

Proceedings of the Second Session of the Assam Legislative
Assembly assembled after the Third General
Election under the Sovereign Democratic
Republican Constitution of India

The Assembly met in the Assembly Chamber, Shillong at 10 A.M. on
Thursday, the 14th June, 1962.

P R E S E N T

Shri Dandeswar Hazarika, B.L., Deputy Speaker in the Chair, ten
Ministers, two Ministers of State, three Deputy Ministers and seventy-two
Members.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

Re: Weaving Loan

Shri DURGESWAR SAIKIA (Thowra) asked :

8. Will the Minister-in-charge of Weaving be pleased to state—

- (a) Whether it is a fact that some people of Sibsagar Sub-division applied for Weaving Loan some 2/3 years back ?
- (b) Whether it is a fact that the said loan was sanctioned in 1960-61 but the payment has not been made as yet ?
- (c) What was the reason for such non-payment ?
- (d) What was the number of such petitions receiving sanction and what was the amount sanctioned ?

Shri MAHENDRA NATH HAZARIKA (Minister-in-charge of Sericulture and Weaving) replied :

8. (a)—Yes, 13 applications for loan were received from the people of Sibsagar Sub-division during 1960-61.

(b)—Loans were sanctioned to all the 13 applicants during 1960-61 and money disbursed to all the loanees concerned during the same year.

(c)—Does not arise in view of reply to (b) above.

(d)—Loans were sanctioned to all the 13 applicants from the Sibsagar Sub-division in 1960-61 totalling an amount of Rs.10,550-00 nP.

Shri DURGESWAR SAIKIA (Thowra): মন্ত্রী মহোদয়ে কৈছে যে ১৩ খনহে দৰখাস্ত পাইছে। কিন্তু মই জনাত ৩১ খন দৰখাস্ত মহকমাৰ মান্দিপতিৰ অফিচত পাইছে আৰু তাৰ কাৰণে টকাও নলুৱা হৈছে। এই বিষয়ে মন্ত্ৰীৰ পৰা জানিব খোঁজো।

Shri MAHENDRA NATH HAZARIKA (Minister, Sericulture and Weaving): প্ৰশ্নোত্তৰত দিয়াই আছে যে ১৩ খন দৰখাস্ত পোৱা হৈছে আৰু আটাই কেইখনতে টকাও নলুৱা কৰা হৈছে। বাকী কেইজনে টকাও পালে মাত্ৰ এজনেহে টকা পোৱা নাই কাৰণ তেওঁ Bond execute কৰা নাই।

Shri DURGESWAR SAIKIA: মই জনাত ১৩ খন দৰখাস্তৰ টকা নলুৱা কৰিছে। এই কথাটো তদন্ত কৰিবনে ?

Shri MAHENDRA NATH HAZARIKA: কৰা হব।

Shri MAL CHANDRA PEGU [Majuli (Reserved for Scheduled Tribes)]: টকাবোৰ কোনে বিতৰণ কৰে ?

Shri MAHENDRA NATH HAZARIKA: টকা বিতৰণৰ কাৰণে বৰ্তমান জিলায় জিলায় কমিটি কৰা আছে।

Shri MAL CHANDRA PEGU [Majuli (Reserved for Scheduled Tribe)]: কমিটিৰ সদস্য কোন কোন ?

Shri MAHENDRA NATH HAZARIKA: সদস্য সকল হৈছে Industry Superintendent Sericulture, and Weaving Inspector and Deputy Commissioner is the President.

Shri MAL CHANDRA PEGU [Majuli (Reserved for Scheduled Tribe)]: কোনবা non-official মেম্বাৰ আছেনে ?

Shri MAHENDRA NATH HAZARIKA: নাই।

Shri KHOGENDRA NATH BARBARUAH (Amguri): দৰখাস্ত গাই গুটীয়াকৈ দিব লাগেনে—সমবায় হিচাবে দিব লাগে ?

Mr. DEPUTY SPEAKER: বেয়ে দৰখাস্ত কৰে সেয়ে টকা পায়।

Shri KHOGENDRA NATH BARBARUAH: (Amguri) ১৩ খন দৰখাস্তৰ ভিতৰত কোনো সমবায়ৰ দৰখাস্ত আছিলনে ?

Shri MAHENDRA NATH HAZARIKA: নাই।

Re: **Silchar Enquiry Commission**

Shri SANTI RANJAN DAS GUPTA (Lumding) asked :

9. Will the Chief Minister be pleased to state—
 (a) Whether it is a fact that the Silchar Enquiry Commission has submitted its report to the Government ?

- (b) If so, what were the findings of the Committee ?
- (c) Whether the firing on the Silchar Railway Station on 19th May 1961 was found justified by the Commission ?
- (d) Whether the firing was found to be unjustified ?
- (e) Whether the Government propose to release the Commission's finding to the Press and make it available to the public ? and
- (f) If not, why not ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

9. (a)—Yes.

(b), (c) & (d)—The Report is under the consideration of the Government.

(e)—The publication or otherwise of the Report will depend on the decision of the Government.

(f)—Does not arise.

Shri RATHINDRA NATH SEN (Karimganj-North) : In reply to (b), (c) and (d) may I know from the Hon'ble Chief Minister how much time Government will require to consider this ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) : No precise date can be given.

Shri RATHINDRA NATH SEN (Karimganj North) : Sir, in reply to (c) the Hon'ble Chief Minister said that publication or otherwise of the report would depend on the decision of the Government. Whether we should take it for granted that it is the desire of the Government to make it public ?

Mr. DEPUTY SPEAKER : It is quite clear from the reply.

Shri RATHINDRA NATH SEN : Will the Hon'ble Chief Minister expedite the matter ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) : We will try to expedite.

Re: Enquiry Commission for Police Firing at Silchar Railway Station

Shri NANDA KISHORE SINGHA (Silchar-West) asked :

10. Will the Chief Minister be pleased to state—

- (a) Whether it is a fact that one Man Enquiry Commission headed by Hon'ble Chief Justice, Mr. Mehrotra has submitted his report to the Government about the Police Firing at Silchar Railway Station on 19th May, 1961 ?

(b) If so, whether Government propose to place the Report before the House for information of the Members ?

(c) If not, why not ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

10. (a)—Yes.

(b)—The report is under consideration and its publication depends on the decision of the Government.

(c)—Does not arise.

Shri NANDA KISHORE SINGHA (Silchar West): Sir, Is the finding of the Inquiry Commissioner confidential one ?

Shri BIMALA PRASAD CHALIHA (Chief Minister): Yes, till some are not published.

Shri NANDA KISHORE SINGHA (Silchar-West): Is it not the duty of the Government to let the people know the findings of the Commission as this Commission was appointed on public demand ?

Shri BIMALA PRASAD CHALIHA (Chief Minister): Whatever it may be is the Government first who will have to take a decision on this report.

Re: Firing at Hailakandi

Shri SANTI RANJAN DAS GUPTA (Lumding) asked :

11. Will the Chief Minister be pleased to state—

(a) Whether Government propose to set up Enquiry Commission to enquire into the firing incident at Hailakandi on 19th June 1961 ?

(b) If not, why not ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

11. (a)—No.

(b)—The hon. Member's attention is invited to the Chief Minister's statement in the House on 31st March, 1962 in reply to the debate on the Governor's address.

Shri RATHINDRA NATH SEN (Karimganj North): In reply to (a) Hon. Chief Minister has given the reply 'No'. May I know what is the difficulty in holding an Enquiry Commission in respect of Hailakandi Firing.

Mr. DEPUTY SPEAKER: He has already given his statement about this matter on 31st March, 1962 in the last Session.

Shri RATHINDRA NATH SEN (Karimganj North): Sir, the reply was given in a evasive manner.

Shri BIMALA PRASAD CHALIHA (Chief Minister): No, Sir there cannot be any definite reply than what I have already stated in the last Session.

Shri RATHINDRA NATH SEN (Karimganj North): Sir, when an Enquiry Commission was held for the death of one person, why there should not be an Enquiry Commission for the death of ten or eleven persons?

Mr. DEPUTY SPEAKER: The Chief Minister has already given his statement in this connection.

Re: Posting of Additional District Judge at Nowgong

Shri LAKSHMI PRASAD GOSWAMI (Laharighat) asked:

12. Will the Law Minister be pleased to state—

(a) When the Additional District Judge of Lower Assam Districts at Nowgong retired?

(b) Whether the Government is going to appoint any Successor in his place and if so, when?

Shri FAKHRUDDIN ALI AHMED (Minister, Law) replied:

12. (a)—The Additional District and Sessions Judge at Nowgong retired on 2nd December, 1961.

(b)—Government is very anxious to appoint a Successor as early as possible and the matter has been under correspondence with the High Court for their recommendation. A reply to our last letter has been only received recently from the High Court which is being examined by the Government.

Shri FAKHRUDDIN ALI AHMED (Minister, Law): A word was missing in the last line of the reply. The word should be 'recently'; and should be inserted in place of the word 'only'.

Shri DULAL CHANDRA BARUA (Jorhat): When the reply of the Chief Justice was received by Hon. Minister?

Shri FAKHRUDDIN ALI AHMED (Minister, Law): Only on 5th June when I was leaving for New Delhi.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat): May I know from the Hon. Minister whether Government has any knowledge when the Additional District Judge of Nowgong was due to retire? When he actually retired.

Shri FAKHRUDDIN ALI AHMED (Minister, Law): The Government had knowledge and proper actions were taken. All the hon. Members must appreciate that in this matter all appointment orders can be made by the Government on the recommendation of the High Court.

Shri DULAL CHANDRA BARUA (Jorhat): Sir, when this House can expect the decision?

Mr. DEPUTY SPEAKER: It has already been answered.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat): Whether the Government took up the matter with the High Court before the Additional Judge actually retired?

Shri FAKHRUDDIN ALI AHMED (Minister, Law): Yes. This matter was brought to the notice of the High Courts in time, for necessary action.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat): My point is whether the matter was brought to the notice of the High Court before he actually retired?

Shri FAKHRUDDIN ALI AHMED (Minister, Law): I want notice of this question.

**Submission of certain information *Re: Pak Infiltration*
by the Chief Minister promised earlier.**

Mr. DEPUTY SPEAKER: Here is a letter from the Chief Minister who promised yesterday on the floor of this House to place them in the Library Table. I am sending herewith a copy of each of the following:

1. Regarding a number of Pak National detected, convicted, etc., and illegal entrants of Pakistani into Assam for the period 1952 to 1961.

2. The Monthly Statement of Pak infiltration and number of persons arrested, convicted, etc., from the period of 1st June 1951 to 31st May, 1962.

The next item is calling attention of the House under Assembly Rule 54 regarding urgent matter of public importance by Shri Mahananda Bora.

