



Proceedings of the Seventh 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 17th September, 1949.

P R E S E N T

The Hon'ble Srijut Lakshesvar Borooah, Speaker, in the Chair, the eight Hon'ble Ministers and fifty-one Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Brothel at Gauhati

Mr. KEDARMAL BRAHMIN asked :

*6. Are Government aware—

- (a) That the prostitute quarters situated in the heart of the town of Gauhati is a constant nuisance to the inhabitants of the locality ?
- (b) That the public of Gauhati, particularly those who are residing in the said locality, have submitted many petitions for the removal of the said brothel ?
- (c) That the Executive Officer, Gauhati Municipality, has also submitted his proposal for the removal of the said brothel ?
- (d) What steps have Government taken for removing the brothel from the town of Gauhati ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

6. (a)—Government have no information.
- (b)—No.
- (c)—There is no proposal from the Executive Officer as yet.
- (d)—Does not arise.

Mr. KEDARMAL BRAHMIN : Sir, I put a similar question in the last Budget Session of the Assembly and the reply was—'the matter is under consideration'—and now the reply is—'Government have no information'. May I know the reason of that, Sir ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, the manner of this question elicited this answer. There may be prostitute quarters at Gauhati which may be a constant nuisance to the inhabitants of the locality.

The Hon'ble Srijut BISHNURAM MEDHI : I think, there is provision under the Disorderly Conduct Act that application can be submitted to the Deputy Commissioner to remove such nuisance.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Yes, in the Assam Municipal Act, there is a provision against such nuisance. If application is submitted to the Executive Officer about such nuisance, he can approach a Magistrate for its removal.

Munsif at Goalpara

Maulavi MD. NAZMAL HAQUE asked :

*7. Will Government be pleased to state—

- (a) For how many months during the year 1949, Goalpara is going without a Munsif ?
- (b) Whether any representation in the shape of telegrams, letters and interviews was made by the people of Goalpara for a Munsif and with what result ?
- (c) What steps were taken by Government for posting of a Munsif at Goalpara during the period since the date of Mr. Uttam Chandra Deka went on leave ?
- (d) Whether it is a fact that Mr. Uttam Chandra Deka went to Goalpara on the expiry of his leave but was not allowed to join there and was telegraphically posted at Nowgong leaving Goalpara without a Munsif ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

7. (a)—For about four months.

(b) & (c)—Yes, an officer has since been posted as Munsif.

(d)—No.

Maulavi MD. NAZMAL HAQUE: in regard to (b) and (c), may I know why a Munsif was not posted at Goalpara after the transfer of Mr. Uttam Chandra Deka ?

The Hon'ble Srijut BISHNURAM MEDHI: I may reply, Sir.

It was necessary at that time to give some Treasury training in a headquarters station to Mr. Uttam Chandra Deka, so he was transferred to Nowgong for this training.

Maulavi MD. NAZMAL HAQUE: Why a Munsif was not posted immediately after his transfer ?

The Hon'ble Srijut BISHNURAM MEDHI: Because there was dearth of Munsif and because there was not enough work and some cases could be tried by the Subdivisional Officer as well.

Maulavi MD. NAZMAL HAQUE: Other Magistrates at Goalpara have no Munsif's power and they have sufficient works to do.

The Hon'ble Srijut BISHNURAM MEDHI: The Subdivisional Officer himself is an *ex-officio* Munsif.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Bhanga-Adharkuna Road

Maulana MD. MUFAZZAL HUSSAIN asked :

30. Will Government be pleased to refer to the reply given to Unstarred Question No.82(b) put by the Questioner during the Budget Session of the

Assembly, 1949 about the extension of Bhanga-Adharkuna Road (of Assembly Debates, pages 491-492 of 26th March, 1949) and state how far the progress in the matter has been made now ?

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

30.—Owing to the limitation of annual grants for improvement of Roads under the Post War Development Funds, improvement work on a large number of roads already in progress, has to be kept suspended. No new schemes could be taken up at present.

Weaving Institute in the Garo Hills

Mr. MANIRAM MARAK asked :

31. Will Government be pleased to state—
- (a) Whether there is any Weaving Institute in the Garo Hills ?
 - (b) If not, why not ?
 - (c) Whether it is a fact that a site was selected for the purpose long ago ?

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary) replied :

31. (a)—No. But a Weaving School was started in 1919-20 at Tura which was abolished in 1926 as it failed to attract sufficient pupils.

(b)—The question of the establishment of a Weaving School at Tura was duly considered and a scheme was drawn up by the Weaving Superintendent in 1948, but it was not thought feasible to start a Weaving School there. The aim of the Department was to have one main Weaving School at Gauhati to train teachers, demonstrators, etc., and then to start training classes on a commercial basis with the trained staff. For this purpose, two Garo boys were admitted into the Government Weaving Institute, Gauhati, in 1948—only one of whom has been promoted to the Advanced Course who will complete his full course in 1951.

(c)—Yes, a site was selected by the Weaving Superintendent.

Road constructions in Darrang District

Mr. BINODE KUMAR J. SARWAN asked :

32. Will the Hon'ble Minister in-charge of Public Works Department be pleased to state—

- (a) What new road constructions are now in progress in Darrang District according to the decisions of the Assam Roads Communication Board ?
- (b) Whether any step has been taken for the extension of the Urmson Road through Lalmati to Chandmari villages which was given priority in the 1st meeting of the Assam Roads Communication Board ?

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

32. (a)—The following Post War road projects were in progress but work has been suspended owing to curtailment of P. W. R. Fund.

1. Surfacing certain stretches of North Trunk Road—10 miles (partially completed).
2. Mangaldai-Khoirabari-Patharighat Road from 6th to 19th miles (earth work completed).
3. Tezpur-Jamuguri Road—12 miles (Formation practically completed in 6 miles).

4. Old Trunk Road *via* Monabari to Barangabari—22 miles (Formation almost completed).
5. Depota-Ghogra Road—4 miles (Earth work completed).
6. Katanibari Steamerghat Road—4 miles (completed).
7. Kharupatia Steamerghat Road—2 miles (completed).

Another project "Gravelling the 1st five miles of Mangaldai-Patharighat Road" financed from the Central Road Fund is in progress.

(b)—This road does not appear to have been recommended by the Assam Roads Communication Board in the 1st meeting for inclusion in the Post War Road Development Programme.

Srijut KHORSING TERANG: সভাপতি ডাঙৰীয়া, মিষ্টাৰ চাৰোৱানৰ প্ৰশ্নৰ ওপৰত মই এটা প্ৰশ্ন কৰিব পাৰোনে ?

The Hon'ble the SPEAKER: হয়, পাৰে।

Srijut KHORSING TERANG: মই মহংদিজুয়া বাস্তাৰ সম্বন্ধে কব খুজিছোঁ।

The Hon'ble the SPEAKER: আপুনি কোন প্ৰশ্নৰ ওপৰত কৈছে ? আপোনাৰ Supplementary প্ৰশ্ন এটা প্ৰশ্নৰ ওপৰত কৰিব লাগিব।

A voice:—৩২ নং প্ৰশ্নৰ ওপৰত।

Srijut SARAT CHANDRA SINHA: তেখেতে এই প্ৰশ্নৰ সম্বন্ধে কথা কোৱা নাই, বেলেগ কথা কৈছে।

The Hon'ble the SPEAKER: আপুনি স্মৃধিব পাৰে। মাননীয় মন্ত্ৰী মহোদয়ে যদি পাৰে উত্তৰ দিব।

Srijut KHORSING TERANG: মোৰ প্ৰশ্ন এই যে মহংদিজুয়া-দিফু বাস্তা কিয় ক্ৰমান্বয় কৰি যোৱা নাই ? নিকিব হিলত আন বাস্তা নাই, কেৱল এই বাস্তা-টোৱেইহে আছে। কিয় কাম বন্ধ কৰিলে আৰু কেতিয়াকৈ পুনৰ কাম আৰম্ভ কৰিব জানিব পাৰোনে ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: That is a new question, Sir.

The Hon'ble the SPEAKER: এইটো নতুন প্ৰশ্ন, এই প্ৰশ্নৰ উত্তৰ ইয়াত নাই। সেই কাৰণে আপুনি নিয়মমতে স্মৃধিব নোৱাৰে।

Appointment of Mr. Owen Rowie, M. A., B. T., as Assistant Director of Public Instruction, Assam

Mr. MANIRAM MARAK asked:

33. Will Government be pleased to state—

() When and under what conditions Mr. Owen Rowie, M.A., B.T., was promoted to the post of Assistant Director of Public Instruction, Assam ?

(b) Whether he is still acting as Assistant Director of Public Instruction, Assam ?

(c) If not, why not ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) replied :

33. (a)—With effect from 21st October 1948 as temporary interim arrangement upto 21st January, 1949.

(b)—No.

(c)—Because his appointment as temporary Assistant Director of Public Instruction was only an interim arrangement.

Mr. MANIRAM MARAK : The answer to 33(b) is—'No'. Then may I know, Sir, who is appointed in his place ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : Srijut Gopal Chandra Sarma Barua.

Mr. MANIRAM MARAK : If he is appointed, why the case of Mr. Rowie was neglected ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary) : Because Mr. Rowie belonged to the Class II of the Assam Educational Service and the post is only held by Class I Officers of the Assam Educational Service.

Mutations of Land Records

Babu BIDYAPATI SINGHA asked :

34. Whether it is a fact that mutations of land records are not done in respect of lands purchased by people other than local ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

34.—No such differentiation is permitted under any law and Government have no information of such differentiation in the matter of mutation.

Moreover all aggrieved persons have right of appeal to higher authority and if they like may take up the matter before the High Court in the Revenue Jurisdiction.

Corruption in the Settlement Department

Prof. P. M. SARWAN asked :

35. (a) Will Government be pleased to state what check have Government taken against corruption in the Settlement Department ?

(b) Do Government propose to appoint an experienced Deputy Commissioner as Special Officer with full powers to devise means to immediately stamp out corruption from this Department ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

35. (a)—There is already an Anti-Corruption Department for the purpose. In spite of this whenever Government receive any direct complaint or specific allegation against any officer they institute enquiries to ascertain facts with a view to deal with such matters suitably.

(b)—No, in view of the reply above.

Prof. P. M. SARWAN: With regard to 35 (a) the answer is—'There is already an Anti-Corruption Department for the purpose.' May I know under whom the Anti-Corruption Department is ?

The Hon'ble Srijut BISHNURAM MEDHI: It is under the Home Department.

Prof. P. M. SARWAN: Who is the head of this Department ?

The Hon'ble Srijut BISHNURAM MEDHI: The Inspector General who is the head of the Police Department.

Prof. P. M. SARWAN: Is it not the duty of the Anti-Corruption Department to take up cases in connection with specific charges ?

The Hon'ble Srijut BISHNURAM MEDHI: Any specific charges of corruption, even if it is anonymous, is always enquired into.

Prof. P. M. SARWAN: Then may I know why no reply was given by them to specific charges made ?

The Hon'ble Srijut BISHNURAM MEDHI: There are so many anonymous letters—to whom the reply can be sent ?

Prof. P. M. SARWAN: It is not the question of reply to anonymous letters. I made specific allegation and I was not favoured with a reply.

The Hon'ble Srijut BISHNURAM MEDHI: If my hon. Friend can give details of his letter, I can enquire into it. But I must say that the enquiries made by the Anti-Corruption Department is always confidential and any letter received from any gentleman is enquired into and the officer of the Anti-Corruption actually approaches the gentleman for information and I do not think any reply to him is necessary.

Prof. P. M. SARWAN: Then may I take it that officers of the Anti-Corruption contacts the person who complains with certain specific allegation against certain officer ?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, always.

Maulavi MUHAMMAD ABUL KASHEM: I may bring to the notice of the House that while I myself complained to the Deputy Commissioner, Garo Hills and the Deputy Commissioner, Goalpara regarding taking of bribes by some Rice Control officers, not only I was not given any information as to what action was taken against the officers but I subsequently found that later one of the officers has been promoted.

The Hon'ble Srijut BISHNURAM MEDHI: If he had approached the Deputy Commissioner he should have made a statement on authority. But it was not addressed to the Anti-Corruption Branch. As a matter of fact he approached the District Magistrate as a Magistrate and he should have preferred a complaint.

Maulavi MUHAMMAD ABUL KASHEM: Is it not the duty of any Government official to whom a complaint is made to inform the complainant as to what action has been taken in the matter ?

The Hon'ble Srijut BISHNURAM MEDHI: If a specific allegation is made before the Deputy Commissioner by a responsible officer, he takes it as it is and he must have ascertained the facts and made a judicial enquiry about it as a Magistrate and not as a member of the Anti-Corruption Branch.

Maulavi MUHAMMAD ABUL KASHEM: Sir, it is better that we get sometime for discussion of this important matter.

The Hon'ble the SPEAKER: May I know whether the hon. Member himself reported the matter to the Anti-Corruption Branch or not?

Maulavi MUHAMMAD ABUL KASHEM: I reported the matter to the Deputy Commissioner and also to the Deputy Superintendent of Police who made an enquiry.

