have a thumping majority they may feel that these rules have no meaning to them. But we who have to discuss these things, these rules have a special meaning. Here we come to discuss certain matters and raise certain issues to be placed before the House and before the country, but that power is sought to be taken away by this amendment. Because to-day they have a steam-roller majority, and they want to steam roll everything and they do not want to care what the Opposition may say. Sir, it is with a heavy heart that I say all these things and because I feel that being in a minority we cannot do anything here as whatever we may say in regard to this report of the Committee is likely to be defeated by the majority they enjoy in the House. So, Sir we cannot serve any purpose by remaining in this House and therefore whatever amendment is likely to be passed about these rules let them be passed in our absence. With these words we want to leave this House.

(At this stage the whole Opposition Block walked out of the Chamber) .

**Mr. SPEAKER :** The question is that (at page 21) the sentence, "A member who has moved a motion or an amendment to a motion may withdraw the same with the leave of the Assembly expressed without a dissentient voice" occurring in sub-rule (2) of rule 50, shall be deleted.

(The amendment was adopted.)



**Shri MOHI KANTA DAS (Parliamentary Secretary):** Sir, I beg to move that (at page 26) after sub-rule (4) of rule 63, the following shall be added as a new sub-rule (5) of that rule:

“(5) The Secretary of the Department concerned to which the Bill relates shall be the Secretary of the Select Committee”.

**Shri BAIDYANATH MOOKERJEE (Minister):** I accept this amendment Sir.

**Mr. SPEAKER:** The question is that (at page 26) after sub-rule (4) of rule 63, the following shall be added as new sub-rule (5) of that rule:—

“(5) The Secretary of the Department concerned to which the Bill relates shall be the Secretary of the Select Committee”.

(The amendment was adopted.)

#### Rule 102.

**Shri MOHI KANTA DAS:** I beg to move that (at page 34) the figure “11” occurring in the fifth and tenth lines of rule 102, shall be substituted by the figure “14”.

**Mr. SPEAKER:** Amendment moved is that (at page 34) the figure “11” occurring in the fifth and tenth lines of rule 102, shall be substituted by the figure “14”.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I accept the Amendment.

**Mr. SPEAKER:** The question is:

That (at page 34) the figure “11” occurring in the fifth and tenth lines of rule 102, shall be substituted by the figure “14”.

(The Amendment was adopted.)

#### Rule 114.

**Shri MOHI KANTA DAS (Parliamentary Secretary):** Sir, I beg to move that (at page 38) sub-rules (2), (3), (4), (5) (6), (7) and (8) under rule 114 shall be deleted and the following new sub-rules shall be inserted therefor:—

“(2) of the days so allotted, not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.



(3) on a day allotted under sub-rule (1) for the voting of demands for grants no other business shall be taken up before 4 P. M. except with the consent of the Speaker :

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under the Legislative Assembly Rules.

(4) on the last day of the days so allotted, at 4 P.M. the Speaker shall forthwith put every question necessary to dispose of all the outstanding matter in connection with the demands for grants ; and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto."

**Mr. SPEAKER :** Amendment moved is :

That (at page 38) sub-rules (2), (3), (4), (5) (6), (7), and (8) under rule 114 shall be deleted and the following new rules shall be inserted therefor.—

"(2) of the days so allotted, not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

(3) on a day allotted under sub-rule (1) for the voting of demands for grants no other business shall be taken up before 4 P. M. except with the consent of the Speaker.

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under the Legislative Assembly Rules.

(4) on the last day of the days so allotted, at 4 P. M. the Speaker shall forthwith put every question necessary to dispose of all the outstanding matter in connection with the demands for grants ; and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto".

**Shri BAIDYANATH MOOKERJEE (Minister) :** Sir, I have no objection to accept the Amendment.

**Mr. SPEAKER :** (The amendment was put from the Chair as a question before the House and adopted.

#### Rule 117.

**Shri MOHI KANTA DAS (Parliamentary Secretary) :** Sir, I beg to move that (at page 40) the words "two" occurring in the second line of rule 117 shall be substituted by the word "three".



**Mr. SPEAKER:** Amendment moved is:

That (at page 40) the word "two" occurring in the second line of rule 117 shall be substituted by the word "three".

**Shri BAIDYANATH MOOKERJEE (Minister):** I accept the Amendment, Sir.

**Mr. SPEAKER:** The question is:

That (at page 40) the word "two" occurring in the second line of rule 117 shall be substituted by the word "three".

(The Amendment was adopted.)