**Calling Attention under Assembly 54 *Re: Death of ten*
persons in the boat disaster in Dikrong**

Shri MAHANANDA BORA (Bihpuria): Mr. Deputy Speaker, Sir, I beg to call attention of the Chief Minister, the Minister-in-charge of P. W. D., regarding the boat disaster at Dikrong ghat which was published in the Natun Assamiya, dated 9th June 1962.

Sir, my intention of calling attention of the Government is to remove the possible misapprehension and panic which is in the minds of the people.

Sir, this incident occurred just before my leaving North Lakhimpur. We heard there was a boat accident at Dikrong but in the Tribune and the Calcutta papers of 3rd June I saw it reported that there had been a boat accident at Dikrong and probably three or four persons had died. Then I received several letters from North Lakhimpur the contents of which are conflicting with each other. So I cannot say what is the number of deaths in the accident. Finally, in the Natun Assamiya of the 9th June it appears that there were probably 9 or 10 deaths.

Sir, this ghat is on the old North Trunk Road from Tezpur to North Lakhimpur. The new diversion road on which there is a permanent bridge is 5 miles longer. So, generally the cyclist and pedestrians use the old road. There is a ferry ghat at Dikrong and the river there is very turbulent. There is, therefore, every likelihood of accidents. There were some minor accidents in the past, but no loss of life occurred. So far as this accident is concerned, I cannot say whether people have died or not. From the contents of the private letters I have received up till now, I find varying reports about the number of deaths. Therefore, Sir, I have brought forward this calling attention motion to be enlightened about the matter and to ascertain the number of deaths, if any.

Sir, this is a very important ghat in our subdivision as the permanent bridge on the diversion road has not removed the difficulties of the pedestrians and the cyclists. This road passes through hilly terrain and therefore the people on foot and bicycles do not like to take it, and they prefer the old road. At Dikrong ghat, there are several boats single boats as well as engine-fitted marboats. Crossing by marboats is less risky. I do not understand why a single boat was plying when the river was in spate. I am more surprised to learn that the accident occurred as a result of the boat colliding against a post of the temporary bridge which had been washed away some time back. The Minister-in-charge of P. W. D., may kindly clarify these matters. I also learned that the Department is pressing the Government for construction of a timber bridge there, which, they say is possible now. I hope Government will clarify all these points for the information of the general public.

Shri BIMALA PRASAD CHALIHA (Chief Minister): Mr. Deputy Speaker, Sir, with regard to this calling attention motion of Shri Mahananda Bora about the Dikrong ghat boat accident, I would like to read out the following statement :—

After carrying a car of the Central Water and Power Commission from the right bank to the left bank of the Dikrong river at Dikrong ghat about 19 miles from North Lakhimpur on the 1st instant at about 2 p.m. the driver of the P.W.D. marboat find that the petrol in the engine required change as it was mixed with water. In the meantime 6 passengers arrived with 6 bicycles on the right bank of the river and pressed the P.W.D. boatmen to take them to the left bank. Seeing only 6 men, the boatmen took a single boat of about 80 mds. capacity from the left bank to the right bank to bring those six passengers. When the boat reached the right bank 13 more passengers besides the original 6 with bicycles, including 3 women, jumped into the boat in spite of boatmen's protest. Being pressed by the passengers the boatmen numbering 3 started for the left bank at about 2 p.m., carrying 19 passengers, 12 bicycles and 3 boatmen. In the mid-stream the boat was struck at the bottom by a submerged log of wood and

a hole measuring one and a half feet by 6 inches appeared in the bottom of the boat. Thereafter water started gushing into the boat and some passengers getting panicky jumped into the river thereby overturning the boat. Seeing this the P.W.D. Muharrir immediately with the help of some majhis, a single boat and the marboat, which had been set right in the meanwhile, rescued all the passengers and the boatmen. The water being only about waist deep at the place of the accident the rescue operation was easy. Out of the 19 passengers, 9 were quite all right after rescue. The remaining 10 passengers were taken to the Laluk Hospital about 6 miles away. Out of these 10 passengers, 9 were discharged from the hospital on the same day after giving Preliminary aid, and the remaining one, an old Nepali women, was discharged from the hospital the next day after being detained in the hospital for one night. By now all the 12 bicycles have been fished out of the river. The boat which was washed away was recovered on the day of accident itself. No loss of other property is reported. Hence the reported deaths in the Natun Assamiya of the 9th instant and the Assam Tribune of the 3rd instant, are baseless.

Mr. DEPUTY SPEAKER: We come to item No.3.

The Assam Prevention of Bigamous Marriage Bill, 1962

Shri MADHUSUDHAN DAS (Barpeta): Mr. Deputy Speaker, Sir, I beg leave to introduce the Assam Prevention of Bigamous Marriage Bill, 1962.

Shri MAHI KANTA DAS (Barchalla): I oppose the motion.

Shri MADHUSUDHAN DAS (Barpeta): I want to make a brief statement to clarify certain points in respect of this Bill. This Bill is not brought to this House in a spirit of maliciousness against any section of our people, but with a sincere hope that it will be beneficial to the community to which it will apply.

Shri MAHAMMAD UMARUDDIN (Dhubri): On a point of clarification, Sir. Can the hon. Member speak on the merit of this Bill at this stage?

Mr. DEPUTY SPEAKER: He can speak on the Objects and Reasons of the Bill.

Shri MADHUSUDHAN DAS (Barpeta): Sir, we know the tale of King Dasarath, we know the history of Emperor Shajahan. We also know in our every day life live the evils of bigamous marriages. I have many friends, and relations by courtesy, among the immigrant Muslim community. Some are my brothers, some uncles and some are sons and nephews. At the request of some of them I have brought forward this Bill in this House. They told me that I would be doing a great service to their community if monogamy could be introduced in their society by law. This has prompted me to bring forward this Bill before this House.

Another point, in this connection, Sir, the growth of population has become a major headache of our Government both at the Centre and State. Its effect on land has already been terrible, perceptible and Sir, the Governments of different States under the able guidance of the Union

Government have taken up Schemes for family planning to check the rapid growth of population and for this thing the Government are spending money liberally. There is, in the country, a talk that children of a family should be restricted to three and the Government is also thinking for taking measures to check the population growth.

Shri RAMNATH DAS [Dergaon (Reserved for Scheduled Castes)] : Restricted to three?

(Voices, what there is a talk?)

Shri MADHUSUDHAN DAS (Barpeta) : And Sir, if we look from another point of view, it will be a cruelty to female.

Shri MAHAMMAD UMARUDDIN (Dhubri) : On a point of order Sir, My friend Mr. Das raised an objection to the Bill. That objection could not be on the merit of the Bill for Assam. This Bill has been discussed in the Parliament. The objection of the Bill is another thing.

Mr. DEPUTY SPEAKER: He is giving some explanation.

Shri MADHUSUDHAN DAS (Barpeta) : It is not consonant with the spirit of equality of women with men. We are going ahead of the European countries in this respect, they have democratic institutions of centuries old. We have opened the position of the Legislatures to the women, we have made them Ministers, we have made them Governors. If we ensure this equality in political field, surely we must ensure equality in the Social field also.

Every man and every woman desire exclusive companionship. If a female whether she is of high position or of low position, whether she is rich or poor, whether she is educated or illiterate, she will certainly desire the affection of her husband. Exclusively it is a cruelty to her. Her mind becomes tortured, her domestic happiness will also be ruined if she is to share his affection with another woman and all this follows from bigamous Marriage. I am glad that the Union Parliament has rescued the Hindu Society from this Sir and I am sure all will support this if I can ensure monogamy and clear the lot of trouble to our women of every community also. Sir, from another point I request my brethren of the community to which this Bill will be applicable. Sir, monogamy is ensured for majority community of India, so Sir, for the interests of the National integration, for the interests of the greater cohesion of India the bigamy should be banished. If different laws prevail for the different communities, then Sir, we shall feel and every community will feel exclusiveness and no spirit of cohesion in our country. So, for the save of public interest I whole-heartedly request the brothers of those community to which this law will be applicable to pass this bill. Sir, there may be in the minds of some Hon'ble Members that this Legislature is not competent to make this legislation. But I assure you Sir, that this is not so. This Legislature is also competent to pass Law.

Item 5 of the Concurrent List of the Constitution of India says—
“Marriage and divorce ; infants and minors ; adoption ; wills, intestacy and succession ; joint family and partition ; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.”

So, it is within our jurisdiction to pass this Law. It may be raised by some Members that as some communities are left outside the pale the Hindu Marriage Act of 1955 by the Union Legislature, we cannot now make enactment of this Law, at this stage. The Union Government have expressed the point of issue in making the law. Sir, I think the Union Government ha given us the hint to bring such enactment in our State Legislature by giving us a model by enacting the Hindu Marriage Act. Now Sir, there is the question whether this interferes with the religious principles of any community. Surely, Sir, all will agree with me that religious practice is one thing and marriage custom is another thing. If religious practice is interefered by enactment of this nature Pakistan which is a theocratic State and the country is governed by the Islamic Law would not have enforced monogamy in their Society. Moreover Sir, all the Government officials are bound by the Law of monogamy. There are lot of Muslim Government Servants. This law of monogamy, that is, prohibition of bigamy is applicable to those muslim persons also. Could the Union Government have enforced this rule in case of Muslim Government Servants, had it been against the religious practice of the Muslims. Surely it is not so. Supposing Sir, a muslim wants to make bigamous marriage, his father and his elder wife have prevented him from such a marriage. Are they be held guilty for preventing him from practising religious matter? Surely, it will not be like that Sir. So Sir, I hope this Bill is quite in order and it will be acceptable to the House. With these few words and with malice towards none, with charity for all and with all humbleness that is in my command, I request the House to give permission to introduce this Bill.

Mr. DEPUTY SPEAKER: Mr. Das you want to oppose the Bill.

Shri MOHI KANTA DAS (Barchalla): Pardon Sir.

Mr. DEPUTY SPEAKER: You want to oppose the bill.

Shri MOHI KANTA DAS (Barchalla): Because it seeks to initiate legislation outside the legislative competence of the House. On that point I am not going to the merits of the bill. Now at the very outset those bills violate the fundamental rights firstly. Secondly it is repugnant to the acts of Parliament already passed and also it violates personal laws and it also affects the District Councils so far as the Scheduled Tribes living in that areas concerned. Sir, the bills seeks to extend the operation to the whole State of Assam, which means it encroaches autonomous Hills Districts and it applies to the community or communities which those provisions of the Hindu Marriage Act of 1955 or the Indian Christian Marriage Act that enjoin monogamy do not apply. Let us see the Hindu Marriage Act. "The Hindu Marriage Act applies to any person, Budha, Jain or Sikh by religion and it does not extend to those who are not a Muslim, not a Christian nor a Persi or Jew and Sub-clause 2 says "notwithstanding anything done in Sub-section 1 anything done in the Section apply to the members of any Scheduled Tribes within amendment of the Clause 25, Article 356 of the Constitution, it appears that this bill affect the Muslims and also the Persis, Jews and the Scheduld Tribes because these are outside the bill of the Hindu Marriage Act. It also excludes Indian Christian Marriage Act. That excludes the Christian. Then although this bill will affect the Muslim, the Jews, the Persis and also the Scheduled Tribes living in Assam." Now, Sir, my first point is that it affects the fundamental rights. I beg to refer to Article 25, which reads

as follows subject to public order morality and health to the other provisions of this part, all persons are equally entitled to freedom of conscience and right freely to profess and practise and propagate religion. I can emphasise upon practice and propagate religion. Then Sir, Article 132 says that "a State shall not make any law which states-away or abridges the rights conferred by this part that any law made in contravention of this clause shall to the extent of the contravention be void". Now Sir, this bill seeks to amend first of all.