Prof. P. M. SARWAN: Will Government be pleased to take some interest in this vital matter?

The Hon'ble Srijut BISHNURAM MEDHI: So far as the vague allegation of Prof. Sarwan is concerned that the whole Settlement Department is corrupt, it is impossible to hold an enquiry of that nature against thousands of people who are alleged to have been corrupt.

Maulavi MUHAMMAD ABUL KASHEM: If any enquiry is made by the Deputy Commissioner or another responsible officer and if the complainant is given the information about what are his findings, is there anything wrong? If the complainant is kept in the darkness, how can he be expected to lodge further complaint?

The Hon'ble Srijut BISHNURAM MEDHI: The Deputy Commissioner does not form part of the Anti-Corruption Branch. He is a Magistrate and exercises his judicial power. If anybody is aggrieved he can seek his redress against the orders passed by him. The Magistrate is not concerned with the result of the case. If the result is unfavourable the complainant may move the higher authority.

Prof. P. M. SARWAN: If that be the attitude of the Government I don't think there will be any detection of any crime whatsoever because the officer will not give information what action has been taken.

The Hon'ble Srijut BISHNURAM MEDHI: If the complaint is referred to the Deputy Commissioner he exercises judicial function and if it is addressed to the Anti-Corruption Branch or Police, that is a different matter. It seems there is some confusion. If one approaches the Deputy Commissioner as Magistrate and the latter prefers to exercise judicial function he cannot be interfered.

***Dr. EMRAN HUSAIN CHAUDHURY:** In view of the rampant and wide-spread corruption in the country, do Government propose to constitute a Tribunal with the Hon'ble Speaker as Chairman to conduct enquiry into the allegations against all the Departments?

The Hon'ble Srijut BISHNURAM MEDHI: Unless there are materials collected against individual persons, a Tribunal can hardly do anything. Is it possible for this enquiry committee headed by the Hon'ble Speaker to go and collect materials against officers of all the Departments?

The Hon'ble the SPEAKER: The Chair does not like to be drawn into such controversial administrative matters.

Prof. P. M. SARWAN: Mine is not a vague charge at all, mine has been an honest complaint.

Mr. J. S. HARDMAN: Are Government aware that a Deputy Commissioner exercises functions not merely as a Magistrate but as an Officer in general charge of the district ?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, that is so.

Mr. J. S. HARDMAN: Will Government be pleased to issue instruction to the Deputy Commissioners to refer serious allegations of corruption for investigation by the Anti-Corruption Department ?

The Hon'ble Srijut BISHNURAM MEDHI: That instruction is already there. If any specific allegation is made against any officer in the district, enquiry is to be held. But the whole idea is that if the Deputy Commissioner exercises his function in his judicial capacity or Magistrate, the parties concerned are to obtain the information.

Maulavi Saiyid MUHAMMAD SAADULLA: May I draw the attention of the Hon'ble Minister to the reply to Unstarred Question No 36 of today's list ? He has been waxing eloquent over his Anti-Corruption Department. We can judge the activities of this Department by the figures that have been laid before the House today. Out of 179 cases investigated only 19 were sent up for trial and out of this 19 only 3 ended in conviction.

The Hon'ble Srijut GOPINATH BARDOLOI: I will reply that question. As a matter of fact one must not confuse the function of the Anti-Corruption Branch with the general question of dealing with corruptions in all phases and in all spheres. So far as the criticism of Maulavi Abul Kashem is concerned, my Hon'ble Friend over here, Mr. Medhi, has already given the information. Definite instructions have gone from Government to all district officers that one of the elementary and first duty that they should perform today is the checking of corruption in every branch of administration. And so far as the function of the Anti-Corruption Branch is concerned, what is generally done is that as soon as reports are received about corruption they are sent immediately to the Anti-Corruption Branch for enquiry and report and actions are taken in two ways: (1) That such cases as could come within the purview of judicial authority are immediately referred to judicial authority and (2) such cases as could be taken up by the department concerned are dealt with departmentally. The hon. Leader of the Opposition has pointed out some figures, saying that although there were 179 cases which were actually enquired into only in 19 cases charge sheet has been submitted. It is true that charge sheet has been submitted in 19 cases and only 3 resulted in conviction. But in 21 cases departmental action was taken. In some cases department had to exonerate certain persons for want of proper material but I could tell for the information of the House that at least 6 cases were dealt with by me and departmental action was taken.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, once I brought to the notice of the Deputy Commissioner about the alleged taking of bribes by some of the officers of the Price Control Staff at Dhubri. But, Sir, no reply had been given to me about the action taken in the matter.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, if the hon. Member has approached the Deputy Commissioner as Magistrate no reply could be given by him. As a matter of fact, he should have preferred the complaint to the Anti-Corruption Branch.

***The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, these 179 cases do not include cases which are also dealt with in the other way. Secondly, for the information of the House, I should like to say that a large number of

anonymous letters are sent to Government. The policy adopted by this Government is that in case of specific cases although anonymous letters are sent, the cases are sent for investigation by the Anti-Corruption Department. It often times happens that most of the cases are not founded as reported in the anonymous letters. The number of such cases is very much more than actually where action can be taken.

Sir, it will be of some interest to the hon. Members that the Editor of a famous paper in Karimganj made certain allegations against some of the officers of Government. The Government directed the Anti-Corruption Department to make enquiries into the allegations. When the officers of the Anti-Corruption Department went to the Editor concerned he stated that he had no knowledge about the allegations made against some of the Government officers. As a matter of fact, often-times I am personally feeling that in the investigation of unimportant things without foundation we are spending more time than to verify the facts on the authenticated reports from persons. This is the situation about the Anti-Corruption Department.

Prof. P. M. SARWAN: Sir, the Anti-Corruption is a very important matter.

(Loud laughter)

The Hon'ble the SPEAKER: Order, order.

Cases investigated by Anti-Corruption Branch

Babu BIDYAPATI SINGHA asked :

36. Will Government be pleased to state—
- (i) the number of cases investigated by the Anti-Corruption Branch ;
 - (ii) the number of cases sent up for trial, and
 - (iii) the number of cases ended in conviction during the last 24 months ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

36. (i)—179.
(ii)—19.
(iii)—3.

***Babu BIDYAPATI SINGHA:** Sir, may I know how many out of these 19 cases were sent up for trial excluding the cases of conviction ?

***The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, cases pending trial in court are 13. Three persons have been acquitted. Thirteen are still remaining for disposal.

***Prof. P. M. SARWAN:** Sir, the figure 19 might have been manipulated by the staff in office and not by the Anti-Corruption Department.

(Voice—Sir, this is an insinuation.)

The Hon'ble the SPEAKER: I disallow this question.

***Prof. P. M. SARWAN:** Sir, this is not an insinuation.

*Speech not corrected.

Srijut DANDESWAR HAZARIKA: Sir, may I know from the Government why departmental actions were taken against some officers and why no action was taken against some other officers?

The Hon'ble the SPEAKER: Your question is very vague and cannot be allowed.

Srijut DANDESWAR HAZARIKA: Sir, I want to know about the principle from the Government. The Hon'ble the Leader of the House stated that departmental proceedings were drawn up against some officers, but no departmental action was taken against some of these officers. I want to know the principle why no departmental action was taken against some officers.

***The Hon'ble Srijut GOPINATH BARDOLOI:** Sir, the investigation which leads to anything and does not give the facts of corruption are not taken into consideration *Prima facie* in cases where the officer concerned is found guilty departmental proceedings are drawn up and immediate actions are taken against the officer.

Srijut DANDESWAR HAZARIKA: Sir, my submission is—are we to understand that in some cases the officers are honourably acquitted and again re-employed by the Government?

***The Hon'ble Srijut BISHNURAM MEDHI:** The whole principle is that persons may be acquitted, but if there is any material for departmental action, the necessary action is taken against the officers concerned.

***Prof. P. M. SARWAN:** Sir, are we to take that Government do not consider that corruption is very serious in the Province?

(No reply.)

Rural Health Inspectors

Maulana MD. MUFAZZAL HUSSAIN asked:

37. Will Government be pleased to refer to the reply given by the Hon'ble Minister-in-charge of Public Health to a Cut Motion moved by the Questioner on the Public Health Budget regarding the pay scale of the Rural Health Inspectors published at Page 433 of the Assembly Debates of the 24th March, 1949 and state whether they have since revised the pay scale of the Rural Health Inspectors?

The Hon'ble Srijut RAMNATH DAS replied:

37.—The reply is in the affirmative.

Maulana MD. MUFAZZAL HUSSAIN: Sir, what is the revised scale for the Rural Health Inspectors?

The Hon'ble Srijut RAMNATH DAS: The scale is Rs. 40—80.

Amalgamation of the Public Health Department with the Medical Department

Srijut GAURI KANTA TALUKDAR asked:

38. Will Government be pleased to state—

(a) Whether the posts of the Inspector General of Civil Hospitals and Director of Public Health, Assam were lately held by a common officer?

- (b) Whether they have now been separated and placed under two officers ?
- (c) If so, when and why ?
- (d) Whether for the sake of co-ordination and economy Government propose to amalgamate the Public Health Department with the Medical Department and to devote the money thus saved in rendering more medical help in rural areas ?

The Hon'ble Srijut RAMNATH DAS replied :

38. (a)—Yes.
- (b)—Yes.
- (c)—Separation has been done as a temporary measure from 15th June 1949. This has been effected because of the present increased activities and expansion of the departments.
- (d)—The reply to (c) above explains the position.

Restoration of Electricity in Dhubri Town

Raja AJIT NARAYAN DEV of Sidli asked :

39. (a) Are Government aware that the public of Dhubri town are anxious for restoration of electricity ?
- (b) Is it a fact that a number of petitions were submitted to the Government for taking steps for such restoration ?
- (c) Will Government be pleased to state whether they have taken any steps in compliance with the demand of the Dhubri public ?
- (d) Have Government decided to take any step either to nationalise the electric supply establishment at Dhubri or to issue necessary permits to any party for restoration of electric supply ?

The Hon'ble Srijut RAMNATH DAS replied :

39. (a) & (b)—Yes.
- (c)—Government have tried their best to effect an outright purchase of the Dhubri Electricity Supply Company, Limited by a private individual or Company which is the only course permissible under the Indian Electricity Act after a licence has been revoked. But no party has come forward so far to purchase the undertaking.
- (d)—Government do not propose to nationalise the Dhubri Electricity Supply concern.
- The question of permit does not arise. Application for a new licence will be considered if and when made.

Srijut SARAT CHANDRA SINHA : Sir, may I know what arrangement has been made by Government in this respect ?

***The Hon'ble Srijut RAMNATH DAS** : Uptil now no arrangement could be made.

***Maulavi MUHAMMAD ABUL KASHEM** : Sir, whether Government could give some loan to the Dhubri Municipality ?

***The Hon'ble Srijut RAMNATH DAS** : Sir, Government will consider the question when the application for loan will be received.

Srijut SARAT CHANDRA SINHA : Sir, may I know from the Hon'ble Minister whether the Municipal Board of Dhubri has applied for a loan ?

***The Hon'ble Srijut RAMNATH DAS :** Sir, the question relates to the subject of the Hon'ble Minister for Local Self-Government and he should reply to it.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Sir, an application was made by the Dhubri Municipal Board. But the conditions under which the loan is proposed to be taken are not quite satisfactory and the application has been sent to the Department dealing with Electricity and the matter has not yet been decided.

***Maulavi MUHAMMAD ABUL KASHEM :** Sir, may I know whether Government will arrange for it ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : The matter is being examined.

The Assam Co-operative Societies Bill, 1949

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary) : Mr. Speaker, Sir, I beg to move that the Assam Co-operative Societies Bill, 1949, as reported by the Select Committee, be taken into consideration clause by clause.

The Hon'ble the SPEAKER : There are as many as thirteen amendments in this Bill. The first amendment stands in the name of Maulavi Md. Abul Kashem under clause 4.

Maulavi MUHAMMAD ABUL KASHEM : I beg to move that sub-clause (2) of clause 4 with the proviso be deleted.

Sub-clause 2 makes provision for unlimited liabilities by a Co-operative Society. With all respect to the labours of the Select Committee made for the improvement of the Bill, I submit, Sir, that I differ in view with them. As such I put forward my own, and I hope this will be accepted by the hon. Members of the Select Committee as well as by the Members of the House.

My object in moving this amendment is to do away with unlimited liability of the co-operatives. What is a co-operative ? Co-operative and Joint Stock Companies differ mainly on one point. While co-operative seeks undertaking in co-operation of persons ; mainly in the Joint Stock Companies there is co-operation of capitals. Basing on this principle which has been established and accepted in all the countries, the Government of India passed a resolution to the effect that as far as possible this should be limited to small areas so that one individual may know the other, and that there may not be any chance for misuse of public money, if any credit is given to anybody. What is generally done in the case of societies of unlimited liabilities is that the unlimited liability societies generally lend money to their constituents and they receive that money mainly on their personal security. Personal security is not at all safe in the general interests of the co-operatives, and it has been found, Sir, from experience that unlimited liabilities generally lead to failure of co-operatives. From what has been done in India it is clear that this limited liability is preferable to unlimited liability. At the beginning when the first Co-operative Act was put into operation in India provision was made for satisfactory unlimited liability in the rural areas. These co-operatives were divided into two parts.

