



**Proceedings of the Sixth Session of the Second Assam Legislative  
Assembly assembled under the provisions of the Government  
of India Act, 1935, as adapted.**

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M. on  
Saturday, the 12th March 1949.

P R E S E N T

The Hon'ble Mr. Laksheswar Borooah, Speaker, in the Chair, the eight  
Hon'ble Ministers and forty Members.

**QUESTIONS AND ANSWERS**

**UNSTARRED QUESTIONS**

(To which answers were laid on the table)

**Principle of allotment of Stage and Public Carriers and Taxis to  
applicants**

**Srijut BHADRA KANTA GOGOI** asked :

5. Will Government be pleased to state on what principle (i) stage carriers,  
(ii) public carriers and (iii) taxis are allotted to applicants ?

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

5.—The principles are laid down in sections (i) 47, (ii) 55 and (iii) 50  
respectively of the Motor Vehicles Act, 1939.

**The Assam State Acquisition of Zamindaris Bill, 1948**

**The Hon'ble the SPEAKER** : We were discussing item 17, the Assam State  
Acquisition of Zamindaris Bill, 1948.

Any hon. Member taking part ?

*After a pause*

The Hon. Leader of the Opposition wanted to take part.

**Maulavi Saiyid MUHAMMAD SAADULLA** : Mr. Speaker, Sir, I had  
no intention of rising to participate at this stage in the discussion of the Zamindary  
Abolition Bill but I find that there was a little misunderstanding amongst the  
various speakers yesterday. At one stage, the tension was so high that I found  
sparks flying from the speeches of every speaker, luckily the magazine did not  
explode. I thought that I should rise to throw a little oil on the troubled waters.  
At one time my Friend, Maulavi Abul Kashem, was carried away by his enthu-  
siasm and spoke in spite of the mike in such a loud tone that it almost burst my  
tympanum ; (*laughter*), but, I think, my Friend showed his enthusiasm on a very  
good cause. I was agreeably surprised to find a bit of humane feeling in our very  
"hard-hearted" Finance Minister. Probably, it was on account of the change  
of role, as he was speaking as Revenue Minister and not as Finance Minister.

This Bill, although it wipes out from our social order that class of people known as Zamindars, yet my Friend, the Hon'ble Revenue Minister, thought that he was doing a very humane act in his attempt to convert "parasitic" personages in our social economy into useful personalities as new citizens of Assam and India. Not merely, that he has been very humanitarian in this aspect, as he tried to explain to us yesterday, that although in richer provinces like Madras, which is the richest in India, where annual provincial budget shows an income of about 55 crores of rupees is giving compensation to Zamindars on a scale which, if applied to, in Assam would have made us liable to give only a crore and a half or a little more to the Zamindars, my Friend is proposing a slab system whose total calculation means that the Zamindars in Assam will receive according to our rate about 5 crores of rupees. So, my Friend is really humanitarian as regards compensation to our Zamindars. As I said last time, the Bill was discussed, Sir, I have no concern with the fate of the Zamindars but being a common man, as a great statesman of the world once said, "born of the people, fed by the people, for whom should I work but for the people?"—acting on that motto, I raised my small voice about the fate of the tenants that will come over them according to the provisions of the original Bill.

I congratulate my Hon'ble Friend, the Revenue Minister and through him his Colleagues for listening to my suggestions, or shall I say pure criticism, which I laid before the House about the iniquitous propositions that were in the original Bill about the fate of the tenants of the permanently-settled areas of the Province.

In the Select Committee, Sir, I had a very welcome surprise inasmuch as the Hon'ble Revenue Minister himself proposed all the amendments that were necessary in order to ameliorate the condition of the tenants from the fearful fate that lay before them according to the terms of the original Bill. The Bill as it has emerged from the Select Committee—I am sorry I was a Member of the Select Committee myself, and if I give any eulogy to the Members of the Select Committee, it will amount to praising myself—is a highly commendable one. When I was coming out from the final Session of the Select Committee a representative of the Zamindars met me at the door-steps of the hall and wanted to know what was the out-come. I gave a cryptic reply that the Select Committee Members had suggested 10 per cent. improvement in the lot of the Zamindars and 90 per cent. amelioration for the tenants. That was the result in short, of the labours of the Select Committee. I said advisedly that the tenants' lot has been improved by 90 per cent. from what was adumbrated in the original Bill. No wonder that a stout representative—stout in heart and stout in physique like my Friend Maulavi Abul Kashem, wants that the balance 10 per cent. should be embodied at the time of final passing of the Bill. But we are surprised that his colleagues from the Goalpara district took a different attitude. I do not see my Friend Srijut Hareswar Das. Like a clever Director in a Company Board meeting, he really gave us a balance sheet of advantages and disadvantages between the "G. T." Act, and the provisions of the present Zamindari Abolition Bill so far as tenants are concerned. I am really amused and at the same time annoyed, at the use of this abbreviation as the "G. T." Act. I condemned the use of such abbreviations both inside and outside the Assembly because people who are not acquainted with the subject do not know what "G. T." means. It may mean "Government Transport" in these days of Nationalisation of Transport. Why not say, Goalpara Tenancy Act, so that people outside may understand what is really meant? We have heard the balance sheet from the lips of Srijut Hareswar Das. As I have been intimately connected with the agitation for legislation for the amelioration of the

Goalpara tenants from 1924 I know a little about the gradual evolution of rights of the tenants. I must say that Government in those days which passed the original Goalpara Tenancy Act and the subsequent amendments dished out very liberal rights for the tenants. Government thought the Zamindars by exacting different "abwabs" or illegal exactions, were denying such rights as are found in the settled parts of Assam. I think Maulavi Abul Kashem was right that there are certain advantages according to the Goalpara Tenancy Act for the tenants, especially the under-raiyats for which he is fighting. Another redoubtable worker for the Congress cause, I refer to my Friend, Srijut Sarat Chandra Sinha, called himself as "খেতিয়কৰ খেতিয়ক" "Cultivator of the Cultivators." I never knew that there was a creature of that nature.

\*Srijut SARAT CHANDRA SINHA: On a point of personal explanation, Sir. I said "খেতিয়কতকৈ খেতিয়ক".

Maulavi Saiyid MUHAMMAD SAADULLA: We know various things and drugs which are double distilled in Ayurveda, e.g., Makaradhawaj and Siddha Makaradhawaj and if you want a more potent panacea they have "Sharaguna Bali Jarita Makaradwaj". We have not heard of "a double distilled cultivator" or "cultivator of cultivators", but he is quite welcome to assume such a role in his zeal to oppose Maulavi Kashem. I heard him cast aspersion upon his own Congress Committee of Dhubri. He said that all the Associations which Maulavi Abul Kashem mentioned in his speech whose reference he has given in his Note of Dissent also are of mushroom growth. I would ask him whether the District Congress Organisation of Dhubri has been a mushroom Association? Ever since I have been in politics from 1911 I have heard of the Goalpara District Association. It cannot be dubbed to be of mushroom group set up by Zamindars to bolster up their claims. He should not make statement only for opposition's sake. As a Member of the Select Committee I was given copies of the memorandums of those Associations. I have gone through the memorandum that was submitted to the Select Committee by the Dhubri Congress Committee. They also fought for the rights of tenants, and wanted betterment of the raiyats' condition. Sir, I think, I have said enough to show that everyone who had participated in the discussion here on the floor of the House and also every member of the Select Committee was actuated by only one motive, that is, to deal out justice to all parties concerned, not merely to the Zamindars, but also to the intermediate tenure-holders, the Jotedars—and the tenants who have acquired some rights. Therefore in our speeches in the House we should give credit wherever it is due and not find fault with others because they seem to differ from us. Sir, I again congratulate the Government that instead of taking an adamant stand or an obstinate attitude, they have been actuated to help not merely the Zamindars but also the tenants.

As regards the amendment that was made on behalf of the Zamindars, my Hon. Friend, Mr. Medhi, has spoken in detail yesterday, so I will not repeat. Anyone who has gone through the very elaborate and exhaustive note forwarding the Report cannot but be struck with, as I have already mentioned, the fact that the tenant of Goalpara has got back very nearly all the rights he enjoyed under the Goalpara Tenancy Act. So, Sir, I say that this Bill and those who participated in it were actuated by humanitarian motives. Only there is one fly in the ointment, one defect according to me. The Hon'ble Revenue Minister stated yesterday that he had thousands of copies of proposed Zamindari Acquisition Bill published in English and

in Assamese translation for the use of the public. He and his colleagues of the Select Committee went to Goalpara, they went to Dhubri to hear local objections or to ascertain views of legality in this matter, but entirely ignored Karimganj Subdivision. There was no Bengali translation of the Bill. He and his colleagues did not go to Karimganj. It was particularly unfortunate that at the earlier stages our hon. friend the redoubtable champion of that side, hon. Mr. Kamini Kumar Sen was absent. As a matter of fact when he arrived, the Select Committee had already signed the Report.

So, Sir, I congratulate all members of the Select Committee who gave their best in order to see that no party concerned stand to lose. It is now a settled fact that in the Indian polity there is no room for those who enjoyed unearned income, therefore the Zamindari system had to go. But when you drive them you should give them sufficient compensation. Although the rights of the tenants were driven wide—as I pointed out in my speech I delivered at the time when this Bill was introduced—those rights have been reinstated under this Act. It was very courteous on the part of the Hon'ble Minister-in-charge to give me credit for what little contribution I could make at all stages of discussion. I seek no credit as I said “for whom, should I work but for the people”?

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, I do not like to take much of the time of the House in giving my reply. I only want to say that this Bill was widely published and distributed also in Karimganj as well as Goalpara and Dhubri. All parties and interest were requested to submit a memorandum if there is any objection to the features or any clauses of the proposed Bill. We received only one memorandum from Karimganj side. That would in itself clearly indicate that they were not in anyway adversely affected by the provisions of this Bill. In spite of the extension of the time for submission of such a memorandum, Government received no other memorandum from Karimganj. The memorandum was submitted by a pleader, Government pleader of Karimganj. It was expected that he would be able to come up to Shillong but unfortunately for reasons not known to us the only representative who had actually sent the memorandum did not turn up in Shillong on the day fixed for hearing him by the Select Committee. So, Sir, it was no fault on the part of the Government. It had done its utmost to give fullest opportunities to all parties concerned, even the Socialist Party and other parties were given opportunity to place their views before the Select Committee.