Mr. DEPUTY SPEAKER: Mr. Das do you mean to say that this is an infringement of fundamental rights ?

Shri MOHI KANTA DAS (Barchalla): No, I am coming to that Sir. Now, Sir, the Hindu Marriage Act, as I have already stated that it affects the Muslim Personal Law. This Act may be called the Muslim Personal Law Application Act, 1937. This is an Act of Parliament. "Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including talq-ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in case where the parties are Muslims shall be the Muslims Personal Law Shariat)." Sir, according to the Muhammedan Law, Section 108, a Muhammedan may have as many as four wives at the same time, but not more. When he has already four wives and if he wants to marry another the marriage is irregular. This is the Personal Law of the Muslims of India and this Personal Law has not been embodied in the Muhammedan Law. Now, this Clause 3 of the bill, after the commencement of this Act, whoever marries during the life time of a wife or a husband shall commit the offence of bigamy and also this offence in Clause 3 of the bill is against the Personal Law of the Muslims and Section 4 - "after the commencement of this Act whoever being a resident of the State of Assam goes to a place beyond the territorial boundaries of the State of Assam and marries there, during the life time of a wife, or a husband, and thereafter returns to this State, he, or she shall be deemed to have committed the offence of bigamy under this Act". Now, if any one wants to marry here and goes to Bengal, where there is no Bigamous Act, and if he comes here again, his child will be illegitimate and he will be charged for adultery. Now, these two clauses of the bill offended against the Personal Law of the Muslims as indicated by the Muhammedan Law and under the Muhammedan Law, as I have already stated, Sir, this is repugnant to the Act of the Parliament, so far as Sections 3 & 4 are concerned. Now my friend says that this a concurrent list. Yes, I admit. This is a concurrent list and under "Item 5 - Marriage and Divorce". where there is concurrent list ? What is the provision, Sir ? Article 372 of the Constitution lays down 'Notwithstanding the repeal by the Constitution of enactments referred to the Article 395 but subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority.' Again, under article 254, Sir, "If any provision of a law made by the Legislature of a State is repugnant to any

provision of a law made by Parliament which Parliament if competent to enact, or to any provision of any existing law with respect to one of the matters enumerated in the Concurrent list, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void'. And in this particular case, sir, the clauses (3) and (4) are repugnant to clause 17 of the Mohammedan Law. According to Article 254, the Mohammedan law still exists. Therefore, sir, under Article 254 of the Constitution, these two provisions, clauses (3) and (4), are repugnant, and the existing law prevails.

Now, sir, my next point is that its application has affected the communities which are outside the pale. As I have already stated, it will affect not only Muslims, but also the Scheduled Tribes and also the Persis, the Jews, etc., which communities had been excluded from the purview of the Indian Christian Act. So far as the District Councils are concerned, I would refer to page 242 — "The provisions of the 6th Schedule shall apply to the tribal areas in the State of Assam"—clause 3, page 242. Now, sir, we have got four autonomous Hill Districts where we have got Scheduled Tribes. This law expands to the whole of Assam.

Shri SARAT CHANDRA GOSWAMI (Kamalpur): Is he referring to Article 242, sir?

Shri MOHI KANTA DAS (Barchalla): Not Article 242, but clause 3 at page 242 sir. Clause (3) in 6th Schedule. Therefore, sir, if any such Bill is enacted into a law, it will affect the Scheduled Tribes living in the autonomous Hill Districts. So far as autonomous hill districts are concerned, clause (3) at page 242 of the Constitution says—The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any within the district shall have power to make laws with respect to marriage and social customs. Under the Constitution, it is the District Council which had been invested with power to make law regarding marriage and other social customs. Then, sir, this law of bigamy has been sought to be introduced in the autonomous hill districts. In the autonomous hill districts, in K. & J. Hills, according to 1951 Census, there are Hindus 14·87 per cent, Muslims 0·82 per cent, Christian 28·51 per cent and other 55·80 per cent. In this way, we find in Garo Hills—other 62·72 per cent. So far as the legal customs and usages of the Garos are concerned, sir, so far I could collect from my friend Mr. Emonsingh Sangma, their population is 3,08,000; Garos in general 2,06,000, non-Garos 1,02,000. Non-Garos include Hindus, Muslims, Rabhas, Nepalis, etc., and Christian about 60,000 and non-Christian but Garo 2,06,000. They are not Hindu; they profess religion according to the customs they like. I understand bigamy is prevalent there. Even the inheriting son-in-law can marry the mother-in-law. That is their general custom. The daughter selected by the parents is married to a man and then he will inherit the property of the father-in-law when the father-in-law dies. That is the social custom. Secondly, non-Christian Garo can marry another wife with consent of his first wife. These are the customs prevalent in different autonomous hill districts. So, sir, this law will affect the usages prevalent in respect of

which the District Council alone is competent to legislate as I have already stated. It not only affects the personal laws of the Muslims and the Persis and Jews living here, but it will also affect the customs and usages of the scheduled tribes living in autonomous hills districts in respect of which it is only the District Council which is competent to make any law with regard to marriage or in such other matters. Therefore, sir, this bill affects clause (3) of the 6th Schedule of the Constitution. Here, sir, clause 12 of the 6th Schedule says—Application of Acts of Parliament and the Legislature of the State to autonomous districts and autonomous regions (1) notwithstanding anything in this Constitution—no Act of the Legislature of the State in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region. This is under Clause 12 which says that “No Act of Parliament and no Act of the Legislature can be enacted with regard to certain matters as embodied in the laws”. So it affects the right of the scheduled tribes who are living in the autonomous hill districts. To that extent this is repugnant, Sir. Besides this, Sir, as I have already stated, it will affect the personal laws of the Jews, the Persis and other communities in respect of their personal laws. The scope of the Bill is so wide that it includes all the communities not coming within the purview of the Indian Marriage Act. Therefore, Sir, I beg to submit that it contravenes the important matters of the different provisions of the Constitution as I have already shown and also the personal law of the Muslims and also the usages and customs of the scheduled tribes in the autonomous Hill Districts in respect of which, in one case, it is only the Parliament which is competent to make laws and on the other, it is the District Council which is competent. In view of this, I beg to submit that this House has got no competence to initiate this Bill.

Mr. DEPUTY SPEAKER: The hon. Member questions the competence of the House to discuss this Bill. Before I hear the Law Minister, I will allow a full discussion on this point under Assembly Rule 70.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat): Mr. Deputy Speaker, Sir, I have heard the argument put forward by the mover of the Bill, Shri Das and also the argument put forward by the opposer, who is also Mr. Das. Shri Mohi Kanta Das, in opposing the introduction of the Bill, has based his argument mainly on Article 254 of the Indian Constitution. Article 254 clearly provides that if there is any clash between the jurisdiction of the State Legislature and Parliament, the State Legislature is not competent to enact any law which goes against the laws enacted by the Parliament. In this connection, the hon. Member has referred to the Hindu Marriage Act. Sir, this Bill which the hon. Member, Shri Madhusudhan Das, seeks to introduce is quite different from the Hindu Marriage Act. While enacting the Hindu Marriage Act, Parliament had to make some amendments in the Hindu Act which is a Central Act and is the main body of the Act and cannot be amended by any legislature excepting the Parliament which is the only competent authority to enact the principal Act which is prevalent and which is applicable for the whole country. This was done in the Parliament. But the present Bill which Shri Madhusudhan Das wants to introduce has nothing to do with any principal Act which is in force in the entire country. But with an special eye

on the problems of this State with the growth of the population and with an eye to dearth of means of livelihood, Shri Das wants to bring this Bill. The Bill does not directly affect any political party or any particular community of the State. Shri Mohi Kanta Das has referred to the position of various tribes or individuals in this State.

Shri MOHI KANTA DAS (Barchalla): Sir, I beg to submit that our discussion should be on legal basis only.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat): I do not know what relevancy his argument has with the population or different tribes and communities of the State. I expected him to tell this House clearly which of these tribes or communities particularly support or has monogamous marriage prevalent among them and which of these castes where bigamy is prevalent. But he devoted much of his argument by referring to the scheduled tribes. He also referred to the Sixth Schedule, Clause (3) of the Constitution. There, of course, it is stated that "any law or provision affecting the customs of marriage in the hill tribes or amongst the hill tribes, rules concerning that can be enacted by the District Councils". This is a sanction given to the District Councils. It does not take away the power of any legislature to enact any law. Sir, this House has enacted so many laws which this House found necessary for the preservation of the integrity of the State or when this House found that it was necessary for the improvement of the State of Assam. In this respect, I can refer to the Prohibition of Gambling Act; I can refer to the Opium Prohibition Act and the Liquor Prohibition Act. Every individual under the Constitution has liberty to certain extent but that liberty should not be allowed to cross the limit so that it affects the social integrity or social customs of the society. So, enactment is necessary to suit certain things. Though a man has a right to drink, yet this House feels that drinking is injurious to the individuals, and society and this House has enacted the Liquor Prohibition Act. A man has a right to act or enjoy according to his choice as provided under the Constitution. But when this House finds that opium, smoking are injurious to the individuals as well as to the society, this House enacted legislations.