*Speech not corrected

One rural co-operatives and the other urban societies. At the time of legislation it was thought that in the case of rural societies we offer interest with unlimited liabilities. And it was confined to agricultural classes. While in the case of urban societies we allow limited liability and the distribution of profits subject to sufficient money in the reserve fund. That was desirable because Government thought that money cannot be raised in the rural areas to improve their agriculture and business. But experience has shown that these failed. And as a result amendments had to be made in 1912. In 1912, this was the reading of the situation of the Government of India "It was laid down that the distinction between rural and urban societies was found in practice to be unnecessary and more scientific distinction based on nature of liability of members were limited." Unlimited liability was made optional because it did not succeed. The result of unlimited liabilities was far from satisfactory because out of 5012, 3049 incurred loss in Madras, due to the working of the system. Our provincial figures are not with me now. Sir, especially in Assam why the liability should not be limited. Here in this Bill it has been accepted that the co-operatives which have been registered now will also be treated to be registered under this Act. A society existing at the commencement of this Act which has been registered under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act. Trading co-operatives that were formed in this country will be deemed to be registered under this Act. It has been said that the limits should be small so that one individual may know the other. We have a population of 10,000, in a single co-operative society, 10,000, population does not expect to know one another. What are the causes of the failure of the co-operative in our country will also have to be taken into consideration. The first difficulty that has been visualised by the Government of India was that the illiteracy of the people was mainly responsible. Secondly and I think it is rather more important reason, it is the selfishness of the members of the managing committee. In advancing loans they do not do justice to the persons. They show favouritism and the movement has failed, because favouritism and selfishness have been shown. How can we expect that a co-operative with 10,000 population and with unlimited liability be successful? In our trading societies we find that co-operatives have failed mainly because the Managing Committee is not in a position to extend to the people the help they require. They have been busy in meeting their end. We are to do away with the system of this unlimited liability.

The people of our country are most illiterate and what would happen to them if after forming a limited liability society the Managing Committee decides to make the liability unlimited? Of course they will send notice according to the provisions of the Bill whether the members accept the proposal of the Managing Committee or not. Those who do not approve of it are to withdraw their shares. But how many of our people, who are mainly ignorant, will do it? They are generally guided by the educated classes. So, I say that if this change from limited to unlimited liability is allowed, our people will suffer. Sir, if co-operative movement in this country is to prosper we should not allow this unlimited liability of the share-holders. Sir, let me explain the risks. If some committee wants to run a business and takes some loan with all honest intention, and if due to some reason or the bungling of the Managing Committee the co-operative loses, the innocent share-holders will suffer. So, unless and until we can make our people literate we cannot agree to such a provision.

One thing more, Sir, and I am finishing. We have seen that from 1905 to 1912, since these experiments have been made, some improvement has been effected on the first Act. But should we not make more improvement? I do not know what are the improvements that have been effected in our Co-operative Societies Bill on the Government of India's Act of 1912 I find everything identical. I do not find

the necessity of spending so much money in bringing forward this Bill and causing trouble to the Members of this House in shaping it. Of course if you are convinced that some improvements have been suggested there is need for this Bill, but to my humble knowledge I have found that there is nothing new in this Bill. The only improvement that can be made now is to remove this provision for unlimited liability and to make the liability limited in all cases. I therefore fervently hope that my reasonable suggestion will not be taken amiss. It is our intention to pull the peasants out of their present indebtedness, but if this provision of unlimited liability remains we can never do it. This object will be totally frustrated if the Bill is passed as it is. I therefore request the hon. Parliamentary Secretary to give his best consideration to my amendment.

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

The Hon'ble the SPEAKER : Amendment moved :

“That sub-clause (2) of clause 4 with the proviso be deleted.”

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary): Mr. Speaker, Sir, so far as un-limited liability-societies are concerned, Government's view is not different from that as expressed by the hon. Mover of this Amendment. As a matter of fact, this matter was discussed threadbare in the Select Committee, but the Select Committee thought it fit to put these clauses as they appear in the Report now. If we accept the amendment of Maulavi Md. Abul Kashem the first difficulty will be that the moment this Act comes into force the existing agricultural credit societies will cease to have any legal status. Of course the present policy of the Government is not to organise co-operative societies with unlimited liability except in very exceptional cases. Since we adopted the new scheme for co-operative reorganisation, I can tell my hon. Friend, the Mover of this Amendment, that not a single society with unlimited liability has been given registration by the Registrar. Government will also issue instructions to the Registrar that no society with unlimited liability should be given registration without specific approval of the Government. Sir, there are various matters to be taken into consideration. By clause 4 of this Bill we have left some discretion to the Registrar and also to the Government as to how and in what way we should develop this co-operative movement in the province. There is one reason for which we should keep this clause somewhat elastic for the present. The hon. Members may be aware that it is in the contemplation of the Government of India to establish an Agricultural Finance Corporation, and it may be advisable to see the directions of that Corporation, when established, and to adjust our provincial plans accordingly. The misuse of powers made by some organisers of the co-operative movement or by some office bearers of the co-operative societies of unlimited liability societies are also known to Government and I can assure the hon. Member that the present policy of the Government is not to give registration to any such co-operative societies except under very exceptional circumstances. Now I will speak about the other point which he has raised. Sir, our lessons of the past teach us that if we organise co-operative societies in very small units as we used to do before, such societies on account of the different conditions prevailing in the rural areas of this province, cannot be run economically. That is why we have now taken on an average 10 thousand of the population as a basis for one unit of co-operative society. I fully agree with the hon. Mover of this Motion that at least in big societies like these, no society with unlimited liability should be given registration. I am sorry to hear from my hon. Friend Mr. Kashem that he finds no improvement in the Co-operative Societies Bill now under consideration of this house over that of the Central Act. But I would request him to go through it more carefully and I am sure

he will find many improvements which we consider are vitally necessary for building up the co-operative movement in this province.

With these words, Sir, I would request my hon. Friend the Mover of this Amendment to withdraw it.

Maulavi MUHAMMAD ABUL KASHEM: Sir, in view of the explanation given by the hon. Parliamentary Secretary and his assurance that he will direct the Registrar not to give registration to such societies with unlimited liability, I have no objection to withdraw my Motion. I therefore beg leave of the House to withdraw my Amendment.

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

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

Maulavi MUHAMMAD ABUL KASHEM: I beg, Sir, to move that for the word "eighteen" in clause 5, the word "twenty-one" be substituted.

Sir, this Motion is pure and simple and it needs no explanation from me. But I may point out that the new Constitution of the Government of India provides that only persons of the age of 21 or above would be franchised, so I want that our Bill should be analogous to that because on the votes of these people also depend the success of these Co-operative Societies as well as the success of the Assam Government's policy. So it would have been better if we can fall in line with the Government of India. That is why I suggested that 21 should be the age limit.

With these words, Sir, I beg to move my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:
"That for the word 'eighteen' in clause 5, the word 'twenty-one' be substituted".

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary):
Mr. Speaker, Sir, I very much regret that I am unable to accept this amendment of my hon. Friend. This point was discussed threadbare in the Select Committee meeting and there it was decided that since persons of 18 years of age are competent to enter in any contract, it will not be wise to deprive them from becoming member of a Co-operative Society. If the hon. Member reads the subsequent line in the same part of the Bill it has been stated "provided that the bye-laws of a society may prescribe a higher minimum age". So this option is left to the people. If the people in a particular area or in a particular society decide that persons below 21 years of age will not be competent to become member of a society, they can do it. But we do not want to put in this Bill.

In view of this I hope the hon. Mover will withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: Sir, although I am not satisfied with the explanation given by the hon. Parliamentary Secretary and it will not materially improve the Bill, I beg leave of the House to withdraw my Amendment.

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

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

Maulavi MUHAMMAD ABUL KASHEM: Sir, as my Amendment (2) in this clause *re*: deletion of the proviso is consequential to the one I moved before, I do not like to move this Amendment.

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

The question is:

"That clauses 1 to 8 of the Assam Co-operative Societies Bill, 1949, stand part of the Bill."

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM: Sir, my Amendment in clause 9 is also of a consequential nature to my first Amendment, therefore I do not like to move it.

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

The question is:

"That clauses 9 to 16 of the Assam Co-operative Societies Bill, 1949, stand part of the Bill."

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM: I beg, Sir, to move that for the second proviso to sub-clause (1) of clause 17, the following be substituted:—
"Provided further that the bye-laws of a society shall make provision for voting by each member of the affiliated society when the affiliated society purchases at least one extra share for each of its members".

My Amendment is pure and simple and almost self-explanatory. My idea is that one affiliated society should not have only one vote and that the Registrar should allow in certain cases more than one vote. I should like that there should be provision in the Bill itself when an affiliated society is not a society of one individual or two individuals. In some areas under one trading co-operative there might be 3 or 4 consumer co-operatives. If only one consumer co-operative is allowed to cast one vote in the management of a trading co-operative the result would be that the other consumer co-operatives which might consist of 300 to 400 as members would be deprived from the scope in the management of the trading co-operative, because according to the provision here it is stated that each member shall have one vote in the case of an affiliated society. There should be sufficient control for an affiliated society as well. So I would like that there should be clear provision that any body who happens to be a member of one consumer co-operative, he should be able to vote in the administration or management of an affiliated society, provided he also purchases one share of his co-operative, that is, affiliated co-operative.

Sir, I think the hon. Parliamentary Secretary can remember my representation to him for amendment of bye-laws printed here in connection with formation of the trading co-operative. By my amendment, Sir, I do not wish to bring about any conflict between the trading co-operative and the consumer co-operative. I intend to bring about improvement and so I hope Government will be kind enough to accept my Motion in order to allow each member to purchase as many shares to enable him to cast his vote in a trading co-operative. With that end in view, Sir, there should be a provision in the Bill and this would do no harm if this provision remains. In the third proviso there is provision for making bye-laws, and on that basis if we make further bye-laws allowing members of consumer co-operatives to purchase as many shares thereof as they like, I think they will do it. If they do not like to purchase shares then they should be debarred from voting.

With these words, Sir, I request the hon. Parliamentary Secretary to accept my Amendment.

The Hon'ble the SPEAKER : Amendment moved :

“That for the second proviso to sub-clause (1) of clause 17, the following be substituted :—

‘Provided further that the bye-laws of a society shall make provision for voting by each member of the affiliated society when the affiliated society purchases at least one extra share for each of its member.’”

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) : Mr. Speaker, Sir, it will be noticed from the Select Committee's Report that this proviso was included by the Select Committee which had a prolonged discussion on the subject. This subject was discussed by with the hon. Mover of the Amendment and also some other gentlemen who showed interest in the co-operative movement. Now according to the Motion the hon. Mover wants to give the right of voting to all those members of the affiliated society in the affiliating society according to the number of shares held by the affiliated society. Our provision here has been kept more or less elastic for various reasons and thereby the object of the hon. Mover of the Motion can be very easily achieved if, instead of registering their membership through the affiliated society, all those members of the consumers societies can directly become members of the trading co-operatives and thus get their right of voting in the trading co-operatives. So far as the Bill is concerned I personally think that we should keep it elastic as it is now, and it will be left to the Registrar because we have asked, according to this Bill, to effect uniformity in bye-laws where necessary. So, Sir, I regret very much that at this stage I am unable to accept the Amendment and I request the hon. Mover to please withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM : Sir, the hon. Parliamentary Secretary has stated that the members of the consumer co-operatives may directly purchase shares of trading co-operatives. But I want to say that people have very limited funds and already they have invested some of their money in the consumer co-operative societies. While they have got shares in the consumer co-operatives they may not be required to pay from their own pocket to purchase shares separately from the trading co-operative to get right of voting. As a remedy to the provision in the Bill my Amendment should be accepted, otherwise it will be meaningless to try for the improvement in the management of consumer co-operatives.

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) : Sir, I have pointed out my difficulty which prevents me from accepting the Amendment in regard to granting such representation in a trading co-operative, as suggested by the hon. Mover of the Amendment. Supposing in a particular co-operative area there are many consumer societies, and one of the consumer societies is fortunate to have greater assets than another consumer societies, but on account of their assets if they purchase more share, I mean more in proportion to their members, and other societies which, on account of their financial position, cannot buy adequate shares or as many shares as that of the other. It may not get proper representation inspite of larger membership in their own Society. These are the difficulties in accepting the Amendment. In view of this, Sir, it will be proper if we keep this provision elastic, as has been proposed by the Select Committee.

Maulavi MUHAMMAD ABUL KASHEM. I feel, Sir, that until and unless this provision is made the Co-operative movement is sure to fail. I press this Amendment for the acceptance of the House.

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

The question is :

“That for the second proviso to sub clause (1) of the clause 17, the following be substituted :—

‘Provided further that the bye-laws of a society shall make provision for voting by each member of the affiliated society when the affiliated society purchases at least one extra share for each of its members’.”

The question was lost.