Now, as regards my hon. friend, Mr. Kashem's objection I still believe that his objection will vanish when this Act is put into effect in the locality. I know he has got very little experience of work in the temporarily settled districts under the Assam Land and Revenue Regulation in the plains districts. He has got some very narrow experience of the Garo Hills, which as a matter of fact is not governed by the Assam Land and Revenue Regulation or rules framed thereunder. There is a different set of rules for protection of the tribal people in the Garo Hills and there is a different set of rules governing the land tenure system in the Garo Hills. He is erroneously under an impression that these same rules which are in force in the Garo Hills, are also applicable in the plains districts. It was for the protection of the interests of the tribal people that various rules were framed so that they may not be swallowed up by the more advanced classes of society. The main principle underlying the rules that are in force now is for the protection of tribal people in the Garo Hills. I still maintain, Sir, that the rights of the tenants of Goalpara as well as those of the under-raiyats have not been curtailed under the present Bill. In this connection I would draw the attention of the hon. Members to this section at page 23 “(iii) The under-raiyat shall have the

status of an under-raiyat as defined in the Assam (Temporarily-Settled Districts) Tenancy Act, 1935: provided that an under-raiyat who has already acquired a limited right of occupancy under Section 41-A of the Goalpara Tenancy Act, 1929 (as amended) shall continue to have that right". In view of this provision even the raiyats and under-raiyats who have acquired rights under the Goalpara Tenancy Act will not be deprived of those rights in any way. I fail to understand how the rights of the tenants or the under-tenants are going to be affected in view of the reply given by Srijut Hareswar Das. The hon. Member has not given us any indication whatsoever by which clause of this amended Bill that has been submitted before the House after being emerged out of the Select Committee, has affected the rights of the tenants or under-tenants. It shows that he has not been able to find any clause or sentence specifically that affects the existing rights of the raiyats or under-raiyats. That is why probably he did not see his way to agree and follow his Leader who, being a very reasonable person, has given full approval to all the clauses of the Bill. In view of this I request the hon. Member to withdraw, as a reasonable man, his opposition to the Bill and give his whole-hearted support to this Bill (*A voice*: Will he be unreasonable if he does not give his assent to the Bill?) It is for the House to consider whether he will be reasonable or unreasonable. Now this is a piece of legislation that is going to be enacted for the benefit of the larger section of the people. The tenants can feel that by this legislation they will have right over the land and will grow more food which will go to benefit the whole country. I appeal to the Zamindars to co-operate fully with the Government in this measure and I expect that, though they are not represented in this House today, Government have tried to do justice to them and would expect them to fully co-operate with Government so that good relation between tenants and Zamindars may continue for the good of all.

With these words I hope the House will unanimously pass this Bill as emerged from the Select Committee.

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

"That the Assam State Acquisition of Zamindaris Bill, 1948 as reported by the Select Committee be taken into consideration."

The question was adopted.

### The Assam Rural Panchayat (Amendment) Bill, 1949

**The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, I beg to introduce the Assam Rural Panchayat (Amendment) Bill, 1949 and to move that the Bill be taken into consideration.

This is really a very small Amendment of a particular section, which becomes necessary on account of an omission at the time when the Bill was passed by this House. Only one section is concerned in the Amendment that is proposed and that section is 40 of this Panchayat Act. It will be seen, Sir, that this section relates to the powers of the Panchayat in respect of roads, water-ways, bridges and culverts. The power of the Panchayat is limited in respect of constructions that are under the control of the Provincial Government. Section 40 reads like this:

"A Panchayat shall have control of all roads, water-ways, bridges and culverts, not being private property and not being under the control of the Provincial Government or any Local Authority and may do all things necessary for the maintenance and repair thereof and may, etc."

Here the main omission is that no reference has been made in respect of construction of those structures by the Central Government. What therefore

is proposed in this amended Bill is to insert between 'Provincial' and 'Government' the two simple words "or Central". It will be found that the insertion of these two words is really necessary to import full purpose of the Section so that the Panchayat cannot also take up roads, water-ways, bridges and culverts that are under the Central Government as well. As this is the only object of the Bill I hope the hon. Members will not find any difficulty to accept the Motion without much discussion.

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

"That the Assam Rural Panchayat (Amendment) Bill, 1949 be taken into consideration."

**Maulavi ABDUL HAI:** Mr. Speaker, Sir, I really congratulate the Government for taking steps to remove anomalies in the Act. It is the duty of the Legislature to do away, as far as practicable, with anomalies in other Acts also at the earliest opportunity as the Government is doing in this case. With these words, Sir, I support this Motion.

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

"That the Assam Rural Panchayat (Amendment) Bill, 1949 be taken into consideration".

The question was adopted.

**The Assam Motor Vehicles Taxation (Amendment) Bill, 1949**

**The Hon'ble Srijut RAMNATH DAS:** Sir, I beg to introduce the Assam Motor Vehicles Taxation (Amendment) Bill, 1949, and to move that the Bill be taken into consideration.

It is a very simple Bill and the purpose of this has been amply explained in the Statement of Objects and Reasons. In short this has been brought only to minimise the increased volume of work and unnecessary expenditure entailed by quarterly issue of coupons. Now Government intend to induce the vehicle owners to take tokens annually in place of quarterly by increasing the rate of quarterly tax slightly. In order to reach that end, Sir, this Amendment to the existing Act has been brought.

This is an Amendment to the proviso to section 5. The proviso to this section says:

"Provided that the owner of a motor vehicle shall have the option of paying the tax in four equal instalments payable on or before the fifteenth day of April, July, October and January respectively".

We want to delete the word "equal" from this proviso. In the First Schedule the taxes that are to be paid annually for various kinds of motor vehicles are prescribed and not the quarterly payment. At present the rate of quarterly payment of fees needs no description as the word 'equal' in the proviso to section 5 is there—But we want to induce the motor vehicles owners to take the tokens and make payment of the fees annually by giving some concession in the annual payment and slightly increasing the quarterly fees. The increased quarterly fees have to be incorporated in the First Schedule, and in order to incorporate the increased fees that are to be paid quarterly, we have to change the First Schedule also. With that end in view, we have brought this Amendment and I would appeal to the House to accept my Motion.

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

“That the Assam Motor Vehicles Taxation (Amendment) Bill, 1949 be taken into consideration”.

**Maulavi ABDUL HAI:** Mr. Speaker, Sir, at the outset I must be frank enough to admit that when I went through the Statement of Objects and Reasons of this Bill really I was very much pleased that Government are now moving in the direction in a business like manner, that they are trying to induce the people to pay their license fees annually so that Government may be benefited financially a little as well as there may be curtailment of the expenditure without taking recourse to taxation. But unfortunately that phantom of delight of mine disappeared as soon as I looked into the provision that is being introduced here. I find it is not an inducement Bill but a penalty Bill though in the Statement of Objects and Reasons it is shown that this Bill is for the purpose of inducing the motor vehicles owners to pay their license fee annually. Here in fact they have not given that inducement to the annual payer. In reality the Bill is meant for taxing the quarterly payers of the taxes. Government instead of putting the Statement of Objects and Reasons in that way might have said that they want some finance, so they want to tax the people. But instead of doing that they say that the object is to induce people to pay annually. If that is an inducement to the annual payers, why there is the penalty to the quarterly payers? Every one knows when an electric bill is to be paid, some rebate is granted if the payment is made within a specified period, but nobody is penalised if such a bill is not paid within that period. Here the Hon'ble Minister-in-charge of the Bill has proposed to grant concession without giving any rebate to those who pay annually, but those who cannot do so they are going to be penalised. These people pay quarterly because the Statute gives them the right to pay quarterly. What is their fault that they should be penalised? Is this quite consistent with the Statement of Objects and Reasons of the Bill? As such I think this is an opportune moment to oppose the Bill. If Government want money why they fight shy to bring in a Bill and say, “We want money and we want to tax the people”. I request the hon. Members of the House to give their earnest consideration whether this is an inducement Bill or a penalty Bill. When it is not an inducement Bill, I think all should oppose it. With these words I oppose the Motion.

**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, the Bill as has been stated by the Hon'ble Minister is an inducement for payment of annual tax at a time so that the officers can be relieved and there can be less trouble for all concerned. A taxation is already there and the people are paying that taxation. The only concession that Government gave them is that they could pay the tax in instalments. Now by this Bill Government is seeking to take away that right of paying in instalments and compel the people to pay the tax in single instalment. By this piece of legislation particularly the poorer section of motor vehicle owners will be hard-hit because they are to pay a huge amount at a time. If the Hon'ble Minister had considered that more clerks and officers were necessary for the motor vehicles work, he could raise tax to such an extent so that the extra expenditure could be met out of the excess realised. But he has not done that. Then there is no uniformity in the fixation of the rate. It differs from place to place. Somewhere it is 33 per cent., somewhere it is 30 per cent. and so on. There should be a fixed principle in this regard, but it appears that there is no such thing. If the Hon'ble Minister wants to proceed with the Bill he should see that the same taxation on proportion basis is fixed. Moreover what is going to be done



with those motor owners who even fail to pay in instalments. For that we could have charged only 5 per cent. interest, but the interest now fixed is too high. I, therefore, request the Hon'ble Minister-in-charge and the hon. Members of this House that they will give their reasoned consideration and will see that the enhancement to such an extent be not approved and be not passed.

**The Hon'ble the SPEAKER:** Any other Member taking part ?

*(After a pause).*

The Hon'ble Minister should reply.

**The Hon'ble Srijut RAMNATH DAS:** Mr. Speaker, Sir, I have stated at the time of introduction that the main object of bringing in this Bill is to reduce the unnecessary volume of work and the expenditure for that. The number of vehicles are daily increasing and it has also increased the volume of work and expenditure in printing of tokens, in the appointment of additional hands and so on. So the argument that has been brought by my Friend, Mr. Hai, that Government could have induced the owners of motor vehicles to make the payment annually by giving rebates does not stand. My only purpose is to reduce the volume of work and expenditure by increasing the quarterly tax.