#### Rule 124.

**Shri LILA KANTA BORAH:** Sir, I beg to move that (at page 45) the figure "11" occurring in the fifth line of rule 124 shall be substituted by the figure "22".

Sir, this is relating to the procedure of granting leave to move a motion for amendment. According to the present rule we find that the requisite number is 24. But according to the Amendment it has been proposed to bring down to 11. But, Sir, this number 11 is very low considering the number of Members in the House. So, my Amendment seeks to raise the number from 11 to 22. I hope the House will accept my Amendment,

**Mr. SPEAKER:** The Amendment moved is:

That (at page 45) the figure "11" occurring in the fifth line of rule 124 shall be substituted by the figure "22".

**Shri BAIDYANATH MOOKERJEE (Minister):** I have no objection to accept this.

**Mr. SPEAKER:** The question is:

That (at page 45) the figure "11" occurring in the fifth line of rule 124 shall be substituted by the figure "22".

(The Amendment was adopted.)

#### Rule 125.

**Shri LILA KANTA BORAH:** Sir, I beg to move that (at page 45) the word "Select" occurring between the letter "a" and the word "Committee" in the second line of rule 125 shall be deleted.

Sir, in this case instead of referring to a Select Committee it should be referred to a Committee. There is no necessity of referring it to a Select Committee.

**Mr. SPEAKER:** Amendment moved is:

That (at page 45) the word "Select" occurring between the letter "a" and the word "Committee" in the second line of rule 125 shall be deleted.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I have no objection to accept the Amendment.



**Mr. SPEAKER :** The question is:  
That (at page 45) the word "Select" occurring between the letter "a" and the word "Committee" in the second line of rule 125 shall be deleted.

(The Amendment was adopted.)

Rule 126.

**Shri LILA KANTA BORAH :** Sir, I beg to move that (at page 46) in rule 126—

(i) the word "Select" occurring in the first line between the letter "a" and the word "Committee" shall be deleted; and

(ii) The word "similarly" occurring in the second line shall be deleted and the words "to a Select Committee" shall be inserted between the words "referred" and "shall" occurring in the same line.

**Mr. SPEAKER :** Amendment moved is:

That (at page 46) in rule 126.—

(i) the word "Select" occurring in the first line between the letter "a" and the word "Committee" shall be deleted; and

(ii) The word "similarly" occurring in the second line shall be deleted and the words "to a Select Committee" shall be inserted between the words "referred" and "shall" occurring in the same line.

**Shri BAIDYANATH MOOKERJEE (Minister) :** Sir, I have no objection to accept it.

**Mr. SPEAKER :** The question is:

That (at page 46) in rule 126—

(i) the word "Select" occurring in the first line between the letter "a" and the word "Committee" shall be deleted; and

(ii) The word "similarly" occurring in the second line shall be deleted and the words "to a Select Committee" shall be inserted between the word "referred" and "shall" occurring in the same line.

(The Amendment was adopted.)

Rule 136B.

**Shri LILA KANTA BORAH :** Sir, I beg to move that at page (52) rule 136B shall be deleted.

Sir, it involves certain financial implication.

**Mr. SPEAKER :** Amendment moved is:

"That (at page 52) rule 136B shall be deleted".

**Shri BAIDYANATH MOOKERJEE (Minister) :** I accept it.

**Mr. SPEAKER :** The question is that (at page 52) rule 136B shall be deleted.

(The Amendment was adopted.)



**Shri BAIDYANATH MOOKERJEE (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Legislative Assembly Draft Rules, as amended, be adopted by this House.

**Mr. SPEAKER:** Motion moved is that the Assam Legislative Assembly Draft Rules, as amended, be adopted.

*(After a pause)*

The question is that the Assam Legislative Assembly Draft Rules, as amended, be adopted.

*(The Motion was adopted.)*

### **The Assam Criminal Law (Amendment) Bill ; 1953**

**Mr. SPEAKER:** As Mr. Khongphai in whose name there is an amendment is absent, the Chief Minister may move that the Bill be passed.

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, I beg to move that the Assam Criminal Law (Amendment) Bill, 1953 be passed.

**Mr. SPEAKER:** Motion moved is that the Assam Criminal Law (Amendment) Bill, 1953 be passed.

*(After a pause)*

The question is that the Assam Criminal Law (Amendment) Bill, 1953 be passed.

*(The Motion was adopted.)*

### **Adjournment**

The Assembly was then adjourned till 10 A. M. Saturday, the 11th April, 1953.

SHILLONG :  
The 11th December, 1953

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



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