Maulavi MUHAMMAD ABUL KASHEM Sir, I beg to move that the proviso to sub-clause (3) of clause 17 be deleted.

The new addition by the Select Committee that ‘Provided that in registering the bye-laws of a society the Registrar shall not permit voting by proxy except in cases, such as those involving a wide area of operation, where it would be difficult for members to exercise their right to vote if voting by proxy were not permitted.’ Has changed the position. But, I think, the provision in the original Bill was suitable for us, as voting by proxy should have been allowed, as there may be cases of Purdanasin ladies who cannot attend a meeting and who will prefer to cast her vote through some of her relations. There may be some persons who may not be able to attend the meeting due to his illness and there may be some persons who may have to go to some other place on very urgent business. In my opinion, such persons should be allowed to vote by proxy. I am sorry to say that the Select Committee has curtailed this. Therefore, I request that this proviso is deleted.

The Hon'ble the SPEAKER : Amendment moved.

“That the proviso to sub-clause (3) of clause 17 be deleted.”

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) : Mr. Speaker, Sir, the Select Committee in examining this proviso has taken into consideration dangers on the abuse of proxy. They have done it very reluctantly. Actually the whole affair of proxy was not very favourably considered but in view of certain societies which are provincial and which have very large jurisdiction covering a large population, for instance, a society which has jurisdiction throughout the whole area of the province, as it will be inconvenient for all members living in distant parts to attend a meeting and as a certain meeting may not be held for want of quorum, provision has been made by the Select Committee to allow voting by proxy in such cases. The Select Committee was of opinion that it is desirable that this voting by proxy should not be allowed in case of primary societies as far as possible. The Government is also of the same view.

Maulavi MUHAMMAD ABUL KASHEM : Before the explanation is given by the Parliamentary Secretary, I should point out the invidious distinction between Central and such other big societies and primary societies, just to have a quorum the proxy is allowed in the former case. I think, the purpose of the Select Committee will be better served if voting by proxy is not allowed to such big societies.

The Hon'ble the SPEAKER : You have no right of reply.

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) : Sir, I am sorry, I could not follow his argument.

Maulavi MUHAMMAD ABUL KASHEM : Sir, may I explain ?

The Hon'ble the SPEAKER: Please explain as briefly as possible.

Maulavi MUHAMMAD ABUL KASHEM: The hon. Parliamentary Secretary said that as it will be difficult for members to attend a meeting of a big society as they will be from distant places so he has allowed proxy there being afraid of a quorum. I may point out that there is also more the need of allowing proxy system in primary societies as there is no chance of having no quorum in a meeting, people being of neighbouring areas. In the case of bigger societies, like Central Trading Co-operative if we allow proxy vote, there is every chance of having no quorum. This should be allowed to a primary society. There may be women who are Purdanashin or it may be that some person is ailing or that a person has got to be away on the day of meeting on urgent business at some other place.

For the reasons stated by me, I hope, my amendment will be accepted.

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary): Sir, I have already placed before the House the views of the Select Committee and also of the Government and besides that it will appear from clause 17 and its proviso that here also so far as details are concerned it is stated that in a society having a wide jurisdiction its members are entitled to voting by proxy; but as yet the details have not been worked out and it should not be, in my opinion, so far as Purdanashin ladies are concerned. We are not supporters of purdah—particularly after the Independence of India. We do not want it as far as possible. We have actually no sympathy for the purdah-nashin ladies and we want them to join the Co-operative Movement and make it a success.

I am sorry, Sir, I am unable to accept the amendment.

Maulavi MUHAMMAD ABUL KASHEM: Sir, as the hon. Parliamentary Secretary is not going to accept my Amendment which I have brought in for the benefit of the people for whom this Bill is introduced, I persist that my Amendment is accepted by the House.

The Hon'ble the SPEAKER: The question is:

“That the proviso to sub-clause (3) of clause 17, be deleted.”
The question was lost.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, as my amendment in clause 18 is consequential I do not like to move.

The Hon'ble the SPEAKER: The question is:

“That clauses 17 to 19 of the Assam Co-operative Societies Bill, 1949, stand part of the Bill.”

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, as my Amendment, to clauses 20 and 21 are consequential ones so I do not like to move them.

The Hon'ble the SPEAKER: The question is:

“That clauses 20 to 22 of the Assam Co-operative Societies Bill, 1949 stand part of the Bill”.

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that for the clause 23 the following be substituted:—

“23. The bye-laws of a registered society should make provision for compulsory nomination of person or persons in whose favour the society should dispose of the shares or interests of such members on his death”

Sir, in the Bill optional provision has been made for nominating a person to the society if the member dies. I want this should be compulsory, because in the case of death of a member incidentally the difficulty arises on the part of his heirs to prove how much he should get. To obviate that difficulty of our mass people who are mainly illiterate, they should be given opportunity from the very beginning for compulsory nomination. So I request the Hon'ble Parliamentary Secretary and the Members of this Legislature to see whether the simple amendment which definitely improves the Bill and which gives a chance to our illiterate mass people to be on the safe side from the unnecessary trouble that might be caused to them after the death of the head of the family, can be accepted. With these few words, Sir, I beg to move the amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

“That for clause 23 the following be substituted:—

“23. The bye-laws of a registered society should make provision for compulsory nomination of person or persons in whose favour the society should dispose of the shares or interests of such members on his death.”

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary): Mr. Speaker, Sir, I would like to make it clear that it is not my obstinacy that is preventing me in accepting the Amendments that have been moved by my hon. Friend Maulavi Abul Kashem Sahib for the acceptance of the House. Sir, all these matters were actually discussed in every detail in the Select Committee and reached these decisions and that is why the Government is finding great difficulty in changing the clause which is now before the hon. Members of the House. The reasons for which the Select Committee came to these conclusions are many. So far as this compulsory nomination is concerned the first thing we have to decide is this: Supposing there is a share-holder who does not want to give anyone as his nominee—how can you compel him to give money? The question of nomination should not be a matter of compulsion and it should be left to the discretion of the member. I fully appreciate how things are simplified in a member in his life-time who gives his nominee, and how easily the transfer can be done when he is dead in such a case.

Maulavi MUHAMMAD ABUL KASHEM: Sir, when any Member is unwilling to transfer things he will only suffer.....

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary): Sir, I respectfully submit that our view is that there should not be any compulsion in the matter of nomination, and the clause should remain as it is. With these words I would request the hon. Mover of the Amendment to kindly withdraw his Amendment.

The Hon'bl the SPEAKER: What does the hon. Mover propose to do?

Maulavi MUHAMMAD ABUL KASHEM: This kind of difficulty should not remain always. I press that this Amendment should be adopted by the House.

The Hon'ble the SPEAKER : The question is :

"That for clause 23 the following should be substituted :

'23. The bye-laws of a registered society should make provision for compulsory nomination of person or persons in whose favour the society should dispose of the shares or interests of such members on his death' "

The question was lost.

Maulavi MUHAMMAD ABUL KASHEM : As my amendments to clauses 24 and 26 are consequential to my previous amendments, I do not like to move them.

The Hon'ble the SPEAKER : The question is :

"That clauses 23 to 36 of the Assam Co-operative Societies Bill, 1949, do stand part of the Bill".

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM : I beg, Sir, to move that in the eighth line of clause 37 for the words "one year" the words "six months" be substituted.

In clause 37 Sir, it has been provided that if the Administrative Council Managing body or any committee of a society is not dissolved and reconstituted, within the time specified by the Registrar under section 36, he may by order in writing dissolve such body and shall thereupon appoint a person or persons, on such conditions as prescribed by him, to manage the affairs of the Society for such period not exceeding one year..... To me it appears that due to the provision of this clause in this Bill the whole co-operative movement would be a failure. It is meaningless to legislate that there should be a Bill for Co-operative movement in Assam. The Registrar will have rather more power than the Governor under the Government of India Act, 1935. We are against the operation of section 93, by Governor and want that people should rule; why should we allow the Registrar to take so much power? Why should we allow that this combination should continue for one year? There is no necessity for giving one year's time for the formation of a committee for the management of a co-operative society. What does it mean that a co-operative society should remain under a Registrar for one year? In many cases there may be maladministration in some society. In these cases the Registrar may take it for six months at the most. He can not have one year's time, to reconstitute that committee. One month's time is sufficient to my mind. With due regard to the Members of the Select Committee and the Parliamentary Secretary, I have made it six months. With these words I expect that the hon. Parliamentary Secretary will accept my Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That in the eighth line of clause 37, for the words 'one year' the word 'six months' be substituted."

Srijut BIMALA PROSAD GHALIHA (Parliamentary Secretary) : Mr. Speaker, Sir, the only difference between the hon. Mover of the Amendment and the Government is that he thinks that such an emergency may not arise. He wants that the maximum period of one year should be curtailed to six months. The Government consider it very unsafe to limit the period to less than one year for various reasons. There were occasions in which the post of Registrar of Co-operative Societies remains vacant for some period. There may be such cases and Government do not consider that this period of one year is very long. I agree fully

with the Mover that it is undesirable to keep such matters pending for a long time. It has been stated in that clause that a period shall not exceed one year and therefore it does not prohibit taking action earlier. I hope that the hon. Mover of the Amendment will please appreciate the difficulty and accept the Government view.

Maulavi MUHAMMAD ABUL KASHEM: Sir, really it is alarming when the Parliamentary Secretary said that the post of Registrar might remain vacant. Legislation is unnecessary. I press that my amendment be accepted.

The Hon'ble the SPEAKER: The question is:

"That in the 8th line of the clause 37, for the words 'one year' the words 'six months' should be substituted."

The question was lost.

Maulavi MUHAMMAD ABUL KASHEM: I beg, Sir, to move that in clause 37, the words "The Registrar may extend the period from time to time as he may deem fit ; provided that the aggregate of such periods shall not exceed three years" as inserted by the Selected Committee be deleted.

Sir, the argument I put forward is regarding the curtailment of one year to six months is applicable to this. I am surprised to find that in the Report of the Select Committee the Members arrived at a decision to allow the Registrar to extend this period from one year to three years. If the Select Committee thought that the co-operative movement should be in the hands of the people then this three years' time given at the discretion of the Registrar is no little injustice to the people at large. So, I appeal to the hon. Parliamentary Secretary and also the hon. Members of this House to consider whether it is at all justifiable to keep the management of a particular Co-operative Society under the Registrar or the Government for three years. What justification can there be for such a thing? Everything should not go by party considerations. I know the steam-roller majority will carry the day, but the injustice perpetrated on the people cannot be remedied in this way. With these few words, I request the hon. Members to accept my Amendment.

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 37, the words "The Registrar may extend this period from time to time as he may deem fit ; provided that the aggregate of such periods shall not exceed three years" as inserted by the Select Committee be deleted".

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary): Mr. Speaker, Sir, so far as this Bill is concerned, I can tell the hon. Mover of the Motion that we are not going by party considerations. Actually in the Select Committee, which submitted an unanimous Report, the opposition was represented. The Select Committee spent a very long time in going through every clause of the Bill carefully. Therefore if we oppose this amendment it is not due to party considerations but on its merits.

Sir, it is always very difficult to speak about future. When I said just a few minutes before that the post of the Registrar may remain vacant, I did not of course refer particularly to this post, but it sometimes happened that in spite of Government's best efforts to fill up an important post as early as possible, Government could not avoid delay. Therefore when it is the question of an Act it is always safe to keep a margin. Although I am opposing the motion I fully appreciate the hon. Mover's keenness, his zeal and impatience to build up the

co-operative movement as early as possible. But I can tell him that I am equally keen and eager to do things at the shortest possible time. Never-the-less, Sir, we cannot forget that this is an Act and therefore it is always safe to keep some margin, so that nothing becomes illegal for reasons beyond our control. Therefore, Sir, I am sorry I have to oppose this amendment also.

The Hon'ble the SPEAKER : The question is :

“That in clause 37, the words ‘The Registrar may extend this periods from time to time as he may deem fit ; provided that the aggregate of such periods shall not exceed three years’, as inserted by the Select Committee, be deleted”.

The question was lost.

The Hon'ble the SPEAKER : The question is :

“That clauses 37 to 45 stand part of the Bill”.

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM : Mr. Speaker, Sir, Amendment No.12 is not very important, and No.13 is consequential. So, I do not like to move them.

The Hon'ble the SPEAKER : The question is :

“That clauses 46 to 101 stand part of the Bill”.

The question was adopted.

The Hon'ble the SEAKER : The question is :

“That Schedules A and B stand part of the Bill”.

The question was adopted.

The Hon'ble the SPEAKER : The question is :

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

The question was adopted.

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary) : Mr. Speaker, Sir, I beg to move that the Assam Co-operative Societies Bill, 1949 be passed.

Sir, in moving this Motion, I would like, on behalf of Government, to express our thanks to all the Members of this august House, and particularly the Members of the Select Committee who took great pains in going through this Bill.

The Hon'ble the SPEAKER : Motion moved :

“That the Assam Co-operative Societies Bill, 1949, be passed.”