**Maulavi ABDUL HAI:** On a point of information. What does the Hon'ble Minister mean by inducement ?

**The Hon'ble Srijut RAMNATH DAS:** Inducement to pay annually and to pay less.

**Maulavi ABDUL HAI:** Have you done that to pay less ?

**The Hon'ble Srijut RAMNATH DAS:** Yes, I have slightly increased the rate of quarterly payment so that the owners be tempted to pay annually and pay less than the total amount paid quarterly. Therefore the argument of my Friend, Mr. Abdul Hai, does not stand. Similarly my hon. Friend, Maulavi Abul Kashem, said that I have taken away the right of the motor owners to make the payment quarterly.

I have not taken away the right. The right is there. The only thing that I have done is that I have slightly increased the rate of payment so that there may be a temptation to give lesser amount of tax by paying annually. I have not curtailed the rights of the motor vehicle owners. The choice is left to them, Sir.

Secondly, he criticised that in some cases the proportion of increment is high and in some cases it is less. This is true, but it had to be done to come to round figures, Sir.

With these few words, Sir, I appeal to the hon. Members who have objected to my Motion to withdraw their objections.

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

“That the Assam Motor Vehicles Taxation (Amendment) Bill, 1949 be taken into consideration”.

The question was adopted.

**The Assam Maintenance of Public Order (Amendment) Bill, 1949**

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, I beg to introduce the Assam Maintenance of Public Order (Amendment) Bill, 1949.

**The Hon'ble the SPEAKER:** May I ask the Hon'ble Minister whether the Assam Maintenance of Public Order (Amendment) Bill, 1949 has been published?

**The Hon'ble Srijut BISHNURAM MEDHI:** The Bill was already published in the *Assam Gazette* with Notification No.HMI-31/47, dated the 19th February, 1949 under rule 52 of the Assam Legislative Assembly Rules as adapted.

Sir, regarding the main purpose of this Bill I would like to say that it is really an unpleasant duty on the part of the Government to detain people without trial. We thought that for peace and tranquility of the province, unlike some of the provinces, we have not declared any party or any organisation as illegal, but we have tried to tackle the problem by taking action under the Assam Maintenance of Public Order Act in penalising only those who preach and use violence and other subversive activity to create disorder and chaos in the country instead of taking action against those who merely propagate certain ideology. With this object in view, we generally scrutinise each individual case on information received from different localities, and examine if these individuals have confined themselves merely in preaching a certain ideology or want to use violence and create disorder and chaos in the country with a view to establish their ideology. It is only those persons who use violence or preach violence and incite people to violence and aid subversive activity who will be dealt with under the Assam Maintenance of Public Order (Amendment) Bill, 1949. The Government want to place the material before an independent Board consisting of three members, one of whom should have the qualification of a Judge of a High Court, except the age limit provided in the Government of India Act. All the materials will be placed before the Advisory Council after the detenu is given full opportunity to show cause, so that they can be considered dispassionately by the Advisory Council and the Advisory Council may submit their recommendations to the Government who after consideration may pass necessary orders. To avoid criticisms that Government who are the prosecutors are also the Judge, it is proposed in this Bill to set up an Advisory Council for the purpose with persons having the qualification (at least one of them) of a High Court Judge.

Then in the Assam Maintenance of Public Order Act there is no provision to control dissemination of news exciting violence or sabotage. So we consider to have some provisions regarding the control of the Press as is the case in some other Provinces. With these objects in view, this Bill has been re-drafted and the Bill is placed before the House. I hope, in view of the attempt on the part of those who have gone underground and are creating trouble and disorder in the country and exciting people to violence or sabotage, this measure is absolutely essential for the safety of the country and I hope all these factors will be taken into consideration by the hon. Members and unanimously accept the Motion.

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

“That the Assam Maintenance of Public Order (Amendment) Bill, 1949, be taken into consideration.”

**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, in introducing the Assam Maintenance of Public Order (Amendment) Bill, 1949, the Hon'ble Minister-in-charge says that mainly this Bill will give relief to the persons detained without any trial so that they may file appeal to the Deputy Commissioners and also to the Advisory Council. Sir, I would like to say that this Advisory Council is nothing but a farce because the Government will form this Advisory Council to suit their advantage in a particular case for a particular man who has been detained and they will also select the members of the Advisory Council. Moreover, the recommendation of the Advisory Council will not be binding on the Government and as such the detenu shall not be able to take advantage of the recommendation of the Advisory Council. Further any order made on the recommendation of the Advisory Council does not give final relief to the aggrieved party as there is provision for re-detention afresh even after order revoking his previous detention. This is only an eye-wash to show that our Government, which claims to be a popular Government, is not curtailing the rights of the people. Then, Sir, as regards restriction on the Press, you know that the Congress fought for the last half a century for freedom of speech and freedom of Press, but now they are out to curtail those rights of the Press. For meeting any emergency there is the Press Emergency Powers Act, but our present Government is not satisfied with that. They want to have more power, they want to become Hitler, they want to have all the powers that the Fascist Government had in their hands. They want to oppress people in any way they like. We say that the Russian Communists are doing harm to us, we say that things are not going well in that country but the people cannot give expression to their views, that the outside world knows little about them, and so on. But, Sir, we seem to be following the same path in this country against which we are fighting. We will not allow the Press to publish anything which our Government do not like.

Then, Sir, the Hon'ble Minister says that anyone inciting others to violence will be proceeded against, but what are the provisions in the Bill? The provisions are to "prohibit either absolutely or for a specific period the printing or publication of any matter relating to a particular subject or class of subjects..... prohibit either absolutely or for a specific period the publication of any newspaper, periodical book or any other document whatsoever or the use of any press". That means, Sir, action is not restricted to the incitement of violence only. Whenever there is criticism of the activities of the Government the provisions of the Act can be brought into operation. Sir, you know that papers are the organs through which the voice of the people can be heard. If without rhyme or reason the Press is muzzled, how will the people express their views? We could approve if powers were taken for particular purposes, *viz.*, to check the prejudicial activities of the Communists or the Communalists, who want to import disorder or ill-feeling between the communities. But, Sir, these have not been specifically stated. So, we are apprehensive that such powers will be used to muzzle criticism of the present Ministry, even if those criticisms are conducive to the well-being of the people of the country. We could understand if such a measure were brought forward by a bureaucratic Government, but the Congress, which claims to represent the people, should not proceed with such a legislation.

With these few words, Sir, I oppose the Motion.

**Maulavi ABDUL HAI:** Mr. Speaker, Sir, at this period of the political situation of the country, I think a Bill like this is necessary. But the Objects and Reasons stated should be consistent with the provisions of the Bill. In the Statement of Objects and Reasons it has been stated. "One of the grounds on which the provision relating to detention of persons without

trial has been criticised is that as the executive remains the sole Judge of the grounds on which a person is detained, it is likely to abuse its powers... The Government therefore consider that it would be well if the Assam Maintenance of Public Order Act contains provision for the constitution of an Advisory Council to review the grounds on which the detention orders are based". But, Sir, the way in which they are constituting the Advisory Council will not remedy this defect. The criticism was that every man had got the liberty to express his views, but if those were prejudicial to the safety of the State he should be hauled up, but nevertheless given an opportunity to face a judicial trial. In order to meet that criticism, Government propose to constitute an Advisory Council consisting of three members who will be nominated by the Government. That Advisory Council after going through the reasons for detention as given by the officer concerned, will give their views to the Government, and it is up to the Government either to accept or not to accept the recommendations of that Body. As such, Sir, it cannot be said that Government are going to remedy this defect. It is not unknown to the hon. Members of this House that we have got the highest judicial authority now in our province, *viz.*, the High Court. We fail to understand why this function should not be given to the High Court to judge whether the activities of a particular person is or is not prejudicial to the interest of the State. If it is found by the High Court that a particular action or speech of an individual is prejudicial to the interest of the State, action may be taken against him. Nobody will clamour against that, as since the day of Independence it is the duty of every citizen to retain the Independence and make our country a progressive one in the eyes of the world. But if in the name of prejudicial action the Government hauls up any person who goes against the action of the present Ministry, though he may be working for the benefit of the country, it will be nothing but muzzling the free voice of a citizen or gagging the Press. In order to be free from such criticism in future I ask the Government to entrust this job to the highest judicial authority of the province. If, however, the highest judicial authority is pre-occupied with judicial work, then constitute a tribunal with some of the Judges, like the Revenue Tribunal. But as a practising lawyer I can say this much that our High Court at present is going without having sufficient work, and I hope Government will see their way to modify these provisions in the Bill accordingly.

As regards the Press, the other day at the Press Advisory Board meeting our present Governor, His Excellency Shri Sri Prakasa, the Hon'ble Premier and the Hon'ble Publicity Minister, have all encouraged and said that the Press is of vital interest to the country.

Now, Sir, provision has been made to change the activities of the Press. Of course, if there is a paper or Press who hurls unchecked venoms against the State they should be stopped but if they simply criticises certain action of Government or of Hon'ble Ministers they should not be taken as prejudicial act. It reminds me that some paper criticised some actions of the Hon'ble Ministers and narrated one of them as 'Rip van Winkle' for that, that paper was banned—not only banned in the Government officers but Government advertisements were also discontinued in that paper.

**The Hon'ble Srijut BISHNURAM MEDHI:** Was this action taken under the Assam Maintenance of Public Safety Order?

**Maulavi ABDUL HAI:** I am coming to that, Sir.

Now, Sir, really paper is an essential necessity and if Government by some legislation prohibit the papers or gag their honest opinion then it will be acting not in the interest of the country, but it will mean harm to the country and if Government do not consider these things on those lines, I think, the people will understand that the Government do not consider in the line of the best interest of the country. In order to extend liberty to express free, frank and honest expression in the press and platform, I hope, Government will amend this Bill accordingly and get their real object fulfilled and not the sham object.