This House enacted laws prohibiting opium consumption and smoking. When this House found that the gambling is injurious to the Society, this House enacted law to prohibit gambling. Now Sir, the hon. Member Mr. Madhu sudhan Das is of the opinion and he is rightly so that bigamous marriage is injurious for the integrity and for the growth of this State of Assam. Sir, when we are taking up family planning scheme and when the Central Government as well as the State Government have spent a huge sum of money to make this family planning a success, when we allow some persons to marry as many wives as he likes at least to the extent of three or four, is it not contradictory to the family planning of the Central Government as well as the State Governments of the different states. Sir, in our State of Assam when we talk of family Planning on the hand, we should not allow bigamous marriage. At the same time we also should not allow our expert to spend huge sums of money in putting their heads together to find ways and means for family planning so to check the growth of our population at random in our State with all her limited resources. Sir, I have said all this in opposing the arguments put forward by my friend Shri Mohi Kanta

Das. I submit Sir, all the points constitutional and legal raised by Mr. Mohi Kanta Das cannot hold water when this house has the right to enact laws for the benefit of this State although Mr. Das has put forward a long both relevant and irrelevant argument against the introduction of this bill. Sir, I draw the attention of this House to Article 196 of the Constitution of India which provides "Subject to the provisions of articles 198 and 207 with respect to Money Bills and other financial Bills, a bill may originate in either House of the Legislature of a State which has a Legislative Council" etc. So Sir, article 196 empowers this house to introduce bill excepting money bills procedure of which has been laid down in Article 207. So Sir, considering the peculiar circumstances of our State, we should go for an enactment of this act for the improvement and good of the whole State. My friend, Mr. Das has referred to a particular community and it is natural for him to do so. I think Shri Das has referred to Christian community and I do not know if there is any provision for bigamous marriage in Christian community. I am yet to know whether the Christian Community allows bigamous marriage. So we should not be led by some vexed facts. So my submission is this Article 196 gives power to this House to introduce a bill which does not go against the fundamentals of the Constitution which does not go against the principle of the act promulgated by the Central Government and especially when it does not go to violate any fundamental provision laid down in the Constitution this particular bill does not go to take away the right which has been given to the Parliament only and this particular bill does not violate the provision of Article 254, this House will allow to introduce this bill.

Shri MOHI KANTA DAS (Barchalla): As regards Article 196, I beg to submit that a bill may originate in either House of the Legislature of a State. There is no Legislative Council here.

Shri LAKSHMI PROSAD GOSWAMI (Laharighat): Where there is no Legislative Council and there is only Legislative Council, it will originate in the Legislative Assembly.

Shri MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): Sir, it is to be seen anything and everything can be passed by this House. We have to see as to what are things that are within the competence of this House.

Shri DULAL CHANDRA BARUA (Jorhat): Mr. Deputy Speaker, Sir,

Mr. DEPUTY SPEAKER: Mr. Barua, please confine yourself to the law points only.

Shri DULAL CHANDRA BARUA (Jorhat): Sir, while supporting the introduction of the Bill moved by my friend Shri Madhusudhan Das, I want to make a few observations. Though I am not a law expert Sir, hon. Member Shri Mohi Kanta Das has referred to Article 254 of the Indian Constitution.

Very often he referred to the customs and usages of the schedule tribes but the introduction of this Bill does mean any imposition on someone else?

Shri FAKHRUDDIN ALI AHMED (Minister Finance, etc): Mr. Deputy Speaker, Sir, may I read Article 24 of the Constitution? Article 24 says "No child below the age of fourteen years shall be employed to work in any factory....." (laughter).

Shri DULAL CHANDRA BARUA (Jorhat): I spoke subject to correction and I already corrected it. As my esteemed friend Shri Goswami said, according to Article 196 of the Constitution this House is empowered to adopt a Bill when it concerns the whole State and when it affects the economic condition of the State. Therefore, there cannot be any objection to the introduction of this Bill. Why are we coming up with this Bill? Since the matter concerns the economic condition of the whole State we are coming forward with this Bill. Now our esteemed friend Shri Madhusudhan Das has rightly pointed out the economic aspect of the Bill.

Mr. DEPUTY SPEAKER: You cannot discuss the economic aspect of the Bill. Come to the legal aspect.

Shri DULAL CHANDRA BARUA (Jorhat): Sir, when it is a secular State and when it is the interest of all concerned there cannot be any question as to why this Bill cannot be introduced. Therefore, my humble submission is that Sir, when there is a provision in the Constitution to pass or to adopt a Bill in this august House, the introduction of this Bill cannot be questioned. Sir, it is not the question of any community or religion, it is the question of the whole State. When the Parliament passed the Hindu Marriage Act, they did not consider anything about the curtailing of the fundamental rights. By considering the economic and social aspect they had to adopt the Bill. In the same manner, considering the economic and social aspect, I would request the hon. Members of this august House not to hesitate to adopt this Bill for the greater interest of the State.

***Shri MAHAMMAD UMARUDDIN (Dhubri):** Sir, the issue raised by my friend, Shri Das, is a very simple one. Shri Goswami laboured very hard to support the contention of Shri Das, the mover of the motion. But he has deviated from the point at issue. The question is whether this particular Bill comes within the ambit of the legislative power of this House. Though under Item 5 of List III in the Seventh Schedule marriage is in the concurrent list and is within the competence of the State Legislature but at the same time certain restrictions have been imposed by Article 254. According to Article 254 the laws made by the Parliament, whether passed before or after the law made by the State legislature, or as the case may be, the existing law shall prevail. Therefore, this Bill relates to the marriage of the Muslim community and so the State Legislature cannot pass the Bill because it will encroach upon the laws enacted by the Parliament. Sir, I find that there is a personal law of the Muslims passed by the Parliament and that law still is in force.

Now so far as the Hindu Code Bill is concerned, it has a history behind it. A Commission was set up to go into this question and that Commission studied the whole thing and they recommended for passing the Bill. The Bill that has been brought before this House will affect the fundamental rights of the Muslim Community. Moreover, this House is

*Speech not corrected.

going beyond its limits. If, however, it is felt that some control should be there then the whole question may be studied and public opinion ascertained and after that measures may be taken. That is a different matter but so far as the Article 254 is concerned, it is clear that so long as there is an Act passed by the Parliament and that Act is still in force, the State Legislature cannot bring a Bill which will encroach upon that Act.

Shri SARAT CHANDRA GOSWAMI (Kamalpur): Mr. Deputy Speaker, Sir, as regards the admissibility of this Bill, I want to say that the problem before us is whether this Bill is within the ambit of the Legislative power. So far as the Bill itself is concerned, I am not going into the merits and demerits of the Bill. I find that the Bill offends many things. So far as the admissibility of the Bill is concerned, I beg to state that the arguments as referred to by my friend that this is a personal law relating to the marriage of a particular community and so this personal law cannot be subject of legislation by any Legislature, are not acceptable to me. I do not think he is right on this point that a personal law cannot be amended or there cannot be any legislation on a personal law. Then as regards the other point referred in Article 254 of the Constitution of India, restricting the power of the Legislature to enact a law which is repugnant to the existing law, I fully agree with him. But as regards the existing laws I feel here that the existing law mean the laws made either by the State Legislature or the laws made by the Parliament and it has not referred under Article 254 to any other laws which are made in the pre-Constitution period of India.

Shri MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): I would request the hon. Member to read Article 366, Clause 10.

Shri SARAT CHANDRA GOSWAMI (Kamalpur): But that is what I understand. I may be wrong and I am speaking subject to correction. The existing laws are those that have been enacted by the Legislature or Parliament and therefore, if a particular Bill is brought for legislation on a particular personal Law, then I do not think that this Bill offends any existing law which existed before the Constitution came into force.

Then as regards the point referred to by Mr. Goswami that we have made laws regulating certain customs and traditions of the tribal people, and he has referred to part 12 of the Sixth Schedule of the Constitution, I do not agree with him. There are certain items on which the State Legislature cannot bring a Bill and these are enumerated. In para. 12 as regards Prohibition and other Acts. Therefore, it is an enveloping clause. The State Legislature is empowered to pass a legislation subject to the provisions of this para. As regards that I state that he is right, but here, Sir, I submit that the competency of State Legislature is concerned to see whether this Legislature is competent to consider a Bill on this para. about that I am not going to give my opinion. It is to be seen whether a State Legislature can consider a Bill which is on the concurrent list affecting the personal law of a community. In this regard, whether the Legislature is competent has some doubts. For all these reasons, I think, the best course for us is to refer this Bill to the Advocate General for his decision.

Shri MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): Sir, while Shri Modhusudhan Das, the mover of the bill, mentions very frequently in the bill, both in the body of the bill and in describing the 'objects and reasons' of the bill that it affects certain communities, the leader of his group says that it does not. Sir, it is evident from the bill that the mover proposed to change the Shariat law with regard to marriage of the Muslims and the custom and laws relating to marriage of some of the tribals, the Persees and the Jews, if there be any professing those religions and residing in Assam. It is clear from a reading of the Bill itself. He says in clause 1(2) that "it extends to the whole of the State of Assam and applies to the community or communities to which those provisions of the Hindu Marriage Act, 1955 or the Indian Christian Marriage Act, 1872 that enjoys monogamy do not apply". That is, Sir, the people or communities on whom the Indian Hindu Marriage Act is applicable and those people or community on whom the Indian Christian Marriage Act is applicable, are not going to be affected by this bill. But the rest of the people of Assam whether residing in the Sixth Schedule districts or outside, whether belonging to one community or the other will be affected. My hon. friend, Mr. Mohi Kanta Das has said that the Hindu Marriage Act applies to Hindus including the Sikhs, the Jains and the Budhists but it does not affect the Muslims, the Jews, the Persees, the Christians and the Scheduled Tribes. Here, religion is not the test so far as a member of the Scheduled Tribe is concerned. Even if he is a Hindu he is not affected by the Hindu Marriage Act of 1955. Even if for the sake of argument it is admitted that there is some doubt that if a tribal is a Hindu he is governed by the Hindu Marriage Act, even then, there is a large tribal population who are neither Hindus nor Christians. I may be permitted to illustrate it from the Statistical Handbook of Assam, published by the Government of Assam. In it, it has been stated that in the United Khasi and Jaintia Hills, the people who are not Hindus or Muslims or Christians they constitute 55.80 per cent of the total population. In this very district where this august House is sitting such people are in majority who are not Muslims, Christians or Hindus. If they are Hindus whether tribal or not, let us assume that the Hindu Marriage Act, 1955 will apply to them. In the same manner the Christian Marriage Act will apply to the Christians in this district. But what about the rest. That means at least on 55.80 per cent of the population of the United Khasi and Jaintia Hills district who are non-Christians, non-Hindus and non-Muslims but of course almost all of them are tribals and 32 Muslims this Bill will apply. In Garo Hills this type of tribal people is 62.72 per cent of the population and the Muslims are 4.45 per cent. In United Mikir and North Cachar Hills such tribals who are not Muslims, Christians and Hindus are 31.59 per cent and the Muslims are 0.19 per cent. In Mizo Hills they are 6.12 per cent and Muslims 0.07 per cent. All these people will be governed by the Bill if it is enacted. The number will be much more if the Hindu Tribals are included. The intention of the mover is very clear when he says, in the Explanation clause under section 6 "Thus this Act does not come into conflict with the provisions of the Hindu Marriage Act, 1955 and the Indian Christian Marriages Act, 1872, as those Acts provide for the prevention of bigamy among the Hindus and other allied communities as well as in the Indian Christian community" which means that this Bill will not apply to these two communities as defined in those two Acts and they will be exempted from the purview of the present Bill. Hence the argument that this bill will not affect any community as such is not correct.