Maulavi MUHAMMAD ABUL KASHEM : Mr. Speaker, Sir, I congratulate Government for bringing in a Bill of this kind. But I am really sorry to say at this stage also that the Bill if passed will make practically no improvement on our existing Act. This Bill will not help us in the advancement of the Co-operative Movement in Assam. However, we should see that when making bye-laws and prescribing rules we can do away with the difficulties which will confront us.

Sir, the very idea of co-operation has been practically nullified here in this Bill. I sincerely feel that the Government are honest and sincere in their intention in bringing in this piece of legislation. I am glad also for the assurances that have been given by the hon. Parliamentary Secretary that he will not apply those provisions that will go against any member of the society. I would at the same time request that the discretionary powers of the Registrar should not be applied indiscriminately to the members of the society otherwise the poor masses will have no alternative but to go out of the society.

The second thing that I want to bring to the notice of the House is that it appears that a convention has been established in this House that whatever is passed by the Select Committee, should be automatically passed by the House and no amendments however reasonable are allowed to stand. (*Voices*—that is not the case). I am speaking from my personal experience, Sir. I find that whatever was written in the Select Committee Report is accepted by the House in toto and no amendments are allowed. In my opinion, even after the Report of the Select Committee at the second reading of the Bill we should be given a chance to move amendment. But I cannot understand why reasonable amendments are not accepted.

The Hon'ble the SPEAKER: The hon. Member knows that the Members of the Select Committee are elected Members of the House and as such they represent the House itself and normally their recommendations the House should accept.

Maulavi MUHAMMAD ABUL KASHEM: But, Sir, the wisdom of the Members of the Assembly is not sold to the Select Committee. In my opinion the Select Committee Members should also be sympathetic towards reasonable amendments moved otherwise this parliamentary system of ours will have no meaning. It is really a shame that we have to pass such a Bill in this Assembly...

Srijut SARAT CHANDRA SINHA: Is it not a reflection on the Members of the House, Sir, to criticise the Select Committee as our hon. Friend has done?

The Hon'ble the SPEAKER: Hon. Member must not use the word "Shame".

Maulavi MUHAMMAD ABUL KASHEM: I am sorry, Sir, if what I have said is unparliamentary. What I say is that the Bill in my view and in my conviction as passed should not have been passed in this Assembly because the provisions therein are most unreasonable. That is my contention, Sir.

Srijut NILMONI PHOOKAN: Mr. Speaker, Sir, from the very nature of the amendments moved by my hon. Friend Mr. Kashem it seems that he has practically accepted the Bill as it emerged from the Select Committee except in some minor points and in one or two major points according to him. For example he wanted to make nomination compulsory. Of course from his point of view it may have some meaning because we have different laws—Hindu laws, Mahammedan laws, Christian laws and so on. In the Mahammedan law the property might go to many people or possibly my hon. Friend thought that if the nomination is made compulsory, a more insistent brother might get the whole thing before his father died without making a will. Similarly in the Hindu law also, it may be so, if I take the matter as a personal one and deprive my other brothers by compulsory nomination. Otherwise the other minor points, I do not think, are different from what my hon. Friend wants to incorporate in the Bill as to charge the Select Committee of not taking the matter into consideration very seriously.

I was myself one of the Members of the Select Committee and I have myself thrown many hurdles during the discussion and after that the whole thing has come out as an unanimous report. That very fact shows that we have thrashed out all things from all angles of vision and we were in a position to convince each other there, though we differed at the beginning in many clauses. So I think so far as the Select Committee is concerned they have weighed the pros and cons of everything and they have not spared the sponsor of the Bill in the Select Committee and possibly they have put him in a more difficult situation than what the hon. Mr. Kashem is doing now. Such being the case I would appeal to the hon. Mover of the amendments of which he has also agreed to withdraw one or two amendments that he will possibly give credit to the Select Committee for the trouble they have taken, although they differed from him in one or two points. Sir, I feel that the Bill as it emerged from the Select Committee will surely be an improvement on the existing Co-operative Societies Act and if we enter into its spirit, we will see that it will work well. If there be any defect in it, it will be our business to see how to make it work in practice and by actual experience of its working it will be in our power to remove any defect that may exist therein.

Maulavi Saiyid MUHAMMAD SAAQULLA: Sir, there is a saying "render unto Caesar what belongs to Caesar". My hon. Friend Mr. Phookan a Member of the Select Committee wants us to give credit to the Select Committee for doing the very difficult task in a unique way and he has patted his own back already. Therefore I have taken my stand to publicly record our appreciation of the great amount of trouble they have taken and their wisdom in the improving the original Bill in the Select Committee. If I do not include the Government in my encomium for their bringing out this Bill, I will be failing in my duty, but then my Friends on their side will say that I as Leader of the Opposition did not appreciate their trouble, so I give them also the credit. My hon. Friend the Parliamentary Secretary—my young friend, I will also call him "Sriman" Bimala Prosad Chaliha—has very gracefully admitted that the hon. Mover of these amendments was actuated by very noble motives in that he wants to see that the co-operative movement in this province thrive in a most efficient way. It is my duty to ask the hon. Members of this House to give credit to my hon. Friend Mr. Kashem for the great trouble he has taken in going through the provisions of the Bill. Whatever he has said clearly prove his sincere wish to better the co-operative movement in the province. But I take his efforts in another light, that is, that he has particularly contributed to the dignity of the discussions in the House. But for the Amendments which he has placed before the House it would have been a very sorry spectacle and a matter of ridicule from the outside world that in the Assam Legislative Assembly there is no person who can stand up and contribute his thought or suggestion to such an important Bill like this. I think it is for this alone that the hon. Member deserves all the credit that we can shower upon him.

Srijut BIMALA PROSAD CHALIHA (Parliamentary Secretary): We are very grateful, Sir, to the Hon'ble Leader of the Opposition for his kind wishes and for what he has stated. We wish that we shall be able to carry on through our co-operative movement in spite of all obstacles and to make it a success with the co-operation of all well-wishers.

The Hon'ble the SPEAKER: The question is :

"That the Assam Co-operative Societies Bill, 1949, be passed."

The question was adopted.

(Adjournment)

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

After lunch

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

The Hon'ble the SPEAKER : We shall take up item No.4—Consideration of the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, clause by clause.

Maulavi Abul Kashem to move his amendment.

Maulavi MUHAMMAD ABUL KASHEM : Sir, I beg to move that in clause 2, the proposed new section 8B be deleted and the subsequent proposed new sections be renumbered accordingly.

Sir, my object in moving this Amendment is that Government by this Amendment is taking away practically the right of a person to make any statement on his detention by Government. Here, already sufficient power have been given to the Government for control of any subversive movement in the country and we are fully alive of the difficulties that Government are facing, but, at the same time, we cannot agree that there is need for taking away this right of making a statement by a person while under detention. It is provided in proposed sub-section (2) that—"When any order made under clause (a) or clause (e) of sub-section (1) of section 2 and notified under sub-section (1) of this section is in force either as originally made or modified, whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document consisting or containing—" My idea is that such a prisoner should be given the opportunity to have reproduction of his statement made in the press before his detention. If this is allowed, we are ready to give this power to Government. In sub-section (2) (a) it is found that he has been even not to make any statement. It might be Sir, that a person who is detained might not be afterwards found responsible for the offence for which he was detained, but yet punishment will be awarded to him for publication of a statement by him. My view is that he should be given an opportunity to explain his conduct not only to the Government but also to the people at large. I am sure, that if this power is given to the Government it is likely to be miscarried. When there is explicit powers in the Bill for his detention, I do not see any reason why he should not be given the opportunity to make a statement if he so desires which is required for clarification of his position. In all reasonableness, Sir, I appeal to the Hon'ble Minister in-charge not to take so much power and do injustice to a man who is detained under this Act and deprive him to make a statement and to have it published in newspapers. The Hon'ble Minister should realise the situation better as he was himself a political sufferer. So, I think, he should consider not to give this additional trouble to that man.

With these words, I appeal to the Hon'ble Minister to reconsider it in the light of my explanation and not to insist on taking so much power and not to curtail individual freedom, which should be recognised in a Democratic State. I hope, the House will have no objection in accepting my Amendment.

The Hon'ble the SPEAKER : Amendment moved :

"That in clause 2, the proposed new section 8B be deleted and the subsequent proposed new sections be renumbered accordingly".

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I will just place before the hon. Member Mr. Kashem what will be the effect of deletion of this new section. But before doing so I would like to refer him to the Resolution that he has sent to the House. In which it appears that he is anxious to give powers to Government to deal with cases of this kind. I am reading a portion of the Resolution which he has forwarded to the Secretary, Legislative Assembly. After hearing his own Resolution, I hope, he will withdraw his Amendment. But his intention as it appears from the Resolution will be frustrated by this Amendment proposed by him. His Resolution runs as follows :—

"This Assembly views with grave concern the activities of the communists in Dibrugarh and other places of the Province and emphatically recommends that the Government of Assam do take all possible steps to eradicate the evil at this stage."

If I take this to be the intention of the hon. Member then the very purpose for which this Resolution is brought will be nullified by this motion for amendment. Under this order when a person is interned his movements are restricted and he cannot go and join a meeting or a procession and deliver speeches which are likely to excite people to violence. But there is no provision of prohibiting publication of any fiery statement of an internee which will inflame or excite people to engage themselves in subversive activities. Take for example a man who is actually detained, who may not be able to excite people by his speech in a meeting. But there may be some of his friends who in his name may issue a large number of statements which inflame and excite people to commit violence. I will just incidentally say that in the name of persons who have gone underground statements are issued to excite people and spread up false news everywhere. In absence of a provision like this kind, publication of such statements cannot be prevented. I may cite one instance. My hon. Friends must have read the *Natun Assamiya*. This *Natun Assamiya* printed in a press the keeper of which has gone underground for several years and also the editor of that paper and some of his agents are publishing this paper, but we cannot prevent that. If this provision is deleted, all the mischievous statements would be published by irresponsible persons.

Then as regards the order of detention or externment any one who is so detained or externed has the authority to move the High Court against that order of detention and externment or internment. In the last Assembly this House accepted that an Advisory Committee would be formed and all these matters would be placed before that Committee. And I may inform the hon. Members that that Advisory Committee has just been formed. All facts and representations of the persons will be placed before them. On receipt of the recommendation of the Committee, Government will pass necessary orders. Under the circumstances there need be no apprehension that the powers will be misused. This power is necessary to prevent such persons from committing mischief or engaging themselves in subversive activities endangering the safety and stability of the state. All this mischief cannot be prevented unless the publication is penalized under the provision of clause 8B. In view of these circumstances I request the hon. Member to withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I am quite convinced with the statement made by the Hon'ble Minister and I beg leave of the House to withdraw my Amendment.

The Amendment was, by leave of the House, withdrawn

Maulavi MD. NAZMAL HAQUE. Mr. Speaker, Sir, I beg to move that in clause 2, the words "including shouting slogans" under Explanation (a) of proposed new section 8D be deleted.

Sir, the purpose of my bringing this Amendment is not to frustrate the object of the Bill. It is simply to reduce the rigidity of the Bill which is going to be passed into an Act. It is incorporated that "prejudicial act" means any act, including shouting slogans, which is intended or is likely to endanger the safety or stability of the State, to bring into hatred or contempt or to excite disaffection towards the Government established by law in India; to promote feelings of enmity or hatred between different classes of subjects. But Sir, I think mere slogans will not surely endanger the safety of the State. Government should know that they are bringing in this Bill out of extreme urgency to fight the subversive movement in the Province. They know that this Bill is surely telling upon the fundamental rights of the citizens; it will curtail the liberty of the people, the liberty of the press and the liberty of speech and expression. If these words "including shouting slogans" are retained in the Bill the public will be shut out from expressing anything, and unnecessarily harassed by the Police who will be the judge of the situation at the spot. If my Amendment is accepted the suspicion and the doubt will be removed from the mind of the public. With these words I move my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in clause 2, the words 'including shouting slogans' under Explanation (a) of proposed new section 8D be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I think all slogans have not been penalized under this section. It is only the slogan of specific nature which is intended or likely to endanger the safety or stability of the State which is prohibited under this section. If harmless slogans are shouted those will not come under the purview of this section. For instance "Jail Gate Khul Daw" if such a slogan is shouted in front of the Jail gate and if the slogan excite to open the gate forcibly then those people who were arrested in a place like Naliapul will rush out of the Jail and endanger the safety and stability of the State. Innocent slogans if they do not excite violence or if they do not endanger the safety or stability of the State and bring hatred or contempt or excite disaffection towards the Government established by law in India, will not come under the purview of this Bill. So in view of this provision of the Bill the apprehension that all slogans will come under the purview of this Act is not correct and in that view the hon. Member, I hope, will withdraw his Amendment.

***Dr. EMRAN HUSAIN CHAUDHURY:** What about the general slogan 'Inquilab Zindabad'? Does it come under the provision of this section?

The Hon'ble Srijut BISHNURAM MEDHI: This for the hon. Members to judge if it comes under the definition "Prejudicial act" which is intended or likely to endanger safety and stability of the State then that will be an offence. If somebody shouts that slogan with the object of inciting people to violence then it would come under that provision.