**Maulavi MAHAMMAD ROUFIQUE:** Mr. Speaker, Sir, it is indeed a matter for gratification that by bringing this Bill Government has given proof of its responsiveness to popular criticism, reasonable criticism and sensible criticism. For this Government really deserve the congratulation of the House. When I am saying this, Sir, I am not saying in a spirit of giving undue praise to Government or that I am now speaking from the Treasury Bench. It will be in the recollection of the House that in the last Session of the Assembly when the Hon'ble Prime Minister brought in the Bill to amend the Assam Maintenance of Public Order Act providing for extension the period of detention from six months to one year, I criticised and strongly criticised the Government for asking for such extraordinary executive powers by which a man's civil liberty can be curtailed and a man may be put under detention without any trial. I then said that it was really unbecoming of the Congress Government to take such powers into their hand to curtail civil liberties for the prevention of which they sacrificed so much. I further pointed out that it contained no provision to safeguard against a wrong being sent to jail and further emphasised that even during the bureaucratic regime when people were sent to jail under the regulations and under various other special laws—there was provision for examination of the cases by a Tribunal consisting of High Court Judges and my suggestion was that in order to mitigate the regours of the Act the Government should have constituted some such Tribunal and I am glad that Government have now come forward to constitute a Tribunal for examining the cases for extension of detention from six months to one year. Therefore, I say that I am justified in congratulating the Government for responding to popular criticism and reasonable criticism.

Then, Sir, in the Bill there is another important provision which is proposed to be inserted in the Act which imposes to place restrictions on prejudicial publications. I think, the Members of the House are aware that since the achievement of Independence, the enemies of social progress and enemies of freedom itself have been doing their best to create lawlessness and disorder in the country and with this end in view they are trying to catch the imagination of the youths and young hopefuls of the country and with that end in view they are flooding the province with most objectionable literatures and writings which go to poison the minds of young hopefuls of the province and with their writings they have misled many of our youths and made them blind to their own interest and made our young hopefuls rebellious to their national tradition and disloyal to their own country. It is in the fitness of things, Government should place a ban on such circulars and literatures which are printed and published outside the province and circulated here in this province for creating disorder in the country.

Therefore, I see no reason why there should be any opposition to this Bill which ultimately is going to benefit the people of the province.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Mr. Speaker, Sir, I do not know whether the attention of the previous speakers has been drawn to the fact that although the measure belongs to the Home Department the Bill has been introduced by the Hon'ble Minister of Finance and Revenue. We do not know under what circumstances he happens to be in charge of this Bill. We have not seen any Gazette notification about any change of portfolios between the Hon'ble Prime Minister who held this charge and who as recently as September last, introduced such a Bill in the House. There ought to have been some explanation why such a change has been made in the introduction of this Bill before it was laid before the House.

The present amending Bill is not an unmixed blessing or evil. There are certain good points, but those good points are marked by very bad traits. The hon. Member who last spoke, under the new orientation of his, had the temerity to congratulate the Government because he is now sitting in the Treasury Bench and reminding the House of his speech last year from the Opposition Bench. He thinks that the provisions of this Bill have been introduced on account of the criticisms that he had made. That may be or may not be, or it may be that the Government are suffering from a guilty conscience and want to show to the public that they are acting *bona fide* and that they should not be charged of abusing their powers. Therefore, they have thought of giving a "sop to Cerberus", *i.e.*, throwing in a provision for an Advisory Council.

There is a world of difference between an Advisory Council and a legally constituted Tribunal. The hon. Mr. Roufique is reading in these humble words of "Council" the powers and privileges of a legally constituted Tribunal. Now, what is this Council? I think its terms are not merely vague but entirely illusory. While in the neighbouring Province of Bengal, as hon. Members of this House are aware, they had a provision in their safety measures, for submitting the papers of detenués to a High Court Judge, here although our High Court Judge, as is well-known to several hon. Members of this House, is sitting idle for want of work, is not brought in into this Advisory Council at all, but at the same time the Government want to show that they want to bring in a man with long and good judicial or legal experience, a man who could be or would have been eligible to hold the post of a High Court Judge but for the age limit of 60 years. If really the Government is sincere in their ideas to constitute a Tribunal, why not give the constitution of that Tribunal in the Act itself? Why could you not state that out of three Members, one must be a Judge of the Assam High Court, and another any public man with sufficient judicial or legal experience who could have been a High Court Judge but for overage and then take a third person from the political leaders of the country? Why not acquire your power straightaway under the Statute itself instead of keeping the entire range of the constitution in the hands of the executive although you avert that you want to show to the public that the unfortunate detenués are not under the thumb of the "Executive" and that the outside world should see your *bona fides* and that you want to place all confidential matters before such a Council?

The next thing, Sir, it is evident to any critical mind that but for this safeguard about a Judge's presence in the so-called Council, you may take in any man of your own ideology so that, as has been mentioned by one hon. speaker preceding me, the poor detenu will not have any change whatsoever because the Council will consist of the majority of such people who are always "anti" to the ideologies of those persons who are detained.

Again, you do not show in the provision of this Bill that although you make great noise about submitting the papers of detenués before such a Council, that you will automatically accept their decision. Then where is the necessity for creating such a Council when Government reserves to itself the power either to accept or reject the Council's verdict. If you are really anxious to see that these people will not be kept in jails without trial, that their papers should be laid before a Body of judicially minded people, why not trust them and accept their verdict ?

So, Sir, I say although the hon. Mr. Roufique of the Congress Bench says that this is a great advance on the previous Bill, I think, Sir, if Government really deserve that praise they should amend their provision in the light of what I have said and lay down the constitution of Council in the body of the Statute itself and do not reserve to themselves the power of rejecting the verdict of such a Body of legal talents and public men.

Sir, times are abnormal otherwise I would have asked the Government to circulate this Bill before the public for eliciting public opinion. The Congress was supposed to be the champion of civil liberty both of speech and writing, of the platform and the Press, but this Bill and its predecessor are negations of such claims. We could not have condoned this assumption of extra-ordinary powers by the present Government had not there been disturbances in other parts of the country of a very serious nature. Forces of disorder and violence are let loose throughout the length and breadth of the Dominion of India. Although Assam has been so far immune from such types of people, yet, on account of drastic actions in the neighbouring Province of West Bengal some of them may have sought refuge in the Province of Assam. It is for this reason that I do not propose to move an amendment to the Motion that is placed before the House for circulation of the Bill for eliciting public opinion. But at the same time I would request the present Government to rise above their party politics and show to the world at large that they are actuated by the best of motives in their intention, that they are not afraid of placing all materials before an independent Tribunal of legal talents and public men for support of the action that they have taken.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, the Hon'ble the Leader of the Opposition has raised a question about the Motion itself moved by my Hon'ble Colleague, the Finance Minister. I consider that I should give the final reply on this Motion.

The reason for my not moving the Bill is that of late I have not actually been looking into the details of the work of the Home Department, and the work over the Bill was actually examined and supervised by my Friend, the Finance Minister. Therefore, Sir, I considered him to be the appropriate person to acquaint the House with the object of the amended Bill and also the circumstances which have necessitated the bringing in of this Bill. I would like to say in dealing with this question that we have to deal it on all-India basis. We are now meeting forces which are working for disorder not merely in a particular province but throughout India. The Hon'ble the Leader of the Opposition has just now pertinently said that action in one province has its repercussion in another and so far as Assam is concerned I suppose it is almost a recognised fact that action in the West Bengal had resulted in renewed and increased activities in the province itself for creation of disorder and lawlessness attended with violence. Now I do not like to go over the ground which has been recognised by the Hon'ble Leader of the Opposition that actions are necessary and that we must be maintaining law and order at any cost. Therefore I do not propose to tread over that ground. But I am sure you have all felt the necessity for actions

and I am absolutely certain that you have felt also the justification of the Bill itself. You have seen in the last few days how the whole country was put into a state of challenge to its law and order. What steps this Government as well as the Central Government had to take in order to meet this menace attended with all manner of violence, sabotage, killing and what not has been realized by all. I therefore do not propose to take a long time, Sir, in discussing this point. The necessity for this measure has been amply justified. But I want to show that what is now proposed to be done, is not in strictness of the measures, but in their mitigation. The first point in the Bill is that there should be a body which will examine the statements of the detenus and let the Government know what action should be taken. It has been argued that that body should be a purely judicial body in which Government should have no say. In this regard I make no secret that while Government too like that that body should be as independent as possible, we are definite that views of the Government should also be represented in the Committee. That is a situation which I want to make clear to the House. The responsibility of maintaining peace lies with the Government and that is why while that body may be as independent as possible, the views of the Government should be fully represented. Therefore I agree with the provision in the Amendment that there should be a person in that Committee with the status of a Judge of a High Court so that he might bring a judicial mind into the enquiry before them; but I maintain, Sir, that the view point of the Government should be represented there. The Committee should be constituted in that way.

Some of the hon. Members have raised a question that this Government want to retain powers with them. I want to say, Sir, that we are to carry out the responsibility of the Government in maintaining peace and order in the country so that every law-abiding citizen can lead a normal life in a peaceful atmosphere, where he can do things and develop himself in a lawful manner. So long as there is Government, its responsibility to the people cannot go, and therefore that responsibility must be discharged. It is only on account of this important matter, namely, the responsibility that falls on any Government, that we have taken certain action which are considered necessary by all the thinking people that are living in India today. It is surely not with an idea of retaining that power that this measure has been proposed.

The other point, *viz.*, action against the Press, is also aimed against introduction of literature aiming at preaching violence and class strife from outside the Province; we know how they are coming from other places. This must be stopped; and I assure the House that none of the real mischief makers will be aided. I told in the Press Conference the other day that nobody will be prevented from making healthy and constructive criticisms. We hail them as necessaries. But we cannot allow any kind of literature to be imported into the Province which might drive the mind of the people into disruption and violence. The object of both the amendments is the same, *viz.*, that nothing will be allowed to go unchallenged that will jeopardise the peace and tranquillity of the country.

So the intention of these measures that we are proposing to take is to mitigate the operation of the old Act. This is covered by the amendment regarding the constitution of the Council or Tribunal, whatever you may call it; the other is regarding the Press about which I have made the position perfectly clear, *viz.*, that it will be aimed at preventing publications which might undermine the morale of the peace-loving society of to-day. I again repeat that it is not our desire to retain the power at any cost. The election is coming. I hope they are not very far from to-day. We on this side of the House are possibly thinking of men and matters in one way and others possibly in a different way. The country will have the opportunity of deciding the way they would like to think and



act. But so long as we have the responsibility of Government, we shall have to discharge that responsibility for the good of all that are for law and order. With these words, Sir, I request the hon. Members to accept the Motion.