My friend, Shri Lakshmi prasad Goswami, wanted to say that the Tribals would not be affected by this Bill and in fact he asked Shri Mohi

Kanta Das to name the tribes whom he thought to be affected. Sir, that is a strange argument. May I read the definition of the word Community in Section 2(2) of the Bill. Sir, "Community means a religious community, such as, Muhammadan Community as also Tribal Community, such as Chinfaus and Duwanias, and Adibasi Community". I do not know, whether I shall have to learn English again either to understand his argument or this clause of the Bill. Let us read the object of the bill. It is written in the statement of objects and reasons of the bill clearly thus:—"It is curious that although bigamy and polygamy are widely prevalent among the Muslims, more particularly among the immigrant Muslims and also among some other sects, the Government have not yet come forthwith any proposal for legislation to do away with bigamy and polygamy which is prevalent in those communities thus creating an invidious distinction between different communities; and also creating some privileged communities to which Laws applicable to the majority of the citizens of the State have no scope for application. This is against the spirit of the Constitution of India and also not consonant with the spirit of freedom and equality of women with men which is guaranteed by our sacred Constitution. Hence by this Bill the long felt want of bringing all the communities of this State under a uniform law, in matter as vital as marriage, is sought to achieve". Thus it is clear that the bill applies only on those on whom the Hindu Marriage Act, 1955 and the Indian Christian Marriage Act, 1872 are not applicable, i.e., those people who are non-Christian, Tribals, Muslims, Jews, Persees, etc.

The next question is: Mr. Goswami in course of his argument has said that this bill is not beyond the jurisdiction of this House or repugnant to any of the provision of the Constitution as according to him the provision of this Bill do not infringe with the provisions of an existing Act, viz., the Hindu Marriage Act. I think he is labouring under some misconception. My Friend, Shri Mohi Kanta Das did not base his objection on the question of infringement of the provisions of the Hindu Marriage Act. If that would have been his argument then I would not have tried to reply to this part of the speech of Shri Goswami but then, he did not refer to the Hindu Marriages Act but to something else.

He referred to the Muslim Personal Law (Shariat) Application Act, 1937. This is an existing law. My Friend, Shri Sarat Goswami thinks that this is not an existing law as it was not passed by the Parliament. I do not think we are entitled to give our own definition about this than what is written in the Constitution. I refer to clause 10 of the Article 366 of the Constitution of India which states—"Existing Law" means and law, ordinance, order, bye-law, rule or regulation passed or made before the commencement of this Constitution by any Legislature, authority or person having power to make such a law, ordinance, order, bye-law, rule or regulation". Sir, this law was existing before the commencement of the Constitution and it was passed by the Central Legislature of 1937 which had the power to make such a law. Sir, I do not think it is anybody's case that this law was not made before the commencement of the Constitution or that the Central Assembly of 1937 was not the competent authority to pass the Muslim Personal Law (Shariat) Application Act of 1937. If that be not the case, then this is an existing law which came into force from 7th October, 1937. Let us now examine how far the present Bill is in conflict with this existing law.

My Friend, Shri Mohi Kanta Das has referred to section 2 of the said Act and he read it. So I will not read the whole of it and take the time of the House. It is said therein that in the matter of marriage "the rule of decision in cases where the parties are Muslim shall be the Muslim Personal Law (Shariat)". That means the Muslims will be governed by their Shariat law in the matter of marriage so long this Act is in force.

Now, Sir, this Act is in force under Article 372 of the Constitution of India which reads—"Notwithstanding the repeal by this Constitution of the enactments referred to in Article 395 but subject to other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority." Sir, here I like to underline two portions in this provision: "in force immediately before the commencement of the Constitution" and "until altered or repealed or amended by a competent Legislature or other competent authority".

So, it must be borne in mind that the law must be in force immediately before the commencement of the Constitution and there must be a competent authority to alter, amend or repeal the said law. Here, the mover in fact has sought to repeal or amend a Central Act by an indirect method through this Assembly which he cannot do. It appears that he did not know about the existence of the Muslim Personal Law (Shariat) Application Act of 1937 or it was not in his mind when he drafted the bill. In section 6 of the proposed Bill, he said, that "nothing in this Act shall affect provisions of marriage, divorce, dissolution of marriage, provided in the Hindu Marriage Act, 1955, the Indian Christian Marriage Act, 1872, the Dissolution of Muslim Marriages Act, 1939, the Mohamedan Law or any other law in force which make provision for marriage, divorce and dissolution of marriage". There is no mention of this Shariat Act. That shows my Friend did not know about the Muslim Personal Law (Shariat) Application Act. Otherwise he would have mentioned about it. He has mentioned about some Acts which have very little to do with the provisions of the present Bill. The Hindu Marriages Act provides for the prevention of bigamy among the Hindus and some other allied communities. Nor this Bill has anything to do with the provisions of the Dissolution of Muslim Marriages Act. Thus it appears he has failed to take into consideration the real point.

Shri MADHUSUDHAN DAS (Barpeta): Sir, why does the Hon'ble Minister not read the next sentence which confirms the matter. The sentence starts "It simply wants to modify those provisions of the Mahomedan Law which allow a Muslim to marry four wives at a time and also aims at prevention of bigamy in those non-Muslim communities which are left outside the pale of this Hindu Marriage Act, 1955".

Shri MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): I thank you for this. I am coming to that point now. Sir, in this part of this provision the mover has admitted that he wants to change the Mohamedan Law by section 3 and 4 of his Bill. It is further clarified in the explanation where he says that his Bill seeks to "modify those provisions of the Mohamedan Law which allow a Muslim to marry four wives at a time". The Mohamedan Law on this point in question is

the Muslim Personal Law (Shariat) Application Act. This is an unrepealed Central Act in force which allows where the parties are Muslims they shall be governed by Muslim Shariat Law in the matter of marriage, etc. Under Article 254 (1) of the Constitution of India the provisions of this existing Central Law, i.e., the Muslim Personal Law (Shariat) Application Act shall prevail and the law made by the Legislature of the State shall to the extent of the repugnancy be void. In this view of the matter almost all the main provisions of this Bill are repugnant and void. For this reason if the President is to refuse assent to a Bill passed by this August House without taking into consideration all these matters. At any rate, we would be accused of hasty legislation. Sir, my Friend, Shri Madhusudhan Das was trying to bring in all irrelevant matters to justify himself including saying that Pakistan had enacted a similar legislation prohibiting more than one marriage. I do not know of any such Act passed by Pakistan. Even if they have we are not to be governed by their Constitution but by our own. However, I shall be happy to know from Shri Das the name, year and other details of the Act alleged to have been passed by Pakistan. As far as I know no law has been enacted in Pakistan prohibiting such marriages. I think he is confusing the service rule of some of the cadres in India and may be in Pakistan prohibiting the officers from marrying more than one wife. It is one thing to impose some conditions in the service rule. It is quite a different thing to make the same punishable by law. For instance, I want to join a Government job. If Government or my employer says that I should not do certain things while in the service and if I agree to that condition I accept the job and then I do not do that. According to certain Government service rules while one is in service he must not have more than one wife. It is his option to take the job. If he likes the condition he accepts the job. But if he does not like the condition he does not accept or go for the job. In fact the option lies with me whether to take the service or not. But if a Bill like this is passed does the option lie with me? According to Mohamedan Law I am entitled to marry more than one wife but according to this Law it is an offence. One can have the second wife but he has no option not to be in the jail for that. This is the difference between a service rule prohibiting certain thing and the law prohibiting the same thing making its violation a penal offence. This also would explain the difference between infringing one's fundamental rights given by his Shariat and imposition of reasonable restrictions on a Government servant.

Sir, in this connection let us examine clause 4 of the Bill. It is said that if a resident of the State goes outside the State and marries there more than one wife all marriages except the first one shall be bigamous marriages. What would be the effect of such a marriage? Let us look to section 8. A bigamous marriage shall be void *ipso facto* and children born of such an union shall be held to be illegitimate. The words 'resident of the State' have not been defined in the Bill. As such we will have to take the ordinary dictionary meaning of the word resident—one who resides. A resident of Assam goes outside Assam say for service, job, etc. and while he is there he marries more than one wife. Under the laws prevailing in those places all his wives and children born by them are legitimate; there is nothing illegal in his action. But the moment he comes back to Assam not only he is liable to imprisonment himself but his wives who are valid wives are no longer his wives when he is in Assam and his children are illegitimate. This is not all. So long there is no all India legislation

of this type the same children and wives are legitimate outside Assam while they are not in Assam. Let us think of a woman who is the legitimate wife of an Assamese at Jalpaiguri but the moment the Assam bound train crosses the Assam boundary she is illegitimate. Again they and their children become legitimate when they return to Jalpaiguri. Such is the danger and incongruities of a legislation which affects a community but only within a small geographical area of the country while the rest of the same community residing in the whole country at large outside that area are not affected by the same piece of legislation. The marriage of a Muslim boy or girl of Assam is by no means confined within the boundaries of Assam as the entire Muslim community of India is not confined within Assam. In fact although this Bill if enacted, is supposed to be operative in Assam but actually it will affect the Muslims outside Assam—actually the community as a whole. This is the danger of this legislation. Suppose an Assamese taken a job in Delhi. While in Delhi it is perfectly legal and legitimate for him to marry three wives. The moment he comes back to Assam, keeping his wives in the place of his service, say Koochbehar, Jalpaiguri, Calcutta as the case may be, all his marriages except the first one become void and those children by the second and the third and the fourth wives become illegitimate. Their children disinherited from his property while those by the first wife are not. Is this a piece of legislation? I may have to think about it before I call it so. This piece of legislation, the House has been asked to consider. It is only proper, Sir, that in these matters if a law is to be passed that should be operative throughout the country. I think States could have taken the argument that they were competent to amend or modify the laws on the subjects before the Hindu Code Bill or the Hindu Marriages Act was passed and they should do so statewise. But actually it was not done. There was a good deal of talk, discussion and thinking about it and gradually the public opinion in its favour was created and then an all India legislation was passed. I would suggest the same procedure for this matter as well.