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

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

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

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

Maulavi MD. NAZMAL HAQUE : I beg, Sir, to move that clause 3 be deleted. Clause 3, makes a provision for the punishment of a person before the commission of an offence. I think my hon. Friends know that unless an act is done by somebody he can not be punished. So without the act being committed how can a man be punished ? The wording of the original Act was quite appropriate and correct. The present amending Bill is detrimental to the liberty of the citizen, allowing more power to the Police. With these words I request that my Amendment will be accepted by the House.

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

The Hon'ble Srijut BISHNURAM MEDHI : Most probably my hon. Friend has missed the whole point. Why was this amending Bill introduced ? It is for the purpose of preventing people for committing mischief. Take for instance that a man is served with an order of internment. It is not expected that he will be watched 24 hours by the Police. He may take advantage of absence of Police and intend to go underground. For such cases it is proposed to empower Police to take action. Even under the ordinary law, Criminal Procedure Code, sections 109 and 110 provide measures for prevention of offences. Under the provision of this Bill it is proposed to empower police to arrest people under certain circumstances to prevent them from engaging in subversive activities. We would like to give the Police power to arrest a person before he goes underground. Soon after arrest such persons are produced before a Magistrate who gives opportunity to say their say. Government considers the circumstances and grounds of arrest of such persons and ultimately places the facts and representation of the arrested persons before the Advisory Committee. The recommendation of the Advisory Committee is again considered by the Government which pass the final order. In view of these safe guards I request my hon. Friend to withdraw the Amendment.

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

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

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

Maulavi MD. ROUFIQUE : I beg Sir, to move that in the second line of clause 3, for the words "of being about" the words "is likely" to be substituted. In view of the violent activities of the anti-social elements in the country and in view of the brutal and heartless methods, adopted by them in executing their cruel designs it has become abundantly clear to us that some powers should vest with the Government to enable them to prevent commission of such

offences. The section authorises the Police officer to arrest a person now. And Government propose to insert the words "of being about". I am afraid it will not enable the Government to achieve the objective. It is in order to amend this that I propose that the words "is likely" should be substituted. It is more comprehensive. It should be accepted.

The Hon'ble the SPEAKER : Amendment moved.

"That in the second line of clause 3, for the words 'of being about' the words 'is likely' to be substituted".

The Hon'ble Srijut BISHNURAM MEDHI : I fully appreciate the intention of my Friend in moving this Amendment by which he proposes to give more power to the Police so that the undesirable persons may be prevented from committing mischief. The legal opinion is that the proposed amendment curtails the power of the Police. In view of that I would like to suggest that instead of substituting the words it would be better if these words are added. If the Mover is prepared to accept my suggestion the clause will read thus: Any person who is reasonably suspected of having committed or of being about to commit or is likely to commit an offence punishable under this Act etc., etc. If the Mover accepts my suggestion I am prepared to accept his Amendment as an addition.

Maulavi MD. ROUFIQUE : I have no objection to accept the suggestion given by the Hon'ble Minister, because the words "is likely" will find a place in the Amendment.

Now, Sir, I beg to move that for clause 3 the following be substituted :—

"In section 12 of the principal Act after the words 'having committed' the words "or of being about to commit or is likely to commit" shall be added.

The question is :

"That for clause 3 the following be substituted :—

"In section 12 of the Principal Act after the words 'having committed', the words 'or of being about to commit or is likely to commit' shall be added."

The question was adopted.

The Hon'ble the SPEAKER : The question is that clauses 1 and 2 of the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, stand part of the Bill.

The question was adopted.

The Hon'ble the SPEAKER : The question is :

"That clause 3 of the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, as amended, stands part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER : The question is that the Title and the Preamble of the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, stand part of the Bill.

The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI:—Mr. Speaker, Sir, I beg to move that the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, as amended, be passed.

Sir, in making this motion I convey my thanks to the hon. Members. They are also as anxious as Government is to put down the subversive elements which are trying to create confusion and disorder in the country. Sir, I again convey my thanks to the hon. Members. I hope in putting down the subversive elements and in establishing peace and tranquility, I will get whole-hearted co-operation from all the Members of this House as well as from all sections of the people of the province.

With these few words, Sir, I request the hon. Members to pass the Bill.

The Hon'ble the SPEAKER: Motion moved:

“That the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, as amended, be passed”.

The Hon'ble the SPEAKER:—The question is: that the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, as amended, be passed.

The question was adopted.

The Assam Local Rates (Amendment) Bill, 1949.

The Hon'ble the SPEAKER: Next item is the consideration of the Assam Local Rates (Amendment) Bill, 1949 clause by clause.

Mr. J. S. HARDMAN: Sir, I beg to move that in item (ii) of clause 2, after the word “acre”, the words “or at the rate mentioned in section 3 above, whichever is higher” be deleted.

Sir, in the Statement of Objects and Reasons prepared in connection with this Bill, it is stated that there may be cases, where a piece of land taking shelter under the existing section 3A may pay a lesser rate of local rate than it would have paid under section 3, if it stood alone. The Statement continues that it is reasonable in such cases, the higher of the two rates should be paid. Sir, we are not disputing the principle which is contained in the Statement of Objects and Reasons, but our contention is that the portion of this Bill which seeks to make this point clear is redundant since under the existing legislation it is impossible for a piece of land to take shelter under Section 3A alone. Regulation III of 1879 as amended by Assam Act XX of 1947 and Act IX of 1948 prescribes that under section 3 all lands whether under Tea cultivation or otherwise shall pay a rate calculated according to the methods laid down by the Government, provided this rate shall not exceed $\frac{2}{8}$ pies for every rupee on the annual value of the land. All lands therefore, whether under Tea cultivation or otherwise are required to pay this rate and the land under Tea cultivation is required to pay additional rate under section 3A which will bring up the total rate payable to annas- $\frac{8}{8}$ in the case of revenue paying land and Re.1 in the case of Revenue free land. Tea lands therefore have not in any case been excluded from the provisions under section 3 but in certain cases the additional rate under section 3A is payable. Where the rate under section 3 already exceeds the limit prescribed in section 3A, the rate is to be paid under section 3 only and no rate is leviable under section 3A. There is nothing in the language used in section 3A which justifies the constructions of this section without any reference to section 3. Section 3A concerns only the additional tax. I have

already stated that we are in agreement with the Hon'ble the Finance Minister regarding the principle which he is advocating. I am not aware that any substantial claim or considered claim has been made by any responsible body that the taxation limit which is prescribed in section 3A should be taken as the maximum under all circumstances. It is the custom to find that in income tax and other taxation statutes individual invariably take shelter under various places, but it is not customary, when drafting an Act, to provide for rebutting something which is already clearly stated in the Act. It has already been clearly stated that all lands are to pay the rate prescribed in section 3. Where the rate under section 3 exceeds 8 annas or one rupee respectively in case of a revenue paying or revenue-free land, no additional tax is payable under section 3A. Where the rate payable under section 3 is less than the rate payable under section 3A, an additional tax is payable by Tea garden lands. These principles are, I think, quite clear without the addition, which the Hon'ble Finance Minister proposes. We apprehend that there may be some confusion at some later date if the words, which the Hon'ble Finance Minister seeks to include, are there. It may be contended later that it has a different meaning. We also consider, Sir, that the Act will be improved from the drafting standpoint if our Amendment is accepted. But I would repeat that there is no difference at all of principle between the Hon'ble Finance Minister and our side.

The Hon'ble the SPEAKER: Amendment moved :

"That in item (ii) of clause 2, after the word 'acre', the words 'or at the rate mentioned in section 3 above, whichever is higher' be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr, Speaker, Sir, Mr. Hardman says that this clause is redundant. Mr. Hardman has accepted my object as set forth in the State objectment of Objects and Reasons. It is only with a view to remove any doubts that may linger in the minds of some people that I have made this provision. Mr. Hardman says that no responsible person would prefer such a claim. But, as a matter of fact responsible persons have preferred claims to the Deputy Commissioners that they are not assessable to one rupee rate. In view of this I should think that the provision should remain and would, accordingly, request my hon. Friend Mr. Hardman to withdraw his Amendment.

Mr. J. S. HARDMAN: I beg leave of the House to withdraw the Amendment standing in my name.

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

Maulavi MD. NAZMAL HAQUE: Mr. Speaker, Sir, I beg to move that in item (ii) of clause 2, for the word "above", occurring in line 2, the words "of the said Regulation" be substituted.

Sir, my Amendment is of a drafting nature. Here it is stated in the Bill "in section 3 above", but there is no section in the Amending Bill to which the word "above" refers. The word "above" refers to the original Regulation, viz, the Assam Local Rates Regulation. To make it more explicit I wish to substitute the words "of the said Regulation" for the word "above".

The Hon'ble the SPEAKER: Amendment moved :

"That in item (ii) of clause 2, for the word 'above', occurring in line 2 the words 'of the said Regulation' be substituted".

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I think the Amendment is not necessary because the Regulation is not mentioned here. "Eight annas per acre or at the rate mentioned in section 3 above" will do; even the word "above" seems redundant. Simply if we say "section 3" that will be sufficient. So, this Amendment does not seem necessary.

Maulavi Saiyid MUHAMMAD SAADULLA: The word "above" may be deleted.

The Hon'ble Srijut BISHNURAM MEDHI: That can be done. I have no objection to do so.

The Hon'ble the SPEAKER: The question is :
"That in item (ii) of clause 2, the word 'above' be deleted."
The question was adopted.

The Hon'ble the SPEAKER: The question is :
"That clause 1 of the Assam Local Rates (Amendment) Bill, 1949, stands part of the Bill."
The question was adopted.

The Hon'ble the SPEAKER: The question is :
"That clause 2, as amended, stands part of the Bill."
The question was adopted.

The Hon'ble the SPEAKER: The question is :
"That clause 3 stands part of the Bill."
The question was adopted.

The Hon'ble the SPEAKER: The question is :
"That the Title and the Preamble to the Bill stand part of the Bill."
The question was adopted.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that the Assam Local Rates (Amendment) Bill, 1949, as amended, be passed. I hope the hon. Members of the House will accept my Motion.

The Hon'ble the SPEAKER: Motion moved :
"That the Assam Local Rates (Amendment) Bill, 1949, as amended, be passed."
The Motion was put by the Chair as a question and adopted.

The Assam Assessment of Revenue Free waste Land Grants (Amendment) Bill, 1949.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to move that the Assam Assessment of Revenue Free Waste Land Grants (Amendment) Bill, 1949 be passed. This is only a technical error. We want to omit the word "or". In view of the absence of any amendments, I hope the House will accept it.

The Hon'ble the SPEAKER: There are no amendments to this Bill, so I will put the question.

The question is :
"That the Assam Assessment of Revenue Free Waste Land Grants (Amendment) Bill, 1949 be passed."

The question was adopted.

**The Assam Land (Requisition and Acquisition) (Amendment)
Bill, 1949**

The Hon'ble the SPEAKER: Now we come to item 7. Consideration of the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949, clause by clause. I find there are as many as 8 amendments to this Bill. Maulavi Md. Abul Kashem to move his first Amendment.

Maulavi MUHAMMAD ABUL KASHEM: Sir, before I move my amendments I want first to raise a point of order as I consider this Bill to be out of order. My reasons are, Sir, that this amending Bill of the Hon'ble Revenue Minister wants to extend the scope of the original Act, that is, it wants also to acquire land to provide land to landless people, displaced persons and such other persons while in the original Act when it was first put before the House last year, there was no provisions for such extension. I will quote from the Statement of Objects and Reasons of the original Bill, Sir. There it is stated—

“There have been stupendous difficulties experienced by Government servants not only in the matter of finding accommodation for themselves in big towns like Shillong, Gauhati, Silchar, Dibrugarh, etc., but also securing godowns for storage of rice, paddy and other essential commodity for distribution and for maintaining supplies and services essential to the life of the community. Expansion of Government activities, especially in Development Projects, has also created new demands for offices, godowns, etc. This Bill seeks to make such accommodation available for public purpose most expeditiously by means of requisition and, if the land and house so requisitioned is found pre-eminently suitable for Government purpose, the Bill also provides for acquisition after requisition”.

This was the object of that Bill, Sir, but the present Bill seeks to provide land to the landless people and also flood affected people and refugees, displaced persons, etc. I want to refer you, Sir, to the decisions of the Chair appearing at page 56: there it is stated—

“Sri Hari Charan Gour sought to move a certain amendment enlarging the scope of the Bill, when Government objected on the ground that the Bill was intended to foster the bamboo paper industry, while the amendment sought to include all kinds of paper in the Bill”

The President ruled that the amendment was out of order. Apparently that motion was ruled out of order because it sought to extend the scope of the Bill to paper industries in general. On the same analogy, Sir the present Bill seeks to provide land to landless people, flood affected people, displaced and other persons, which were not included in the original Bill. That is why, Sir, I maintain that this motion is out of order and I would request you, Sir, to declare it as such.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, this objection seems to me not only belated but also it seems to have no substance because the purpose of the original Bill was to requisition and to acquisition land for Government purposes. Only some of the purposes were enumerated in that Bill, at the time of introduction. At the time I moved for its consideration at the very beginning I have stated that we want it for the purpose of requisition and acquisition land for Government purposes to provide accommodation but no objection was raised then and the House being the sole judge in such matters have accepted the purpose of the Bill. That being so this question cannot be raised at this stage.