**The Hon'ble Srijut BISHNURAM MEDHI:** I would like to point out a few practical difficulties which were taken into consideration by me in not proposing association of a High Court Judge in the Committee.

**Maulavi Saiyid MUHAMMAD SAADULLA:** Can there be speech now by the Hon'ble Revenue Minister after the Hon'ble Premier has replied? The Hon'ble Premier has already given the reply on behalf of Government. Therefore the Hon'ble Revenue Minister who moved the Motion has got no right of reply. Any other Member of Government can reply on behalf of the Government and the Hon'ble Premier did actually play that role.

**\*Babu KAMINI KUMAR SEN:** He did not say that he had replied on behalf of the Government.

**Maulavi Saiyid MUHAMMAD SAADULLA:** He said that.

**The Hon'ble the SPEAKER:** The Hon'ble Premier has a right to speak on the Bill as any other Member. Hon'ble Rev. Minister is the "Member-in-charge" for the purpose of this Bill.

**Maulavi Saiyid MUHAMMAD SAADULLA:** If you like you can allow, Sir. I will bow down to your ruling.

**The Hon'ble Srijut BISHNURAM MEDHI:** The first question is why the matter was not referred to one of the Judges of the High Court? The reply is that the detenus, apart from this Advisory Council or the so-called Tribunal, have the statutory right under the Criminal Procedure Code to move the High Court against the order of detention. The analogy of Bengal does not apply in Assam. We do not curtail that statutory right of any detenu to go to the High Court. If the detenus want to move the High Court they will have full right to do so. But if one of the Judges of the High Court is associated as a member of this Tribunal then he will be disqualified for sitting as one of the Judges of the High Court when any detenu moves the High Court under section 491 of the Criminal Procedure Code. In case the other two Judges differ on certain matters of fact or law then there will be no third Judge competent to hear and decide the matter at issue. This is one practical difficulty which was taken into consideration by me and which prevented us from following Bengal in associating a Judge of the High Court in the Council. In Bengal they have curtailed the right of detenus being represented by an advocate even when the matter is placed before him by Government. The right of representation through a lawyer has been curtailed by the Bengal Act. But we have not curtailed the right of detenus in any way. Here the detenus have the full right to go to the High Court and to be fully represented through their lawyers. So in order to enable the detenus to have an impartial judgment in the High Court, we decided not to associate one of the Judges as one of the members of this Advisory Council.

**Maulavi ABDUL HAI:** Is this a Tribunal?

**The Hon'ble Srijut BISHNURAM MEDHI:** We do not say that this is a Tribunal. We wanted to have the advice of independent persons so that all the factors and advice and other circumstances may be taken into consideration by

the Government before coming to a decision. On the other hand we do not curtail any statutory right of the detenus to move the High Court against the order of detention of Government. Mr. Abul Kashem has asked why the names of the Communists and other persons preaching violence and sabotage are not mentioned? I think the hon. Member in his enthusiasm to criticise the Government forgot the relevant portion of the Bill. I will repeat for his elucidation.

“The Provincial Government, if satisfied that such action is necessary for the purpose of preventing any activity prejudicial to the public safety, the maintenance of public order or the tranquility of the Province or any part thereof”

**Maulavi MUHAMMAD ABUL KASHEM:** For the safety of the Ministers also.

**The Hon'ble Srijut BISHNURAM MEDHI:** I think the hon. Member has not carefully gone through the Bill. This provision is sought to be made for the purpose of controlling the Press and other literature that has been pouring into the Province from outside—from such places where violence and sabotage are going on. In view of these circumstances Government is proposing this measure to preserve the safety and tranquility of the Province so that all good citizens may carry on their ordinary avocation without let or hindrance. In view of this, I hope the hon. Members will accept the Motion.

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

“That the Assam Maintenance of Public Order (Amendment) Bill, 1949 be taken into consideration.”

The question was adopted.

**The Assam Village Chaukidari (Amendment) Bill, 1949**

**The Hon'ble Srijut BISHNURAM MEDHI:** Mr. Speaker, Sir, I beg to introduce the Assam Village Chaukidari (Amendment) Bill, 1949, and to move that the Bill be taken into consideration.

Sir, under the existing Act certain tax is levied and that tax is distributed as salary and wages to the Village Chaukidars. At present the Chaukidar's pay is Rs. 6 and we propose to raise it to Rs. 9. And in order to do that this Bill is introduced. In view of the rising prices I think the hon. Members will not object to increase the rate of Chaukidar's pay as in the Bill. The Bill was published in the Gazette about 25th of January.

**The Hon'ble the SPEAKER:** It was published on the 2nd February.

**The Hon'ble Srijut BISHNURAM MEDHI:** The notification publishing the Bill is dated the 25th January, 1949.

**The Hon'ble the SPEAKER:** Well here I have got the date. It was published on the 2nd February, 1949.

**The Hon'ble Srijut BISHNURAM MEDHI:** So, Sir, in view of this, I hope the hon. Members will accept this motion.

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

“That the Assam Village Chaukidari (Amendment) Bill, 1949, be taken into consideration.”

**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, I am really very glad that the Hon'ble Finance Minister has realised that the Chaukidars are ill-paid people, but I cannot agree with him while he raised the assessment since the Chaukidars are serving no useful purpose. So far I have seen they are working as merely hotel-keepers for the 'Darogas' and having no utility for public purpose. Why should people pay for them? The Bengal Village Chaukidari Act was extended to Assam, and when the permanently settled areas are going to be taken away by a Raiyatwari system why the people should pay the extra amount as Chaukidari tax? The Chaukidars are being paid Rs. 6 per month and that Rs. 6 is paid after three months and you can guess whether the Chaukidars have got any interest for work if they are to depend on this pay. You are going to pay them Rs. 9 and in three months the Chaukidar will get Rs. 27, but he will require at least Rs. 27 in a month. Will that Chaukidar go round the village to save the villagers from the burglaries by thieves or he will be a party to it? It is impracticable for a person to work with this pay, and it is useless; and this legislation is not necessary. I have seen after the Independence, the Hon'ble Finance Minister is bringing Bills after Bills for taxation and we think the Independence has brought only Independence for taxation. If any amount is necessary he can get it from the Agricultural Income-Tax and the Sales-Tax and pay some amount to the Chaukidars. We must pay the Chaukidars a living wage. The Chaukidars should be paid at least Rs.30 or Rs.40 a month. Ours is a Government of Police. The Government is going to pay for the Police Constables alone Rs.8 lakhs out of Rs.40 lakhs and so ours is a Government of Police. Let the Chaukidars get some amount from those enhanced taxation and it would be much better if the Hon'ble Finance Minister finds some for them.

With these few words, Sir, I oppose assessment portion of the Bill.

**Mr. P. M. SARWAN:** Mr. Speaker, Sir, in connection with this Bill, I have the pleasure in supporting my Friend, Maulavi Abul Kashem. I have already stated before the House that I am opposed to all sorts of rates and taxes. The people are feeling very bad about their present condition and they are unable to endure these taxations and increased rates in taxation. Looking at things from these points of view and after considering the condition in the country I must say that it is almost impossible on the part of the people to pay enhanced rates and taxes. Therefore, Sir, I suggest that this increased rate of pay to the Chaukidars should not be paid and that they should wait for a while and that there should not be any increase in the rate of taxes for the time being. Government should go to the electorate to ask for their permission to increase rates and taxes instead of permitting us to raise our voices on all kinds of taxes.

**The Hon'ble Srijut BISHNURAM MEDHI:** Sir, I always hear curious argument from Maulavi Abul Kashem Saheb as well as from Mr. Sarwan. Sir, I will read the principal section—that is Section 12.

“The salaries of Chaukidars appointed shall be determined by the District Magistrate :

Provided that such salaries shall not be less than two nor more than six rupees per mensem”.

In this place it is proposed that for the word “two” the word “four” and for the word “six” the word “nine” shall be substituted.

In this connection it may also be mentioned for the information of the hon. Members that the Chaukidars are not whole-time workers.

✓ \*Maulavi MUHAMMAD ABUL KASHEM: Sir, May I know from the Hon'ble Minister whether the Chaukidars go round the villages ?

**The Hon'ble Srijut BISHNURAM MEDHI:** Regarding raising the limit of assessment it will be done by the Panchayat if they think so or they can refuse it or the Deputy Commissioner will not appoint Chaukidars. The Panchayat may keep 15 per cent. in order to provide for payment of expenses for collection. How the Panchayats are to be appointed it is a matter for the villagers.

\*Maulavi MUHAMMAD ABUL KASHEM: I will be glad if the Hon'ble Minister reads it out.

**The Hon'ble Srijut BISHNURAM MEDHI:** This is some sort of self-government given to the villagers. Whenever the villagers come and apply to the Deputy Commissioner to have Panchayat then the Deputy Commissioner will appoint the Panchayat and the number of Chaukidars necessary depends on the Panchayat and the amount of money that is necessary to pay the Chaukidars is a matter which the Panchayat may agree to raise.

The question of postponement of the matter till the permanently settled areas are taken over does not arise. We cannot wait. We have been receiving complaints for several years. In view of the very small relief that is proposed to be given, I hope the House will unanimously agree to my Motion. If the Panchayat like they can raise or reduce the rate as there is a very wide margin left for them.

In view of all these circumstances I hope the hon. Members will accept my Motion.

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

"That the Assam Village Chaukidari (Amendment) Bill, 1949, be taken into consideration".

The question was adopted.

### Adjournment

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

### After lunch

### The Gauhati University (Amendment) Bill, 1949

**The Hon'ble the SPEAKER:** Item No.22.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I beg to introduce the Gauhati University (Amendment) Bill, 1949 and to move that the Bill be taken into consideration.

The Bill was published on the 28th February, 1948. The principles which are involved in this amended Bill are firstly to have a Construction Committee in pursuance of the wishes of the University; and, secondly, to incorporate a provision to the effect that whenever there is special reason, the Government of Assam may indicate to the Executive Council of the University that their action requires reconsideration and if necessary revision. The idea behind both these amendments is to see that the object of the University Act

is carried out to the best interest of the University. There are also one or two other minor matters which need no detailed mention. But the principal objects of the Bill are these two.