Then, Sir, while my friend, Shri Mohi Kanta Das pointed out about the provisions of the Constitution namely Article 13(2) and 25(1) about the infringement of religious practice, you very rightly posed a question. Sir, Article 25(1) says:—"Subject to public order, morality and health to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion". and the Article 13(2) states "The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention, of this clause shall, to the extent of the contravention, be void". Now, Sir, the question is whether this right to marriage of the Muslims is a religious right or not. This question is very relevant and you have very rightly posed that question. Some of the friends while replying to that question said that well, if it was a religious right, how could the Hindu Marriage Act be passed? If it is a religious right for Muslims it was so for the Hindus too. Sir, I am not an Authority on Hindu Law. Therefore, whether it infringes the religious rights of the Hindus or not that I cannot say. The same matter can be a religious right for one community but it may not be for another. So far as the Muslim Marriage is concerned that it is a Shariat Right that had already been accepted by a Legislature

of competent jurisdiction namely, the Central Legislative Assembly of 1937 which passed the Muslim Personal Law (Shariat) Application Act and this is an existing Act under the Constitution. It says marriage is a Shariat right and shall be governed by personal law. The word 'Shariat' has been translated in that Act, you will find, Sir, the word 'Shariat' has been translated in that Act as 'personal law'. Since doubt might arise about the meaning of the words 'personal law'—Whether it is a Shariat *i. e.*, religious law or a social or a customary practice given the recognition of law for a person or community,—therefore, the Central Legislature of 1937 did not want to leave any doubt in anybody's mind about the meaning of the words. As such wherever they have used the words 'personal law' they have put the word 'Shariat' within brackets. A Shariat law is a religious law. Therefore, there is no scope for guessing or arguing if the marriage laws of the Muslims are a part of Shariat law or not so long this Central Act is not repealed by the Parliament. I do not want to enter into any argument as to whether the Hindu Marriage Act has made an infringement on the religious rights or not of the Hindus. I am not an authority on Hindu Law. It is for those who are the authority to say, but so far as this is concerned Sir, apart from lay knowledge about the position of Muslim marriage vis-a-vis Islam, I shall also say that the Legislature of India assembled in the Central Legislative Assembly of 1937 agreed that it managed from Shariat Law. And if we accept that position Sir, then certainly the argument made by my friend, Shri Mohikanta Das on this score is absolutely valid and there the directive under Article 13(2) of the Constitution that—"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall to the extent of the contravention, be void," shall be operative and available against this Bill. So far as Muslims are concerned the laws enjoined by the Shariat is a part of Muslim religion or faith. Any Bill which seeks to take away or abridge the right conferred on the Muslim by Holy Koran would be void to the extent of the contravention. In this view of the matter also the main provisions of the Bill are void.

Then, Sir, as regards the question about the Tribal areas the Bill makes no secret that it extends to the whole of Assam; it makes also no secret that it applies to the tribals. Therefore, there is no scope for argument that the Bill would not affect the tribals as such or the Sixth Schedule Districts. I have already given the figures of the number of people of these Districts who are neither Christians, nor Muslims, nor Hindus. I have given the figures already before the House of the number of tribals who will be affected by this Bill. Sir, for the benefit of the Sixth Schedule Districts certain limitations have been imposed on our competence to legislate by Article 244 of the Constitution. The Article 244, Clause (2) says—"The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam." Now, Sir, what are the provisions with respect to this matter in the Sixth Schedule? I refer to Clause 3 in the Sixth Schedule. Sir, Clause 3 says—"The Regional Council for an autonomous region in respect of all areas within of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to, amongst other matters, "(i) marriage, (ii) Social

customs." Now, Sir, whether you call the marriage of tribals as marriage or a social custom, it is very clear that the competence of legislation on the subjects is of the Districts Council primarily. Now, Sir, there is, as I have said, a large community of tribals to whom the Indian Christian Marriages Act do not apply. Because they are not Christians it does not apply. They are accustomed to have more than one wife or of taking more than one persons as wives on certain circumstances as has been pointed out by my friend, Shri Das. That is, either you accept it as marriage or a social custom, whichever way you may interpret tribal marriage, for which a law can be enacted by the District Council. My friend Shri Goswami was saying that Shri Monikanta Das, should have enumerated who are the people in the tribal areas, who will be affected. I say is it necessary for Shri Das to enumerate who are the people in the tribal areas who will be affected when the mover himself says in clause 2(2) that a "Community means a religious community such a Mohammedan community, as also Tribal community such as Ching-faus and Duaniyas and Adibasi community". This definition is illustrative; it is by no means exhaustive. The mover has given the definition of the word community and he has given some illustrations to make his definition clear. He has also admitted that bigamy is in prevalence among the tribals and he wants to stop it. Now it makes no difference for the purpose of the limitations imposed on us by the Constitution. Sir, if we now go to clause 12 next of the Sixth Schedule what we find. Clause 12 says that "notwithstanding anything in this Constitution (a) no Act of the Legislature of the State in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws.....shall apply to any autonomous district or autonomous region unless.....the district council for such district... ..by public notification so directs". Under this clause they can also cause modifications of the Act as well. My friend, Shri Lakshmi Prasad Goswami was telling "Well when we can infringe upon personal life, why cannot we pass this Act. Somebody wants to take liquor but we have enacted laws prohibiting it." He seems to think that an Act passed by us about prohibition will be applicable despite some restrictions in this respect in the Constitution. He gives an impression that we can enact any law with respect to any matter in the tribal areas without any restrictions despite clause 12 of the Sixth Schedule. My friend is wrong. Any Act of the Legislature of the State in respect to any of the matters with respect to which a District Council or a Regional Council may make laws and any act of the Legislature of the State prohibiting or restricting consumption of distilled liquor shall apply to any autonomous district and autonomous region, unless in either case the District Council or the Regional Council having the jurisdiction of such region by public notification so directs. The use of non-distilled liquors for example, cannot be prohibited or restricted in the Sixth Schedule Districts. This Assembly can do it in other areas but not in the Hills Districts.

Shri TARAPADA BHATTACHARJEE (Katigora): It may be extended in the Mizo District.

M. MOINUL HAQUE CHAUDHURY: Only if the District Council agrees or notifies. If they do not agree to it you have no right to extend any such law. Now today when the tribal members are absent from this House is there any remote chance of the District Councils agreeing

to have this Bill, if enacted, extended in their area. So, Sir, the result of the whole discussion comes to this. We have been given a bill which although says it shall affect tribal communities and be extended to Sixth Schedule districts, it cannot be operative unless the District Councils agree to it. Should we pass a law without some basis of consent? Should we pass a law with the mental satisfaction that we are equalising the so-called 'privileged communities, to quote the mover of the Bill but actually not so? The hon. mover says that the prevalence of bigamy and polygamy has created some 'privileged communities, over others who are compelled to marry one. How can we make everybody equal so long as the District Councils exist. He may have the mental satisfaction of passing an act but what he calls certain privilege of certain communities will be there so long as the Muslim Personal Law (Shariat) Applicable Act unrepealed remains. Sir, therefore, we will be passing a legislation which will be in paper, *ultra vires* to many of the provisions of the Constitution. We will pass the title of the Bill but nothing effective as the main trunk is without any real basis. Although, Sir, according to item 5 of the Concurrent List we are competent to pass a legislation relating to marriage but in view of the circumstances stated by me, it is likely to remain in the paper and shall not have any effect whatsoever. As such, as I was telling that in matters like these there should not be any hasty legislation. There should be matured considerations and sustained propaganda. The society must be made ready first. In the District Council areas even, we can do it, if the people in these districts or those areas are properly educated and they agree to such a legislation. The same is the case with the Muslims, not only of Assam but of the whole of India. I have already stated the anomalies this Bill, if enacted, will cause, if it is not done on all-India basis. When a resident of Assam enters or crosses the boundary of Assam, Shri Madhusudan Das's bill will catch his neck. As soon as he goes out to the other parts of India he, his family or his father-in-law is not within the jurisdiction of the Act. Therefore, Sir, this piece of legislation should be thrown away. I would also request you, Sir, to uphold our contention and reject consideration of this bill clause by clause.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat) : Sir, I want to add one point. Sir, enough has been discussed regarding the Personal Law, regarding marriage. This is a volume of Indian Constitution edited by C. L. Anand. It has referred to certain rulings of High Court in the note to Article 25. Here I will read out that portion with your leave. "Distinction is drawn by the Article between religious faiths and beliefs and religious practice. Religious faiths and beliefs are protected. If religious practices run counter to public order, morality or health or a policy of social welfare of which the State has embarked then the religious practices must give way before the good of the people as a whole. Marriage, for instance, is a social institution but regarded as a part of religious right of the State to legislate regarding it for social reforms cannot be disputed". The author here has referred to certain rulings of the State of Bombay, in the year 1952. Case referred is (1) State of Bombay *V. Narasu Appa A. I. R. 1952 Bombay 84*. In this connection I can also refer to Srinivasa Ayer *Versus Sarwati Ammal A. I. R. 1952 Madras, 193* and T. Saifuddin *V. Mososaji A. I. R. 1953 Bombay, 183*. From these it will be clear that this house can legislate Act restricting marriage for the interest of social welfare of this State. Sir, I asked for this book earlier but as it did not reach me at the time of my speech.

I have to take your time to cite this when the book has been made available to me. I therefore submit that the arguments put forward by Shri Haque Choudhury that this bill aims at restricting the Shariat Law, i.e., the personal Law of the Muslims is not correct. I am convinced, I hope this House is also convinced that this mover can introduce this Bill

Shri MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): My friend is a lawyer. He knows that we want to rely on a ruling not on the commentary of the others but on the ruling itself. Then you will find possibly the ruling is not applicable to the Muslims.

Shri BISWADEB SARMA (Balipara): On a point of clarification Sir, whether we are going to have a legislation which will disturb certain communities. I could not understand if this offends the provision of the Constitution as well as provision of certain customs, why the Assembly Secretariat admitted this Bill?

Deputy SPEAKER: As it is on the concurrent list, so it was admitted. We will discuss it further.

Dr. HOMESWAR DEB CHOWDHURY (Patacharkuchi): Mr. Deputy Speaker Sir, I am a medical man and I know how to use knife and stethoscope I have heard so many speakers saying, so many lawyers in this House but they have not been able to come to a decision. We know Sir, as a medical man when there is an abscess in a body we know how to open it and so a military men when they see foe and enemy they shot him dead on anyway and so probably Pakistan President and so also U. A. R., Israel, Turkey and also Russia have enacted monogamy regulation. Here also even in our State if we see that this is an abscess in society and in economic field we should try to benefit it by opening or removing it. If we fail to come to a decision with some patients who is weak for operation, we should ask the Anasthetist and I think the Advocate General is the anathetist and he should be asked for if it endures anasthetisa, i.e., if this Bill is taken up by this House for discussion. So, I request the Advocate General to come to this House and give a decision.

Shri ABDUL JALIL CHOUDHURY (Badarpur): उपाध्यक्ष महोदय, Bigamy Bill इस सदन में उठाया जा सकता है या नहीं। यह एक कानूनी बहस है। मुझको इस बहस में हिस्सा लेने का इरादा नहीं था। लेकिन मेरे दोस्त मईन-उल-हक चौधुरी साहब के माध्यम पर श्री गोस्वामीजी ने A. I. R. Commentaries और श्री वासु के Commentaries पर जो मुआवजा फरमाया है, इसकी अजुहात के लिये और हक चौधुरी की तार्किक में सिर्फ दो बातें कहना चाहता हूँ।

पहली बात यह है कि यह बिल मौजूदा वक्त के लिये कितना ही मौजूद क्यों न हो मगर यह सरीयत कानून यानी कुराने पाक का दिया हुआ हिदायत बनियादी हक Basic rights मुसलमानों की उसपर बन्दिश डालकर उसको खत्म करना है। जिस को अली rights के मौजूदा Constitution of India बनामें existing law यानी Mohamedan law (Shariat law) बहाल और बाकी बाकया है, और उसमें पूरी आज्ञा दी गयी है जीसा कि constitutoin के page 15 Article 25 (1) में कहा—

Restrictions in the interest of Public order, morality and health. Hence a law which is enacted for the purpose of introducing social reform cannot be interpreted as violating the right freely to profess, etc, page 61

Shri LAKSMI PRASAD GOSWAMI (Laharighat) : He is challenging the ruling, Sir.