As regards the ruling of the Chair referred to by my hon. Friend in regard to the original Bill I want to point out that at the time that Bill was first introduced and considered by the House, the principle object was for requisition and acquisition of land for all Government purposes including provision of accommodation. That principle was accepted by the House and, as I said, the House being the sole master to judge such matters, the objection put forward by my hon. Friend has no substance at all. It is true that in the original Bill as also in the present Bill only certain purposes were enumerated, but the principle remain, *i.e.* for providing land or accommodation to the people.

In view of this, I hope the motion is in order, Sir.

The Hon'ble the SPEAKER: But the Hon'ble Minister has not said anything about the scope of the Bill.

The Hon'ble Srijut BISHNURAM MEDHI: It is there, Sir. Section 3(1) says—"If in the opinion of the Provincial Government or any person authorised in this behalf by the Provincial Government it is necessary so to do for maintaining supplies and services essential to the life of the community or for providing proper facilities for accommodation, etc., etc." Though these are the only objects enumerated, the general idea of requisition and acquisition is to provide accommodation to the people. On this principle the present Bill also is based.

Babu KAMINI KUMAR SEN: Sir, If I remember aright in the original Bill it was also mentioned that requisition and acquisition was also sought for expansion of Government activities. The present Bill seeks to carry out these Government activities and as such it cannot be out of order.

The Hon'ble the SPEAKER: After hearing the views of the Government and also that of the hon. Member who raised this point of order, I declare that the present amending Bill is within the scope of the original Bill and as such it is in order.

Maulavi MUHAMMAD ABUL KASHEM: I beg to move, Sir, delete brackets occurring before "Requisition" and after "Acquisition" in sub-clause (1) of clause 1 and make consequential changes.

I think, Sir, it is appropriate that these changes be made to help understanding the purpose of the Bill. On that ground these brackets should be removed. I hope this is a simple Amendment and if the Hon'ble Minister likes he may accept the Amendment without any detriment to the Bill.

The Hon'ble Srijut BISHNURAM MEDHI: In the original Bill only there were such brackets. But it is an amending Bill.

Maulavi MUHAMMAD ABUL KASHEM: But these brackets have been incorporated in the Bill before us and that is why, Sir, I have brought this Amendment.

The Hon'ble the SPEAKER: The brackets are to be found in the original Act and therefore I rule that this Amendment is out of order.

The Hon'ble Srijut BISHNURAM MEDHI: These Amendments will have their proper place in the original Act. As this Amendment is not intended for this amending Bill I request the hon. Mover to withdraw his Amendment.

Maulavi MUHAMMAD ABUL KASHEM: I beg to withdraw my Amendment then.

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

Maulavi MUHAMMAD ABUL KASHEM: I beg to move that clause 3 be deleted.

My object in moving this Amendment is to make a provision for displaced persons. Herein "displaced person" means—(i) any person, who on account of the setting up of the two Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been compelled to leave his place of residence in such area after the 1st day of March 1947 and who has subsequently been residing in India,

or

(ii) a person who has been displaced due to various acquisition proceedings relating to land in Assam since 1943.

In order to give my argument in the light of this definition I am to take the other Amendments together which would then enable me to give the reasons for bringing forward my Amendment. In this clause there is only a definition and in other clauses there are proposals for providing lands. Otherwise it becomes meaningless. Regarding the definition, Sir, I say that this should not come in here because the purpose for which this definition has been put is to give them lands in some other clauses whereby the lands can be requisitioned. I am told, the primary duty of providing lands to the people who are refugees or displaced is with the Central Government. By a provision made by the Constituent Assembly recently the thinly populated zones, mainly the hill districts, have been taken away by the Centre in order to provide district autonomy. So the Central Government may make accommodation for such persons in the thinly populated areas. It will not be inconvenient, I think, if those displaced persons find their accommodation in such areas and with that end in view we should approach His Excellency the Governor to make available lands in the excluded areas.

With these words, Sir, I request the Hon'ble Minister in-charge to accept my Amendment and not to provide lands to the displaced persons in the thickly populated areas like ours.

The Hon'ble the SPEAKER: Amendment moved:

"That clause 3 be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Sir, my hon. Friend the Mover of the Amendment has forgotten that passing of this Bill with the definition does not impose any obligation on the part of this Government to provide land to anybody unless the Government is satisfied that the land is available, and is satisfied that the people requiring land are really in distress. There are two fundamental questions in this Bill. There is some loophole in our Land Acquisition Act and in order to remove these defects this Bill has been brought in before the House. The provision of the Bill will be applied in places where land is available and when needed for the purposes of giving reliefs to the distressed. In the definition the flood affected people and other displaced persons are also included. It will be the duty of the State to help those people of the Province who are helpless owing to floods and other causes and to come to their rescue and to give them shelter and protection where necessary.

My hon. Friend has suggested to find land in the excluded areas for this purpose. It is only the people belonging to those excluded areas to decide whether land in their area can be made available for such displaced persons. The Constitution has provided certain safeguards to those hill people and therefore we should not try to disturb this provision. If the people in the excluded areas like they may throw open land and allow the displaced persons as well as other to settle there. At present all these areas are undeveloped areas and the people thereof are in fact very simple and are in need of protection. The public as well as Members of the Constituent Assembly desired to safeguard the interest of the tribals living in the tribal areas as well as in undeveloped areas. We cannot as members of society allow people to die for want of shelter. Government is making an effort to provide land to the people in distress. When a large number of people are deprived not only of their cultural land but also their homestead land, under such circumstances is it not the duty of the Legislature to empower Government with power to provide lands to those people. You cannot expect flood-affected people to stay in water. It is the fundamental duty of the Government and the Legislature to try to provide land to the needy people in distress. With that idea in view, I have introduced this amended Bill and, I hope, my hon. Friend will not press his Amendment and I request him to withdraw it.

Maulavi MUHAMMAD ABUL KASHEM: I feel that operation of this Bill will be highly detrimental to the interest of the plains areas and I do hold that this Amendment be accepted and request the hon. House to accept it.

The Hon'ble the SPEAKER: The question is :

“That clause 3 e deleted.”

The question was lost.

The Hon'ble The SPEAKER: In clause 3 there is one Amendment in the name of four hon. Members. Who will move the amendment ?

Srijut LAKSHMIDHAR BORAH: Sir, I beg to move that in new clause (e) (i) proposed to be inserted by clause 3, the “comma” at the end be deleted and the words and a “comma” “and is in distress,” be added thereafter.

In moving this Amendment, I am submitting that the definition in clause 3 is so wide that it may include any number of persons, or any class of persons coming from Pakistan, if they only say that they have come from Pakistan on account of partition or on account of fear of Civil disturbances although they may not be in distress. It is neither the intention nor spirit of this Bill to requisition or acquire land for such classes of persons. If it is the intention to provide land it should be to persons who come from Pakistan and are in distress.

Therefore, if my Amendment is accepted, the words “and is in distress,” will fit in with the intention and spirit of the Bill. So, I move it for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved :

“That in new clause (e) (i) proposed to be inserted by clause 3, the “comma” at the end be deleted and the words and a “comma” “and is in distress,” be added thereafter.”

The Hon'ble Srijut BISHNURAM MEDHI: I have no objection in accepting this Amendment because at the time of moving the Motion for consideration of this Bill, I said that the purpose of this Bill is to provide lands to flood affected

people, landless cultivators and refugees in distress. That intention would be carried out whether this amended clause added to the Bill or not. Further this is clearly stated in the Statement of Objects and Reasons of the Bill as published. Of course, this Statement will not be published when the Act is published. So, I have no objection in accepting the Amendment.

The Hon'ble the SPEAKER : The question is :

“That in new clause (c)(i) proposed to be inserted by clause 3, the ‘comma’ at the end be deleted and the words and a ‘comma’ ‘and is in distress,’ be added thereafter.”

The question was adopted.

The Hon'ble the SPEAKER : The question is :

“That clauses 1 and 2 of the Assam Land (Requisition and Acquisition) (Amendment) Bill stand part of the Bill.”

The question was adopted.

The Hon'ble the SPEAKER : The question is :

“That clause 3, as amended, stands part of the Bill ”

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM : Sir, I beg to move that clause 4 be deleted.

In clause 4, Sir, it has been proposed to provide land individually or in groups to landless, flood-affected or displaced persons, or to a society registered under the Indian Co-operative Societies Act, 1912 (with statutory re-enactment or modification thereof as shall from time to time be made) or a company incorporated under the Indian Companies Act, 1913, formed for the benefit and rehabilitation of landless, flood-affected or displaced persons.

Here the Hon'ble Minister in-charge has pointed out that the land that would be requisitioned or acquired would be for a group of persons who are landless or flood-affected people or a registered society or a company or any such persons. In the Statement of Objects and Reasons, the Hon'ble Minister-in-charge states that—“With a view to make clear provisions for providing land to flood-affected people and landless cultivators and refugees in distress who identify their interests with that of this Province and persons displaced in connection with various land acquisition proceedings since 1943, and in order to afford them facility for rehabilitation” and so on. These are the purposes for which he wants to acquire land but it is not clear to me how he includes persons in distress. This should be clearly stated by him as it is known to you, Sir, that the Hon'ble Minister's policy previously was not to provide any such land to the flood-affected people, or to the people whose houses are affected due to flood or erosion.

In the last Session of the Assembly while I moved a Resolution for providing land to persons affected by erosion in South Salmara he denied any land to those people. I am really so glad that he is going to make provision for landless cultivators who have been affected by the floods, etc. I should be glad to know if people in those areas which I mention are included in the list. My fear is that those people may not be included. Further flood afflicted people especially land-less people of our province may be given land from the area which has been reclaimed. But for them the necessity for requisition of lands for others should not have arisen at this stage. Until and unless we settle

all available waste land with the people of this province who have been affected by flood or by erosion we should not jump to persons who are owners of some private properties. It is the primary duty of the Government that they should give it from Government land, and not from lands which are being enjoyed by somebody. Until and unless we can show that all available land at our disposal are finished, we should not go to oppress anybody, and take away their lands. This should not be accepted by the House and I hope the Hon'ble Minister-in-charge will also sympathetically consider the case of persons who have got land from before. If there was no other alternative there would have been justification for this. As such we should not hurry to have the kind of legislation. With these words I request the hon. House to accept my Amendment.

The Hon'ble the SPEAKER: Amendment moved :
 "That clause 4 be deleted."

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, it appears he is speaking from two different conflicting angles. He says that this Bill is good and he would not have moved his Amendment if Government give an assurance to provide land to the flood-affected people of the locality represented by the hon. Member, Maulavi Abul Kashem. Government have not said that they would not be provided with land. The idea is that Government do not want to discriminate as he wants to do. Government cannot run the administration with such a limited vision. Government will have to look to the problems of the province as a whole.

He referred to the fact that on the last occasion I refused to accept his proposal to find out waste land for settlement to the flood-affected people, I then informed that there were not sufficient waste lands to provide land to all deserving people. That is why this Bill is introduced. I want to take land from those who are not in need, or who are not properly utilising such land. Only the surplus that is not required by them is proposed to be taken under the Act. Those persons who have been deprived of their holding by the land acquisition proceedings and displaced persons are proposed to be benefited under this Bill. I want to take only the surplus land which is not wanted or properly utilised. I have said on the floor of the House that we have not sufficient waste land to provide all the landless people affected by flood. I have been hearing that surplus land in some of the areas are not utilised or they are sold and let out at an exorbitant rent. Such persons exploit the people in distress. It is the duty of the Government to prevent such exploitation and relieve persons in distress in case they are deprived of their holding in connection with the various land acquisition proceedings that were started in connection with the war. Many of the areas have been rendered uncultivable during war. We have not yet been able to provide land to them as well as those persons who have been driven out during the exigency of the war when we were at jail. We must provide land to them. Waste land and surplus land is proposed to be distributed equitably amongst all deserving landless people to relieve distress of these people. With this object in view this Bill has been introduced. The whole problem must be looked into from a wider outlook for providing land to all landless people who identify their interest with that of the province. We only expect a healthy co-operation from all sections of the House in a matter of this kind. We cannot allow the people to remain in distress. We cannot allow them to be exploited by fortunate few. It is the fundamental duty of Government to alleviate the distress. I request that my hon. Friend under the circumstances will withdraw his Amendment that he has just moved.

Maulavi MD. ABUL KASHEM: Nowhere in the body of the Bill I find, that surplus land will be taken. As the Hon'ble Minister assures that only surplus land will be acquired, I beg leave of the House to withdraw my Amendment.

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

The Amendment was by leave of the House, withdrawn.

The Hon'ble the SPEAKER: The question is:

“That clause 4 of the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949 stands part of the Bill.”

The question was adopted.

Maulavi MD. NAZMAL HAUQE: Sir, I beg to move that clause 5 be deleted and that subsequent clause be re-numbered accordingly.