It may be known to the hon. House that this scheme of the Gauhati University has been incorporated by the Provincial Government among the schemes to be taken up from the Post-War Development grant. In pursuance of that and in anticipation of approval from the Government of India (hon. Members may remember) a sum of Rs.11 lakhs was allotted for construction purpose last year. Apart from the actual work of construction, a lot of correspondence and other works had to be done before the scheme of the University could come under the sanctioned schemes of the Government of India. Here, I may inform the hon. House that for every scheme that we want to put into operation as Post-war scheme we have got to get the sanction of the Government of India. But this Government had to be relieved of its duty in reference to the scheme for the University as the whole scheme was left in the hands of the University authorities to do the needful who presented it to the Government of India. I should also inform the House that every scheme before it is approved by the Government of India, has to undergo an examination by the Ministry concerned, *e.g.*, a matter which pertains to education is examined by the Ministry of Education of the Government of India before it is actually sent to the Finance Department for consideration as an approved scheme. Now, as regards this scheme for the establishment of the University it was held up on account of the failure of the Ministry of Education to get it examined for want of any details. We thought that the University would know their immediate and future requirements and accordingly they would prepare estimates for expenditure for future development and furnish all the informations necessary to the Government of India, but, unfortunately, they did not take action, nor did this Government take any step in this direction. The Government could not naturally furnish these details for the simple reason that University authorities alone knew these requirements. The result was that till lately, when I had the opportunity of discussing this subject when attending the Education Ministers' Conference, the other day, the whole matter was found to have been lying as it was just a year ago. It was after some persuasion that we could prevail upon the Ministry of Education to send this project of the University as a scheme which could only be provisionally accepted, subject to the assurance of its final approval, when more details were furnished by the Government. In the meantime, Sir, a Resolution was adopted by the Executive Committee of the University informing us that they could not carry the building work of the University and that it would like to leave this task to Government. Here is the initial Resolution, on the basis of which correspondence between University and the Government started. The Resolution says, "Resolved that in view of the scarcity of materials and the difficulties caused by the anti-inflation measures in carrying out the building programme of the University, the Registrar be authorised to enquire if the Government of Assam will be pleased to undertake the construction of the permanent buildings of the University". It was dated some time in December, but actually intimation to this effect was received here about the fourth week of January. It will be seen from the above that Government could not know the details of the building project of the University nor did the Body, I mean the University, send this information to the Government of India, with a view to secure the necessary approval.

Now, what the Bill proposes to have, is to bring into existence a body within the frame work of the University Act which will act in close co-operation with the University by taking the constructional work in their hands.

With that object in view, the power of the Executive Committee in respect of the jurisdiction over the building has been taken away and is proposed to be vested in a Construction Committee. I do not think the word Construction Committee is very happy. The Chairman of the University Commission suggested that the name should be 'Development Committee'. If any hon. Member tables an amendment I shall be glad to accept this modification. But the idea in having this Committee within the University itself perhaps requires a little explanation. In any relationship between Government and an autonomous body what we should have to do was to have some kind of contract between that body, and Government, in the discussion about the details and programme of which would lead to controversy in all manner of things; we should have a lot of discussions and negotiations which in the very nature of things would have meant delay. The University authorities thought that the Government should act as an extraneous body and that they should let go their hands as soon as constructional work was finished. What we proposed to do and the manner in which the work should be done was that it should be done by the University itself. The expenditure should be borne by the University so that the whole thing comes as a part and parcel of the administration of the University. So I think, Sir, that this is definitely an improvement on the proposal of the University for Co-operative action between the Government and the University for the purpose of doing constructional work of the University. The Committee will apparently cease to function as soon as they will have no work to do. Along with this there are certain very important points which have been aimed at in this bill. It may be known that a trust fund was collected by the Gauhati University Trust Board. This will now be given effect to by this body. Since that body has become extinct, the responsibility of carrying out the constructional task must rest on the Constructional Committee.

But there are certain even more important consideration for which this Committee should adequately function. The money which is to be obtained from Government as grants particularly non-recurring grants must necessarily include money from the Government of India. I have already shown how for want of a proper agency, even the preliminary work of getting necessary sanction was held up. Now that agency is proposed to be formed in this Committee. It is now this Construction Committee, who should do the needful in the matter. This Committee will not only be empowered to receive donations from public, but will also act as an authority to receive grants from the Provincial as well as the Government of India. The whole thing, as I explained before, will come as revenue of the University. For the above purpose the first amendment is proposed.

The second principle that is proposed to be incorporated in the Bill is some supervision by the Provincial Government in special circumstances, and a new section has been added towards the end of the Bill. I think this proposed section is 42 sought to be added to the main Act by clause 6. The object is of course clear. In special circumstances the Provincial Government could ask from the University authority certain information regarding their administration to get necessary information from the University and if circumstances require, to suggest improvement or modification. This clause, although a new amendment, is nothing new in University Act. As a matter of fact almost every Act contains such a section. It is the desire of the present Government that such a section is also to be incorporated. Besides this some minor changes have been proposed. One I suppose is that of the addition of two members nominated by the Government in the Executive Committee and the other is for providing for the Court of the Executive Committee to function properly. It has been found that some members of the Court have not at all attended since the very beginning of the

institution of the University. Similar instances have occurred in reference to the meetings of the Executive Committee also. The proposal that has been put forward in this behalf is that in case any member of the Court remains absent for two consecutive sittings the Chancellor shall have the right to enquire of the member concerned of the reasons for such absence and if the reasons are found to be not satisfactory, the Chancellor may declare such seat to be vacant and cause fresh elections or nomination. In the case of meetings of the Executive Committee absence of five consecutive sittings brings the member concerned within the scope of the explanation by the Chancellor. These, Sir, are all the subject matters of this amended Bill. I hope, the House will pass this Bill. With these words, Sir, I beg to move that the Gauhati University (Amendment) Bill, 1949, be taken into consideration.

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

“That the Gauhati University (Amendment) Bill, 1949, be taken into consideration.”

✓ **Maulavi MUHAMMAD ABUL KASHEM :** Mr. Speaker, Sir, I sincerely appreciate the attempts of the Hon'ble Premier when he is trying to do a lot for the University. I also note his anxiety over the construction works of the University, but I am still painful to have to point out some defects in the Bill. Sir, the first thing required of a University is that it should be able to carry on independently for years, but if Government try to control it then how will the University upkeep its sanctity? The University is to imbibe education and also to confer degrees on suitable persons; it should be independent. But if Government should have sufficient voice in the affairs of the University then Government might take some undue advantage over the University. It might be that when this Bill is passed, any Hon'ble Minister who may have interests in the University may, for personal ends, do some wrong. In this view I think that by this legislation we should not empower Government with so much power over the University.

The Government wants to take to themselves the power of calling for explanation from the Executive Council of the University. It is said—“If, at any time, the Government of Assam are of opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, or in furtherance of objects for which any grant or donation is specifically made by Government, Public bodies or individuals, the Government of Assam may indicate to the Executive Council such matter in regard to which the Government of Assam desire explanation .....etc.” From this it appears to me that Government wants to see whether the University is trying to manage its affairs in furtherance of those objects and purposes for which it was established. Sir, we know that our University is managed only by cultured and responsible persons. As such we should not in the least doubt their capacity and honesty. We should give them sufficient latitude to work as they think best and rather we should encourage them in their work. We all know that the University can manage its own affairs.

From the Resolution that was read just now by the Hon'ble Premier, it appears to me that the University is in some financial difficulties. They want financial help in getting their buildings constructed. In that case the University could only request Government for financial help to get the materials that they are in need of and the Government could only find out that money so that the University could complete their construction works. Or if Government do not consider it necessary to find out the money which the University

expects, they could entrust the work to their Public Works Department to complete the buildings without assuming so much powers of control over the University. The University is also dependent upon public donations, thus the public also should have some say in its affairs. We should possibly think whether it would not be better to allow the University to work independently or separately.

Then again, only in 1947 the first University Bill was passed and now it has become an Act, but to-day again we are considering of amending the Bill. Too much legislation means what? It clearly shows the failure of the Assembly to consider the pros and cons of legislation at the time of first passing of the Bill. We must take sufficient time and we must consider carefully before we pass any legislation. The present Bill only seeks to curtail the rights of the University. I would propose an amendment that the Bill be circulated for eliciting public opinion by the 30th of June 1949.

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

"That the Gauhati University (Amendment) Bill, 1949 be circulated for eliciting public opinion thereon by the 30th June, 1949."

**Maulavi MAKABBIR ALI MOZUMDAR:** Mr. Speaker, Sir, I beg to support the Amendment moved by my hon. Friend, Maulavi Abul Kashem. It appears that Government, by a bold stroke of the pen, are snatching away from the Executive Committee of the Gauhati University some of the most vital powers and functions vested in that body by the original University Act with regard to the disposal of the University funds. The procedure as envisaged in the draft University (Amendment) Bill, 1949 stands almost unparalleled in the history of the autonomous Universities of India. This also goes against the classic recommendation of the Sadler Commission (1917-19) made with regard to the Dacca University. It is a matter of common knowledge that those recommendations were implemented in letter and spirit in the case of Dacca and *mutatis mutandis* to all the new Universities which subsequently sprang up into life following the completion of the labours of that Commission.

The University is always a corporation of teachers and everywhere in the world they have been and are being given complete autonomy over their finances. Academicians must always be kept sacrosanct and inviolate in these matters. At initial stages, there might be errors and mistakes, but they must always be allowed to gather sufficient experience even of profiting by their mistakes. Any interference in the internal autonomy of a University cannot but be characterised as a most reactionary and regressive step, fraught with disastrous consequences to the future development of a new and growing seat of learning and culture.

If Government plead surrender of powers on the part of the Executive Committee, the only thing I can say is simply this: that that body is incompetent and effete and it needs replacement rather than curtailment of its powers. It may be in the recollection of the House that the British Government, by the University Act of 1906, aimed such a blow at Calcutta University. But the mighty genius of Sir Ashutosh staved it off. I am indeed very sorry to notice that Assam Government, immediately after attainment of Independence, are following in the footsteps of the reactionary British Imperialism. This is a tendency which can never be tolerated and encouraged. With these words, I beg to support the Amendment moved by my hon. Friend, Maulavi Abul Kashem, for circulation of the Bill for eliciting public opinion.