Shri ABDUL JALIL CHOUDHURY (Badarpur) : अब इस right में कुरान शरीफ की 6666 (छ हजार छ सौ छिस्ट) आयत में आती है, और उसमें ५ आयतें य-जो-अहकाम यानी आदेश है और निषेध के बारे में है और ये ग्यारह अहकाम यानी प्रकाश है। फरज, अयाजेब, सुन्नत, मुअकद सुन्नत-ए-मुस्तहब, मंदूर, मुसतहसन, मंदूर मुस्तहसन, मुस्तहब, हाराम मकराह-ए-ताहरा मकराहे तनजिही, Indian Constitution हमको उसमें free exercise करने का right हक दिया है। उसपर अगर Legislation करके महदूद किया जाय तो Free exercise में रुकावट होगी। बल्कि उस मखसूस हुक्म को छोड़ने से आहिस्ता आहिस्ता इत्तकदक और विस्वास मुसलमानों के दिल से बहुत दिनों के बाद उट जायेगा, और इस Legislation किसी काम के faith पर अभी या भविष्य में असर करेगा। इसका हक Constitution ने नहीं दिया है।

दूसरी बात यह है कि भारतीय संविधान के जब कुराने पाक के तमाम अहकाम की आजादी दी है और कुरान के अहकाम का established प्रकट हुआ है "महकम" "मजलम" "नैस" मुनाशवे है। आज जो एक से ज्यादा शादी को बन्द करने के बारे में बहस चल रही है अगरचे मुसलमानों के लिये compulsory न रही सही। अगर महकम और सरियत बिननस है, यानी उसका मुअानी बिलकुल न छोड़ा है उसमें कोई खफा नहीं है। कुराने पाक में फरमाया गया है "कानकिहु मा तावा लाकुम मिन्नलेसय मसना व सुलासा व बुअ" अर्थात् एक से चार तक निकाह करने का हक कुरान में दिया है। यह compulsory या नहो, अगर इसपर हात देने का हक किसी को नहीं है। त अकतेके उसने मुल्क के अमन और शांति का बरवाद नहीं किया या मुल्क को भोजाय में नहीं डाला किसीको बोलने का हक नहीं उसको रखने के लिये कानून बनाने की बात तो दूर की है। आज तक पूरी दुनिया में, सिर्फ आसाम में ही नहीं कि मुसलमानों को एक से ज्यादा शादी की वजह से बंद अमनी फैली है कही भी नहीं। श्री गोस्वामी ने जो कहा है कि Social welfare के लिये संशोधन करनेका हक उनको है और इससे 25 पर असर नहीं करता है जसा कि A.I.R. के श्रीवासु की Commentary से साफ मालूम होता है। अब्बल तो यह एक सतसकी राय है जो इन महकामों को नहीं जानता। A. I. R. Commentaries के page 661, article 25 में है।

Religious determination is managing its own affairs. In matters of religion, the legislation cannot interfere unless the determination is managing its own affairs in such a way as to interfere with public order.

इसी सिलसिले में C. L. Ananda Constitution of India में कहता है "So long as..... Public order", page 132. इसलिये मैं मुन्तजिर कि मधुबाबु अपने प्रस्ताव में Public interfere ज्यादा रोशनी डालेंगे, जिसपर एक से ज्यादा शादी बन्द करने का विषयमें सोचनेपर मजबूर हो गये है। जब यह नहीं है तब सिर्फ एक खयालपर इस संमानित House का वक्त जाया करने से क्या फायदा है। और फरमाया गया है कि आदमी की तादाद ज्यादा होना बन्द होगा यह भी गलत है। बल्कि एक शादी में ग्यारहसे ज्यादा बच्चे हुए हैं। और खयाली Social welfare होतो आज एक से ज्यादा शादी में हुआ तो कल नमाज, परसों अनाज से होगा। अगर इसकी इजाजत दे दी गयी तो इसी तरह Legislation की आदत पड़ जायेगी, जिससे न सिर्फ मुसलमानोंको बल्कि हर मजहबवालों को दूसरे महजबवालों Social welfare के नामपर Legislation करके खत्म कर देंगे। इसलिये मैं कहता हूँ कि यह Bill introduce करने लायक नहीं है।

Shri TARAPADA BHATTACHARJEE (Katigora): Mr. Deputy Speaker, Sir, we have heard very interesting debate in this House this morning regarding this Bill. The question before the House is whether this House is competent enough to introduce the Bill and on it there is interesting debate from both sides of the House.

Now, Sir, it is a fact that if such a Bill is introduced, it will affect the present social customs also. Every time in history we find that some people stand against such charges. Even when the Sarda system was abolished, at that time also many people stood against it and there were various arguments. I do not like to discuss here about the merits or otherwise of the question. But when the question before the House is whether the House is competent to introduce the Bill or not and when there is doubt about it, I shall request the House to refer this Bill to the Advocate General for his opinion.

Shri RAM PRASAD DAS (Bijni): Mr. Deputy Speaker, Sir, I also support the stand taken by the hon. Member, Dr. Choudhury on this Bill. After such a long discussion regarding the competence of this House with regard to the introduction of the Bill in question and also taking into consideration the business for today, we may not have any time for other business of the House. We may send it to the Advocate General for obtaining his opinion and after that the case may be taken up.

Shri PABINDRA NATH SARMA (Nalbari-East): Mr. Deputy Speaker, Sir, in the face of the Constitution and other relevant laws that are in existence as stated by many learned friends, I think, I may also make my submission as to whether this House is competent or not to pass such a piece of legislation. Firstly, many of the speakers have spoken that this Bill affects not only the personal laws but also directly or indirectly the religious beliefs, customs, usages of the communities. Sir, Article 25 is very clear. It clearly says directly or indirectly that if a particular community is convinced that a man can marry more than one wife according to his religion, I think Sir, it indirectly affects the community so far as the Hindu Marriage Act is concerned. As far as I remember I would only mention the affect of the Muslim community where a man can marry more than one wife. It also affects other communities as have been described such as the scheduled tribes and other castes. But so far as the Hindu Marriage Act is concerned, as far as I remember, there was enough circulation throughout the length and breadth of the country for eliciting public opinion in order not to hurt the sentiments of the people. There was enough discussion and after great deliberations the Bill was introduced. There was no Hindu Marriage Act previously; it was codified. Before it was codified public opinion was taken. That is my information and I am speaking subject to correction. Apart from this, my submission is that I wholeheartedly support the noble object as has been rightly expressed by my friend, Shri Madhusudan Das. The point is that object, namely, to control the birth of our population, if apart from any other consideration. This consideration runs high in the minds of the mover. The primary object of the Bill is nothing but birth control, then that there are one hundred and one ways. (Voices—How, Sir?). My friend and everybody in this country cannot but admit that under the present context and economic conditions of this country, there is the necessity of birth control. Although everybody is feeling in the same line, up till now there is no legislation by Parliament to take up birth

control. The Indian Parliament is hesitating to pass a piece of legislation like birth control. Why? It is because there are many difficulties directly or indirectly which may also affect the religion or personal laws. So, I submit, Sir, that social reform is to be made. It cannot be done by mere passing of legislation. Sufficient atmosphere is to be created; sufficient propaganda or education is to be made amongst the people to teach them the evil effects of over-population and for that matter, to marry more than one wife. But, Sir, I have not come across any law like this that to marry more than one wife is immoral. No where in India I have come across of any such law that to marry more than one wife is immoral. But there is provision in the Constitution regarding this, i. e. immoral acts prevalent in any society. But nowhere it is stated that to marry more than one wife is immoral. Therefore, under the circumstances, even if the Bill is passed, it would be infructuous; it will not have the desired effect of birth control. With all thanks to the mover of this Bill, I request him, for the best interest of the country, to come in a different form and enlighten the House with a Bill which aims at birth control.

Shri KHOGENDRA NATH BARBARUAH (Amguri): Sir, this bill simply affects the practice and not the faith of the individuals of certain sections of our society. If the practice stands as threat to the economy of the country, whether we have a right to stop that practice is the point. I think this bill aims to stop that mal-practice, therefore this House has a right and is competent to discuss this bill.

Shri SYED AHMED ALI (Gauripur): Sir, it is not a fact that this House is not competent to pass a law in the matter of marriage. It is an admitted fact under Article 46 (b) of the Constitution of India that this House is competent to pass legislation on matter of marriage as enumerated in 7th schedule of the constitution in entry No.5. The point is Sir, we have to see how far this Legislature can exercise this power on this matter. As for example Sir, if this Legislature passes a legislation having a provision that an Indian Muslim cannot marry a foreign national or that an Indian Muslim or Indian tribal may marry more than one wife subject to the condition that he should not be allowed to produce more than three or four children. If such provisions are provided in the law then these will in no way contravene any of the provisions of Mahamedan Law. To this extent this Legislature is competent to make law on the matter of marriage. But if this Legislature provides any such provision which directly contravene any provision of Mahamadan Law then to that extent this provision will be void and repugnant.

Shri FAKHRUDDIN ALI AHMED (Minister, Finance): Mr. Deputy Speaker, Sir, I have listened with careful attention to the point of order raised by hon. Member Shri Mohi Kanta Das and the observation under thereafter by several hon. Members on this point of order. Sir, I do not like to deal at this stage with the merit or demerit of the proposed legislation because this is not proper occasion and stage when any discussion on the merits or demerits of the legislation should take place or be permitted. The first and relevant question to consider is whether this Legislature is competent to enact law in respect of matter contained in the bill proposed to be introduced by hon. Shri Madhusudhan Das, M. L. A. of this House is competent to do so, the next and important question to be considered is whether the proposed bill if enacted by this House will require

President's assent before becoming effective and being put in operation and if so whether President's assent in the circumstances of the matter contained in the Bill will be available keeping these questions in view which is an unrepealed Act and is in force under Article 372 of the Constitution. I propose to place my submission before this House and before you Sir, for consideration whether it would be worth-while to proceed with this Bill. My hon. Friend, the leader of the Praja Socialist Party has referred to Article 196 of the Constitution of India under which according to his submission this House was competent to consider and enact legislation of this nature. Sir, I am afraid his reading and interpretation of this Article 196 is entirely wrong because that Article only lays down principle for the origination of bills in the Assembly or in the Council where there are two chambers in any State or in the Lok Sabha or Rajya Sabha in the Parliament.