Sir, clause 5 provides for less opportunity to the landholders in respect of getting compensation for the land they are going to lose. The landholders are losing their long proprietary rights in their lands. Therefore, justice demands that they should be given adequate compensation for the land that they are going to lose. Sir, in the original Act, the market value was taken into consideration. Here in clause 5 the market value is to be taken into consideration with reference to three consecutive years of three years before and the landholders will not be at all benefited. As for an instance if a plot of land is acquired in the year 1949, the market value of the land will be taken as an average value for the three consecutive years before 1946, that is to say, the value which was three to four years before. If the land is acquired after five years, the value of the land will be fixed with reference to the average value of land in the years eight to nine years before. The proprietary right has got to be respected. We do not like that Government should give them as much compensation as the landholders demand, but the Government should give them adequate compensation which justice demands.

With these few words, Sir, I beg to move my Amendment for the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

“That clause 5 be deleted.”

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I draw the attention of the hon. Member who is just now moving this Amendment for the acceptance of the House, to the fact that the hon. Members of this House are anxious to bring down prices of things. Probably the hon. Member has heard the debate on the subject. If we go on paying more speculative prices, the market prices will surely go up considerably on account of speculation. People who have large sums of money are purchasing movable and immovable properties on speculative prices and they are paying more money than the actual market value. During the course of two or three years it is known how the prices have gone up due to inflationary tendency. On account of speculation the speculators and the richer section of the people are purchasing land which is passing into the hands of speculators and rich people. In order to prevent claims for compensations at the speculative rate, the Government considered it desirable to substitute 31st of March 1946 for the purpose of ascertaining the market value. Before the partition of India, the most atrocious incident took place and people in large number came to Assam and to other places by selling their property—both movable and immovable.

The other reason is due to the War. During the War period people took advantage of the situation and made money and in their attempt to invest the surplus money they paid speculative prices for land and houses.

In view of these circumstances, I request my hon. Friend to withdraw his Amendment.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, I want to make a few observations on a very important remark which has been made by the Hon'ble the Finance Minister. Sir, he has just now stated that the rise in prices of commodities is due to speculation. May I know, Sir, what forced up the prices in summer last year?

The Hon'ble Srijut BISHNURAM MEDHI: The question is not relevant, Sir.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, what was the reason for rise in prices of rice and paddy in the month of July 1948 and what forced the prices up?

The Hon'ble Srijut BISHNURAM MEDHI: The control was removed and that is why the prices went high.

Dr. EMRAN HUSAIN CHAUDHURY: Sir, may we take it that the Government gave a chance to some people to speculate?

Maulavi MUHAMMAD ABUL KASHEM: Sir, I beg to support the Amendment moved by my hon. Friend Maulavi Nazmal Haque. What we have just now heard from the Hon'ble the Revenue Minister, I conclude that Maulavi Nazmal Haque's Amendment should be accepted by all means. The Hon'ble Minister is trying to check inflation and at the same time we cannot do away with justice and calculate the rate of compensation on the basis of price three years back. Sir, he wants to give compensation to the claimants at the rate prevailing in 1946 or 1943. It is not practicable. We cannot bring back the price level of 1946 and 1943. In view of these he should kindly accept the Amendment moved by my friend Maulavi Nazmal Haque.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I do not want to say anything more. I would still request my hon. Friends to withdraw this Amendment because I cannot accept it.

Maulavi MUHAMMAD NAZMAL HAQUE: 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 next Amendment stands in the name of four hon. Members. May I know which of them will move it?

Maulavi MAHAMMAD ROUFIQUE: Mr. Speaker, Sir, I beg to move that in clause 5 for the figures "1946" the figures "1943" be substituted.

If Government would take the prices current in the year 1946 for assessing the value of land now acquired the Government will have to pay highly inflated prices. As you know, Sir, inflation and speculation started from the year 1943 and had increased from year to year. In 1946 it was sufficiently high. If payment is made on the basis of the figures of 1946 Government would be false to their declared policy of deflation and would certainly go counter to the attitude taken by them to bring down the prices of goods. Therefore, Sir, it will be only

need and proper if we accept as our basis the prices prevailing in 1943 in calculating the price of any land proposed to be acquired. With these few words, I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :

"That in clause 5 for the figures '1946' the figures '1943' be substituted".

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I consider this Amendment to be a very reasonable one because speculation began from 1943, if not from a year before. I have no objection to accept the Amendment if the House so decides. I would leave the matter entirely to the House for decision.

Mr. J. S. HARDMAN : Mr. Speaker, Sir, I have noticed with considerable interest the activities of four illustrious Members of this House, who seem to spring into the breach, to repair any lacuna in Government Bills, and to offer to Government remedies for the mistakes which they have made. I refer to the illustrious quarter, Srijut Lakshmidhar Borah, Srijut Purandar Sarma, Srijut Motiram Bora and Maulavi Mahammad Roufique. I realise, Sir, that no Government can expect to be omniscient and that mistakes must be made at times, which, rightly, ought to be corrected at the earliest stage. I was silent, Sir, when Government decided to accept, in the case of the Assam Maintenance of Public Order (Second Amendment) Bill, a drafting Amendment substituting the words "is likely" for the words "of being about". I had remained silent, Sir, when it was proposed to add a "comma" and include the words "in distress" because, Sir, those Amendments were clearly consistent with the objects which had been stated by Government at the time of the publication of the Bill. It was clearly in accordance with the principles which Government had advocated when the Bill was placed before the House. This present Amendment, Sir, is of an entirely different category. It comes, Sir, from the Government benches with, I take it, the full support of Government, and, therefore, it must be regarded as a Government Amendment to its own Bill.

Here again, Sir, I have no objection to Government exercising its right to amend Bills, but I would draw your attention to a very important point of Parliamentary Procedure, which is of great significance in the functioning of legislatures. On the 18th August last this Bill was published in the Gazette having obtained the previous sanction of His Excellency the Governor. In the Bill it is stated that a particular year will be taken as the criterion for determining the value of land. It is also stated in the Statement of Objects and Reasons: "To avoid payment of compensation at a speculative and inflationary rate, a reasonable standard has been fixed in the proposed amendment to section 7(1)". This morning, Sir, when I entered this House I found on my table an Amendment which, in my view, seriously alters the character of the Bill. It is proposing to reduce by a substantial amount the degree of compensation. It is impossible for those members who represent constituencies and have a responsibility for consulting their constituents to establish contact to find out what their reactions may be. We had before us for almost a month the proposal to pay at the rate of 1946. Now at a very short notice we are faced with a proposition that will substantially change the basis on which Government propose compensation to be awarded.

Now, let us consider for a moment an alternative proposition. If, Sir, I had proposed that the compensation should be paid at the rate prevailing in 1948 I would have been told by the Hon'ble Finance Minister, firstly, that the principles of the Bill had already been accepted, at the earlier reading in this House; and, Sir, I am afraid, had been ruled by the Hon'ble Speaker on a previous occasion that after the main principles had been accepted it was out of order for amendments, which conflicted with those principles, to be urged. But, Sir, if we had

suggested that payment should be made on the basis of 1948 we would have been told that the original proposals had been published, that no hon. Member had suggested at an earliest stage in this debate that an alternative method of payment of compensation was proper, and, therefore, it was out of order to move such an amendment. Sir, I am not opposing the proposal to pay on the basis of 1943, or for that matter if any hon. Member chooses, to move it,—on the basis of 1859 ! But I would suggest that it is not the correct method to bring such proposals before this House when Government had decided—and I understand from the words of the Hon'ble Finance Minister that they had recently fully considered this matter and came to the conclusion that 1946 was the appropriate date. Now however we find that Government required the year 1943 as the most suitable date. If so let them publish another amending Bill and I can assure them that this section of the House and possibly the Opposition also can give a similar assurance that great impediments will not be placed in their way of bringing an additional amending Act on the Statute Book. Let them even come forward with fresh amendments which most certainly can be passed, but let them publish these amendments so that those who are affected most may have an opportunity of expressing their views and, if necessary, of briefing their representatives in this Assembly. Sir, my objection is solely on a constitutional point. I do not wish to be represented as being reactionary and trying to encourage inflation—a subject on which I spoke yesterday—urging very insistently that an anti-inflationary policy was necessary.

I trust that Government will pay regard to the observations which I have made and treat them in the spirit in which they were intended.

Maulavi MUHAMMAD ABUL KASHEM: We have heard the objections raised by the Hon'ble Revenue Minister and now this is the last Amendment, we have also not much time left. From his speech, Sir, it appears that he feels that 1946 was the best year to be incorporated in the Bill. He only feels it but he wishes that 1943 would have been better. Now, Sir 1946 is a compromise between the Opposition's Amendment and the Amendment moved by the Government Party. The Opposition wanted that it should be on the present value while Government Party wanted that it should be 1943. 1946, which is between 1943 and 1949 is a compromise between the two parties. So, Sir, let us hope that Government will not accept the Amendment moved by my hon. Friend Maulvi Mahammad Roufique—that will be a very good thing—(laughter.)

Maulavi MAHAMMAD ROUFIQUE: Sir, I think Mr. Hardman is really confusing the principle with the details. He talks about principles of the Bill. The principle of the Bill is—the compensation to be paid for acquisition and my Amendment does not infringe on the principle. But as to what should be the rate of compensation is not principle but it is a question of details. At what rate compensation should be assessed is certainly a question of details. Mr. Hardman is confusing in that. I do not think that my Amendment does not depart from that principle. My suggestion was that Government should not pay at an inflated rate of compensation. Mr. Hardman expresses sympathy for this policy and wants Government to bring down the prices of things but at the same time he felt aggrieved that Government is not determining the prices of lands at higher rate. Sir, I submit that my Amendment is a correct one and it should be accepted. Of course some one may be aggrieved, but Government cannot help it so long as it is their policy to bring down the prices of things.

Srijut NILMONI PHOOKAN: Mr. Speaker, Sir, of course I am not a lawyer to know the niceties of draftsmanship, but I do know that in this matter the general speculators always get an upper hand now-a-days rather than those

people who are really in need of some succour in any way. I do not know what is the difference between 1943 and 1946—(A voice—a difference of 3 years)—may be, but I do not know what is the difference of prices in these three years. I do know that in my locality speculation in price of land in some business quarters is great. Land which may have been sold in 1943 or before that at one thousand rupees, it has gone up in 1949 to 20 or 25 thousand rupees. So it is apparent that this speculation is high in 1949 because now if anybody can build a house in a bazar side,—any small space like a pig sty will fetch ten or twenty fold the cost from shop keepers who are only too eager to get such a small shop. These shop keepers never hesitate to pay the amount because they know this price will be realised from the general consumers ultimately. So for all these speculative prices in land or other things the common man will ultimately be the sufferer—the common man for whom we talk much inside this House and out-side. If I may be allowed to move another amendment I would have moved that pre-war prices should be fixed, and that will bring us to 1939. So, between 1939 and 1949 I suggest that 1943 will be better.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, the last sentence of the Statement of Objects and Reasons is not to pay compensation at inflationary rate and a reasonable standard has been fixed in the present amending Bill. But I submit, Sir, that there is a difference of opinion in this matter. We cannot say when this speculation started and when it would reach its maximum. In matters like this I would like to be guided by the sense of the House and so I would like other hon. Members also to take part in these discussions. Let us have the views of the House as there are differences of opinion regarding this matter. Some say that speculation started just before the war, some say that it started in 1946 and other may say that it started in 1942, so I say, Sir, this is a question of opinion. When the speculation started it is for the House to determine and decide this matter. So I would leave the matter to be decided by the House. I would always like to be guided by the advice of the House in this matter.

Prof. P. M. SARWAN: I am glad to find that in this House everyone is desirous of helping in the matter. That is the best thing that can be done by this hon. House. But the one important point that has been brought out by hon. Mr. Hardman should not be lost sight of and that is that we should not go against the Constitution. He has pointed out that in the Bill 1946 was the date which should give us the amount of price that should be paid for the land. Now if that date is changed, it means that we are going against the Constitution. The Government should be careful to see that a little wrong does not produce a greater wrong. It is quite possible that Government may change the date a little, but that might be a most dangerous step. Step by step, from precedent to precedent the Constitution may be destroyed producing chaos in the end.

The Hon'ble Srijut BISHNURAM MEDHI: Does the hon. Member support the year 1946, Sir?

Prof. P. M. SARWAN: Yes, Sir, I support the year of 1946.

The Hon'ble Srijut BISHNURAM MEDHI: In regard to the speculative price, Sir, I may state again that I like to be guided by the advice of the hon. Members of this House. Government would like to avoid as far as possible the period when the speculation started and reached its maximum to provide a basis and compensation for acquisition of land.

The Hon'ble the SPEAKER: Order, order. Yesterday it was decided that the Party Leaders should meet me in my office room in the Assembly Chamber after the business of the day was over. In view of that I request them to meet me now since to-day's business is over.

Adjournment

The Assembly was then adjourned till 10 A.M. on Monday, the 19th September, 1949.

SHILLONG:

The 5th November, 1949.

R. N. BARUA,

Secretary, Legislative Assembly, Assam.

A.G.P. (L.A.) No.94/49-124-9-11-1949.