**The Hon'ble Srijut GOPINATH BARDOLOI:** I most strongly oppose the Amendment proposed by my hon. Friend, Maulavi Abul Kashem. To give reasons for it in my reply, I do not like to take a long time of the House.

Regarding the construction project of the University, the initiative has come from the University itself, with which we had correspondence. It is only after that stage, that Government have agreed to do what will be necessary for the construction of the University. The idea is that the Committee shall have some representative of the University and the others such as, the Chief Engineer and others who would be able to give a helping hand in the construction will also be requested to be there. These persons in the absence of a Committee would have no chance of working in co-operation with the University. Thus they would not directly come under the University while they would yet be able to give the University proper service. The intention of these elements being brought in is to get real co-operation in the building or construction of the University. So the first argument that has been advanced that by the Construction Committee, the Government will be taking away the powers of the University does not hold good. I am sure my Friend there does not appreciate the intention of the Bill.

Now about the other point, *viz.*, about supervision. There has been some difference of opinion not merely here but throughout the world as to what extent University should be entirely independent to carry on their administration without any interference from Government. There are certainly some Universities outside India in which Government have no hand whatsoever. This Government had the same object in view when they first passed the Act. But it is a fact that in this matter of construction the University could not make much headway. Similarly the initial action necessary to be taken for the construction of the buildings, it is Government which had to take measures for securing sanction and approval of the Government of India. There are also other reasons which I do not think I should discuss here in this House. All that I want to say, however, is that I consider this Amendment necessary. It is not at my own instance alone that I am wanting it. In the Select Committee stage of the main Act everybody present agreed that such a clause as is brought forward now should be inserted in the Act. This measure found place in the old Bill which the late Maulavi Sayidur Rahman, as Education Minister, had brought once before this House and I want to stress that we are doing nothing new and I want to refer to various University Acts, in this connection. Here is Annamalai University Act. Section 28 of the Annamalai University Act runs as follows:—

“(i) The Governor-General shall be the Visitor of the University.

“(ii) The Visitor shall have the right to cause an inspection or an enquiry to be made in respect of any matter, institution or property connected with the University by such person or persons as he may appoint in that behalf.....”  
Of course the difference in the use of the words “the Governor-General” and the “Provincial Government” lies in the fact that Annamalai University is a Central institution. This is a fairly new University.

Now let us go to a Provincial University, say the Lucknow University which is not a very old University either.

“The Provincial Government shall have the power to cause an inspection to be made by such persons as it may direct of the University, its buildings, laboratories, workshops and equipment, and of any institutions associated with the University, and also of the examinations, teaching and other work conducted or done by the University, and to cause an enquiry to be made in the like manner in respect of any matter connected with the University”.

“The Provincial Government shall in every case give notice to the University of its intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.”

“The Provincial Government shall communicate to the Court and to the Executive Council its views with reference to the results of any such inspection or enquiry, and shall after ascertaining the opinion of the Executive Council thereon, advise the University upon the action to be taken.”

This is the Lucknow University. Then you will see that the Benares University Act is even stricter in this respect.

“If at any time the Governor-General in Council is of the opinion that special reasons exist which make the removal of any Member of the teaching staff desirable in the interest of the University, or that, as a special measure, the appointment of a certain examiner or examiners to report to him is desirable to maintain the standard of University examinations, or that the scale of staff of the University is inadequate, or that in any other respect the affairs of the University are not managed in the furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, he may indicate to the Council any matter in regard to which he desires explanation, and call upon that body to offer such explanation as it may desire to offer, with any proposals which it may desire to make, within such time as he may prescribe”.

As against these provisions I would like to read the provision that we have made with regard to our University. It will be seen that we do not propose to go near any interference proposed in those Acts.

“If, at any time, the Government of Assam are of opinion that special reasons exist that in any respect the affairs of the University are not managed in furtherance of the objects and purposes of the University or in accordance with this Act and the Statutes and Regulations, or in furtherance of objects for which any grant or donation is specifically made by Government, Public bodies or individuals, the Government of Assam may indicate to the Executive Council such matter in regard to which the Government of Assam desire explanation and call upon that body within reasonable time to offer such explanation as it may desire to offer, with any proposal which it may desire to make”.

This is our proposal. You will therefore see, Sir, that the interference proposed to be made by us is only in special circumstances and in special cases. So I cannot therefore agree to the Motion of my hon. friend Maulavi Muhammad Abul Kashem that the Bill should be circulated. What is proposed to be done in our Bill is definitely an improvement. It aims that administrative experience is to be co-ordinated with academical qualifications in the administration of the University, at least in the initial stage. My point of view is that if it is found that the buildings of the University have been completed and other necessities finished, we could do away with the provision relating at least to the Construction Committee that we have proposed. On the other hand if we do not bring in also a mixture of administrative experience to co-ordinate with the academical qualifications, the proper functioning of the University is bound to fail. And I feel we will be doing a disservice to the country. With these words I oppose the Motion for circulation and I press for the acceptance of my Motion.

**The Hon'ble the SPEAKER:** What does the hon. Member propose to do ?

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

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

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

“That the Gauhati University (Amendment) Bill, 1949, be taken into consideration.”

The question was adopted.

### The Assam *Kala-Azar* Treatment Bill, 1949

**The Hon'ble Srijut RAMNATH DAS :** Mr. Speaker, Sir, I beg to introduce the Assam *Kala-azar* Treatment Bill, 1949 and to move that the Bill be taken into consideration.

The Bill has been published in the Gazette on the 21st February 1949. The purposes of this Bill are stated in the Statement of Objects and Reasons. The main object of the Bill is to prevent unqualified persons from treating the *Kala-azar* cases, and it is necessary for the following reasons:—

*Kala-azar* is a disease which needs specialised and regular treatment for its cure. If this disease is not properly handled it not only remains uncured, but it results into bad effect also. It becomes resistant and does not respond to the proper treatment and as a result many persons die. The present position is that *Kala-azar* is treated by one and all without any distinction whether he knows the art of treating the disease or not. We find from actual experience that many cases when they are treated by unqualified persons who do not know what medicine is to be used and for what period, cannot be cured afterwards by proper treatment and die for that reason. This is a very bad state of affairs and it must be checked. We must see how it can be checked. We have not seen any other method except to penalise the person who goes to the *Kala-azar* patients and treat them without knowing how they are to be treated. With this end in view we have brought this legislation. That the purpose is a noble one will be admitted by all hon. Members. So I appeal to the House to support my Motion.

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

“That the Assam *Kala-azar* Treatment Bill, 1949 be taken into consideration”.

**\*Srijut PURNA CHANDRA SARMA :** Sir, I beg to move by way of amendment that the Assam *Kala-azar* Treatment Bill, 1949 be referred to a Select Committee consisting of the following Members :

1. Dr. Jinaram Das,
2. Srijut Kamini Kumar Sen,
3. Srijut Rajendra Nath Barua,
4. Dr. Emran Husain Chaudhury, and
5. The Mover of the Bill (*i.e.*, the Hon'ble Minister in-charge).

Three members will form a quorum. The Select Committee is to submit its report on or before the 25th of March, 1949.

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

"That the Assam Kala-azar Treatment Bill, 1949 be referred to a Select Committee consisting of the following members.

1. Dr. Jinaram Das,
2. Srijut Kamini Kumar Sen,
3. Srijut Rajendra Nath Barua,
4. Dr. Emran Husain Cuaudhury, and
5. The Mover of the Bill, (*i.e.*, the Hon'ble Minister in-charge).

Three Members will form a quorum. The Select Committee is to submit its report on or before the 25th March, 1949.

**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, the Bill of course is an important one. In clause 5 of the Bill there is a provision for arrest of an unqualified doctor by Police. There must be provision, first of all, for ascertaining by some qualified doctors whether the patient in question is actually suffering from *Kala-azar* or not. There should be a clear provision for this. Otherwise a doctor treating a person actually suffering not from *Kala-azar* might be harassed by a Police officer. The patient must be certified by a qualified doctor before he is arrested by a Police officer.

**The Hon'ble the SPEAKER:** May I know from the Hon'ble Minister whether he will accept the Amendment?

**The Hon'ble Srijut RAMNATH DAS:** Sir, I am glad to accept the Amendment.

**The Hon'ble the SPEAKER:** The question is: "That the Assam *Kala-azar* Treatment Bill, 1949, be referred to a Select Committee consisting of the following members:—

1. Dr. Jinaram Das.
2. Srijut Kamini Kumar Sen.
3. Srijut Rajendra Nath Barua.
4. Dr. Emran Husain Chaudhury.
5. The Mover of the Bill (*i.e.*, the Hon'ble Minister in-charge).

Three members will form a quorum. The Select Committee is to submit its report on or before the 25th March, 1949."

The question was adopted.

### The Assam Management of Estates Bill, 1949

**The Hon'ble Srijut BISNURAM MEDHI:** Mr. Speaker, Sir, I beg to introduce the Assam Management of Estates Bill, 1949 and to move that the Bill be referred to a Select Committee. This Bill was published on the 19th February, 1949.

On His Excellency's recommendation I make this Motion. His Excellency recommended this Bill under section 82 of the Government of India Act. I gave some indication why I propose to introduce this Bill in this Legislature in my budget speech. I propose to say a few words in addition to what I have stated during the presentation of the Budget. During the time we went to Dhubri and Goalpara in connection with the Assam State Acquisition of Zamindaris Bill and on other occasions, representations were received by me that without waiting [for the passing of the State Acquisition of Zamindaris Bill, the Zamindari estates should be taken over under the management of the Court of Wards. Almost all the memorialists except the Zamindars' representatives agreed

on the point that the management should be taken over so that there may not be any mis-management. In this connection it was brought to our notice that a large number of absentee Zamindars left the estates in charge of irresponsible officers who oppressed the tenants and there are also instances where good relation between landlord and tenant that is essential for the country as a whole does not exist on account of ill feeling and feeling of oppression that exist between landlords and tenants. Sometimes the tenants take an attitude which bring them in conflict with Zamindars and the Zamindars taking advantage of their power and position oppress the tenants. To protect the helpless tenant from oppression it may be necessary to take over the management of the estates. The representative of tenants and intermediaries urged to take over the management of estates under the Court of Wards Act, but the Court of Wards Act, as it exists, does not permit us to take over the management. That is why I am introducing this Bill.

As I have already stated that there is an attempt to waste the natural resources of the province. Forest and fisheries which form national resources are being wasted indiscriminately and it is essential to prevent such wastage and also to prevent mismanagement leading to the widespread discontent amongst the tenants. With these objects in view and in order to facilitate the preparation of the record of rights in the permanently settled areas, this Bill is introduced. It will be easier for Government to prepare record-of-rights as soon as they take over the management of the estates. There is provision for preparation of such records. Even before the acquisition of the Zamindaris, improvement of the economic condition of tenants and improvement of the irrigation for agricultural purposes can be undertaken under this Bill, which I have introduced today. This Bill should come into force as early as possible so that the wastage of natural resources of the province can be put a stop to and steps to prevent the widespread discontent due to oppression of landlords which leads to the breach of peace and public tranquility may be taken in hand for adjustment of differences between them. It may take some time to receive the assent of the Governor-General with regard to the State Acquisition of Zamindaris Bill. This Bill can be given effect to immediately without waiting for the consent of the Governor-General to the State Acquisition of Zamindari Bill. I therefore make this Motion that this Bill be referred to a Select Committee consisting of the following members:—

1. Srijut Sarat Chandra Sinha,
2. Srijut Hareswar Das,
3. Sri Satindra Mohan Deb,
4. Raja Ajit Narayan Dev of Sidli,
5. Srijut Motiram Bora,
6. Maulavi Muhammad Roufique,
7. Maulavi Muhammad Abul Kashem,
8. Maulavi Md. Nazmal Haque, and
9. The Mover.

Four members will form a quorum. The Select Committee is to submit its report by the 31st of March, 1949 so that the matter may be considered during the session, if possible.

**The Hon'ble the SPEAKER :** Then the date should be somewhat about 31st March.

**The Hon'ble Srijut BISHNURAM MEDHI :** Yes, it may be, but I did not like to bind down the Committee to that date. If my Motion is accepted there will be no bar to submitting the report by the 31st March.

**The Hon'ble the SPEAKER:** Then make it 30th or 31st March. It is better to specify a date in the Motion.

**The Hon'ble Srijut BISHNURAM MEDHI:** 30th March would be better, as some time will be needed for printing, etc.

Sir, there should be no apprehension about this Bill. We only propose to take over the management. The surplus that will be left after meeting the expenses of management will be distributed according to section 49 of the Court of Wards Act. Then, there is a provision for termination of the management, when considered necessary. Clause 14 says: "(1) The Provincial Government, when it is of opinion that it is not necessary to continue the management of the estate or tenure, may by notification published in the official Gazette direct that the said management shall be terminated.

(2) On the termination of the said management the estate shall be delivered into the possession of the proprietor, landholder or tenure-holder, or if he is dead, to any person, who in the opinion of the Provincial Government is entitled to the said estate together with any balances which may be due to the credit of the said proprietor, land-holder or tenure-holder.

(3) The delivery of possession of the estate under sub-section (2) together with any balances which may be due to them shall be a full discharge of the Government from all liability in respect of such delivery ... ..". The object therefore is to prevent an unthinking or absentee landlord from frustrating the purpose for which the State Aquisition of Zamindaris Bill is framed.

Under these circumstances, Sir, I would request the hon. Members of the House to accept my motion.

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

"That the Assam Management of Estates Bill 1949, be referred to a Select Committee consisting of:—

1. Srijut Sarat Chandra Sinha,
2. Srijut Hareswar Das,
3. Sri Salindra Mohon Dev,
4. Raja Ajit Narayan Dev of Sidli,
5. Srijut Motiram Bora,
6. Maulavi Md. Roufique,
7. Maulavi Muhammad Abul Kashem,
8. Maulavi Md. Nazmal Haque, and
9. The Mover of the Bill (*i. e.* the Minister-in charge).

Four members to form a quorum, and the Select Committee is to submit its report by the 30th March, 1949".

The motion was then put and adopted.

**The Assam Cement Control Bill, 1949.**

**The Hon'ble Srijut OMEMO KUMAR DAS:** Mr. Speaker, Sir, item No.25 will be moved by my hon. Friend, Mr. Chaliha.

**Srijut BIMALA PRASAD CHALIHA (Parliamentary Secretary):** Mr. Speaker, Sir, the Assam Cement Control Bill, 1949, was published in the Official Gazette on the 2nd March, 1949. This Bill is being introduced before this hon. House under the direction of the Government of India. After the expiry of the Defence of India Rules the control which the Central Government exercised over the prices and distribution of cement lapsed on the 30th September 1946. Since then the production, supply and distribution of cement have been a matter of arrangement between the Industry and the Government. The Government of India desired that all the Provincial Governments should have power to exercise proper control over production, supply, price and distribution of cement, and accordingly, before this Bill was introduced, an Ordinance was promulgated on the 11th February 1949. The provisions of the Bill are to a certain extent explained in the Statement of Objects and Reasons, which states: "The production, supply and distribution of Cement in India was not under any statutory control. The Government of India had entered into an Agreement with the Cement Industry and Trade by which the bulk of the production of Cement in India was placed at the disposal of the Government of India for allocation to the different provinces and States, etc. The prices for Cement were fixed by the Industry and approved of by the Government of India. Periodical revisions of prices were also made by the Industry itself with the approval of the Government of India. Towards the end of the last year the Government of India advised the Provincial Governments to promulgate Ordinances or enact legislation to control the production, supply, distribution and prices of Cement. Accordingly the Government of Assam promulgated the Assam Cement Control Ordinance, 1949 which has to be substituted by an Act of the Legislature".

With these few words, Sir, I beg to introduce the Assam Cement Control Bill, 1949, and to move that the Bill be taken into consideration.

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

"That the Assam Cement Control Bill, 1949, be taken into consideration".

**Maulavi MUHAMMED ABUL KASHEM:** Mr. Speaker, Sir, I appreciate the idea with which the Bill has been introduced. But my Friends in this House are aware how these control orders are evaded by the dealers. I hope instead of distributing through dealers the Government will try to bring in cement on Government account as is being done in the case of cloth and yarn. Otherwise these arrangements will be frustrated by the dealers as was done in case of other controlled commodities. This is my submission, Sir.

**Srijut BIMALA PRASAD CHALIHA (Parliamentary Secretary):** Sir, I fully appreciate the views of my Friend on the other side of the House and it will be the look out of the Government to see that this control becomes effective. We all know that there is a feeling in the country that the present system of control has not been quite satisfactory. This is not a simple affair to deal with and I hope with the co-operation of the people as a whole it will be possible to make the control orders effective.

So far as this commodity (cement) is concerned, the suggestion thrown out by my Friend, Maulavi Abul Kashem, about Government procurement will be carefully examined.

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

“That the Assam Cement Control Bill, 1949 be taken into consideration”.

The question was adopted.

### The Assam Primary Education Rules

**Srijut MAHENDRA MOHAN CHAUDHURY (Parliamentary Secretary):** Mr. Speaker, Sir, I beg to present the rules to the Assam Primary Education Act, 1947, as framed in conformity with Section 49 (1) of the Assam Primary Education Act, 1947. Section 49 of the Act has delegated some legislative powers to the Provincial Government. And by virtue of this delegation the Provincial Government has derived its authority to make rules having the force of law for carrying out the purposes of the Act. The Provincial Government's power to make rules is subject to “Previous publication” in the official Gazette and the rules in this case have already published in the official Gazette. The only control retained by Legislature over the exercise of the delegated powers under section 49 of the Act, is that the rules made by the Provincial Government must be laid before the Legislature thus giving it an opportunity to modify them if it so desires.

I would point out, Sir, that Section 49 does not prescribe *ante-natal* laying of the draft rules with the proviso that they shall not take effect unless approved by a resolution of the Legislature. In such case the rules do not take effect until Parliamentary approval has been given. But what section 49 directs is post-natal laying of the rules subject to possible modification by the Legislature.

In the circumstances, the rules have already taken effect but subject to possible modification by the Assembly and in view of all these the rules were laid down in the House in the last Session of the Assembly for acceptance and actually rules 1 to 63 were adopted by the House. A printed copy of the rules have been placed before each hon. Member. Any hon. Member now can propose amendments for any of the rules in the manner he may deem fit and proper. This is so done in conformity with the section 49 of the Act.

**The Hon'ble the SPEAKER:** The hon. Members may remember that in September Session certain sub-section to rule 64 was ruled out of order by me and I hope section 64 has been modified accordingly.

**Srijut MAHENDRA MOHAN CHAUDHURY (Parliamentary Secretary):** Yes: Sir.

**The Hon'ble the SPEAKER:** The hon. Members will kindly table amendments, if any, from rule 64 onwards so as to reach the Assembly Department on the 26th March at 2 P.M. at the latest.

**Babu KAMINI KUMAR SEN:** I think, Sir, the consideration Motion for the Assam Primary Education Rules ought to have been moved.

**The Hon'ble the SPEAKER:** This is not a Bill; it is only a Motion for adopting certain statutory rules.



**Babu KAMINI KUMAR SEN:** Unless the Motion for consideration is passed, how can amendment be moved?

**The Hon'ble Srijut GOPINATH BARDOLOI:** The rules have been published and for whatever modification is proposed to be made by the House the Hon'ble Speaker has to fix up a date for the purpose and he has done so. The rules have been made under the powers given by the Act. No Motion for consideration need be passed in this case.

**Babu KAMINI KUMAR SEN:** That is really a formality.

**Sri SATINDRA MOHAN DEV:** That is a serious matter, it should be taken into consideration. (*Laughter*).

**The Hon'ble the SPEAKER:** It is not a serious matter. Mr. Sen admits it is a mere formality.

**The Hon'ble Srijut GOPINATH BARDOLOI:** The House has been given an opportunity to table amendments, after which the whole set of rules will be taken into consideration by Government. This could come only as non-official business.

#### Adjournment

The Assembly was then adjourned till 10 A.M., on Tuesday, the 15th March, 1949.

SHILLONG:  
The 6th May, 1949.

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