Sir, the relevant articles to consider whether this Legislature is competent to enact this legislation are articles 245 and 246 of the Constitution of India. Under Article 246 it is laid down on what subjects the State Legislature and Parliament are competent to legislate in their respective spheres. I need not refer to Article 245 which is not very relevant for our present purpose, but confine myself to the proper and relevant Article namely the article 246 sub-clause (i) which provides "Notwithstanding anything in clauses (2) and (3) Parliament has exclusive power to make laws with respect to any of the matters enumerated in list (1) in the Seventh Schedule (in this Constitution referred to in the Union List). Thus Sir, in respect of such matters as are enumerated and contained in list (1) a State Legislature has no power to make laws. Similarly, under sub-clause (2) and (3) of the same article such matters which have particularly specified and enumerated under list 2 the Central Parliament has no jurisdiction to make laws only State Legislatures are competent to make laws in respect of matters enumerated in list (II) in the 7th Schedule, but in respect of matters enumerated in Concurrent List, (III) both the Central Government and the State Government are competent to make laws. Now so far as the subject matter of this particular Bill is concerned it is covered by Item 5 of the concurrent List. It is therefore apparent that a State Legislature is competent to pass laws on matter contained in the bill, but our difficulty, though the legislature is competent to consider and deal with this bill, arises from the fact that as will appear from the provisions of the bill, it seeks to repeal or amend the Central Act namely the Muslim Personal Law (Shariat) Applicable Act 1937 but under article 254(1) of the Constitution the said Shariat Act shall prevail and the law made by this legislature to the extent of repugnancy shall be void unless and until the laws made by this House have received the assent of the President and even thereafter the Parliament, if considers necessary can enact laws dealing with the same matter as it is in the concurrent list and make null and void the laws passed by the State Legislatures. One another important aspect may be taken into consideration. If the subject matter of a particular legislation is of all India nature and its operation is likely to affect a section of people not only in the State of Assam but throughout the entire country including other States of the Indian Union, its law can not become effective and serve the object in view if only passed by the Assam Legislature as such laws cannot be operative in West Bengal or Punjab or in any other State. Therefore, the very object for which the hon. Mover of the bill wants to achieve will be defeated unless the laws of this nature is enacted by the Parliament itself. When the bill after it is passed by the House is sent for the assent of the

President he will naturally have to consider whether it will be appropriate to assent to such laws or leave such legislation to be enacted by Parliament if it so considers necessary which will be operative not only in one State but throughout the Country. So my submission is that even if this legislature is competent to consider and pass legislation of this nature it is difficult to say whether it would be possible to secure the assent from the President on such laws enacted by the House and if it cannot receive assent it cannot be enforced even within the State of Assam. Therefore, I would submit Sir, that this aspect of the question also may be considered by the hon. Member and instead of taking the time of the House which will be fully occupied for considering many other important matters he may be pleased to withdraw the bill. The hon. Members may consider whether it will be worthwhile to spend the time in discussing and enacting a law which will be infructuous unless and until it has secured assent from the President. So, Sir, from this point of view, I submit this matter may be considered. Many other points have also been raised by some of the hon. Members such as that the provisions of the proposed Bill are repugnant to some of the provisions of the Constitution. These are highly technical matters and whatever I may have to say or any other hon. Member has to say, those arguments have no binding force unless and until these have been considered by the courts in India and those pronouncements from the Supreme Court. I would not therefore like to hazard my opinion in this direction but if you Sir, consider necessary then this question may be referred to the Advocate General for clarification of the points whether any of the provisions of the Bill would be repugnant to any of the provisions of the Constitution this may be done. But even then I would request the hon. Mover to consider whether it will be worthwhile to proceed with the legislation which can only effectively be passed by the Parliament so as to have operation not only in one State but throughout the whole country. Now, the hon. Members know that so far as the Hindu enactment is concerned, it codified the Hindu Law and that did not concern with only one aspect of the reform but many other aspects and it was not enacted by one State but by the Parliament for the whole country. Therefore, I feel that the forum for consideration of a legislation of this nature is the Parliament and not the State Legislature.

Mr. DEPUTY SPEAKER: In view of the submission made by the Finance Minister it appears that the matter will have to be referred to the Advocate General and the Bill will be taken up in the next non-official day.

Shri FAKHRUDDIN ALI AHMED (Finance Minister): I have no objection to the Bill being referred to the Advocate General. But in view of what I have placed before the House whether the Mover would reconsider his decision to proceed further with this bill.

Shri MADHUSUDAN DAS (Barpeta): Let the Bill be referred to the Advocate General.

(The House adjourned at 12.36 P. M.)

Adjournment

(The Assembly was then adjourned till 2 P. M. for lunch.)

(After Lunch)

Shri KHOGENDRA NATH BARBARUAH (Amguri): Sir, I would like to draw your attention to one thing, whether the Advocate General will address this House or simply give his opinion in writing to us, regarding item No. 3?

Shri MOHIKANTA DAS (Barchalla): He will have to come and address this House on the subject.

Shri KHOGENDRA NATH BARBARUAH (Amguri): My opinion is that he should come here and address this House in that case we will have time to consult him if necessary.

Mr. DEPUTY SPEAKER: Alright we will see to that.

The Assam Municipal (Amendment) Bill, 1962

Shri PRABIN KUMAR CHOUDHURY (Boko): Sir, I do not want to move the Assam Municipal (Amendment) Bill, 1962.

The Assam Panchayat (Amendment) Bill, 1962

Shri PRABIN KUMAR CHOUDHURY (Boko): I do not want to move the Assam Panchayat (Amendment) Bill, 1962.

Re: Food Adulteration Prevailing in the State

Further discussion on Motion.

Shri MOHI KANTA DAS (Barchalla): I congratulate our young friend, Mr. Barua, for moving this resolution on a very important matter regarding adulteration of foodstuff in our State. So long we have not taken a serious view on the subject, but in view of deterioration on the matter now it has become more important to see that adulteration in foodstuff is removed from different food commodities so that we may have a society of healthy people in the State.

Then, Sir, it is said that there is adulteration in every item of our food-stuff, such as, mustard oil, which is consumed by almost everyone of the population in the State, there is adulteration in the most energy-giving item namely ghee and we have seen that it is highly adulterated and few people have the opportunity of enjoying this life-lengthening food commodity. This is the case with many other commodities of food, such as rice, Dal, Atta, flour and in many other items. Milk, an important item of our food is adulterated in such a manner that it often, is beyond human consumption. If we analyse different items of our foodstuff we find that every item is more or less adulterated. Therefore, utmost precaution has to be taken by us to see that these items are free from adulteration. How to do that, this is a problem. We have got the Municipalities and also the Public Health Department. In each Municipality there is an officer who is entrusted with the task of looking into these matters so that no adulterated food can get into the towns, but we find that this

officer has not been able to work upto the expectation or to remove adulteration from foodstuff coming into towns. We find it also difficult to prosecute a man adulterating food as the thing is to be chemically examined somewhere either at Shillong or Calcutta before a Court can give a decision. There are other obstacles for which the cases which are detected by Municipalities failed in the Court of Law.

But, Sir, at the same time, the tea stalls and hotels which are the abode of the contagious and other diseases are catering to the public under most insanitary conditions. We should be proud of our hotels and tea stalls which should be decent places, where the sanitary condition should be perfect, where people should not be having the apprehension of contaminating disease. But what do we find, our hotels and tea stalls are surrounded by insanitary and filthy conditions and are places of breeding germs of various diseases. Such hotels and tea stalls are not visited by the Health Officers of the Municipalities, therefore, they are becoming the abode of contagious diseases, such as, T. B. and such other diseases. Therefore, utmost precaution should be taken to see that such places are kept in healthier condition and ensure our students and public that these are free from contagious germs. It is our bounden duty, so also the duty of the Government, which is committed to make our State a Welfare State. Our students generally visit the tea stalls and we should see that one of our people contact disease, if may affect innumerable people of our society. It is the duty of our State to set up a machinery by which such diseases can be checked and adulteration of food uprooted so that our society can be saved.

It is said that a thief may cause loss to one single individual. But persons or agencies committing mischief by adulteration of food may cause harm to all sections of the society. This food adulteration is eating into the vitals of our society. If this is allowed to go on unchecked we will be a degenerate and short-lived people in future. Therefore, Sir, the machinery which is at present tackling this problem of adulteration of foodstuffs should be geared up and, if necessary, overhauled, to meet the requirements of the moment. I, therefore, thank Shri Barua for tabling this motion with a view to focus attention of all concerned, especially the Government, to this vital problem on which will depend the growth of a healthy generation in our State. Thank you, Sir.

Shri SARAT CHANDRA GOSWAMI (Kamalpur) : উপাধ্যক্ষ মহোদয়, আনাৰ সদস্য শ্ৰীদুলাল চন্দ্ৰ বৰুৱাই খাদ্য বস্তুত ভেজাল সম্পৰ্কত প্ৰস্তাৱ আনি সেই সম্বন্ধে আলোচনা কৰিবলৈ সুযোগ দিয়াৰ বাবে তেখেতক ধন্যবাদ জনাইছো। এই সদনত এই সম্পৰ্কে মোৰা অধিবেশনতো আলোচনা হৈ গৈছে, সেই আলোচনাৰ সামৰনীত স্বাস্থ্যমন্ত্ৰীয়ে মোখনী মাৰোতে কি বস্তু বিলাকত সাধাৰণতে ভেজাল বেচি দিয়া হয় তাৰ এখন তালিকা দাখিল কৰিছিল। সেই তালিকা মোৰ হাতত এতিয়া নাই আৰু সকলোবোৰ বস্তুৰ নামো এতিয়া মোৰ মনত নাই। কিন্তু এইটো মোৰ মনত আছে যে যিঁত শতকৰা ৫৬ ভাগ আৰু চাহপাতত শতকৰা ৫২ ভাগ ভেজাল পোৱা যায়। অন্যান্য খাদ্য বস্তুৰ ক্ষেত্ৰতো সেই একে কথা। আজি আমি যি বস্তু খাইছো সেই বস্তু আচলতে সেই বস্তু হয় নে নহয় কব নোৱাৰো। এইটো সচাটকৈ কব দুখৰ কথা যে আমাৰ উন্নয়ন বংশধৰ বা আমাৰ নিজৰ কাৰণে যি বস্তু খাইছো অতি কষ্টে উপাৰ্জন কৰি যি বস্তুৰ কাৰণে ধন ভাঙিছো, সেই বস্তুৰ পৰিবৰ্ত্তে আমি দৈনিক বিহ খাব লাগিছো। গতিকে এই টো

এটা জাতিৰ সমস্যা। এই জাতিৰ সমস্যাতোৰ প্ৰতি চৰকাৰে বিশেষ দৃষ্টি দিব বাবে চৰকাৰ তথা এই সদনৰ সকলো সদস্যক অনুৰোধ জনাইছে। যোৱা আহিবে-শনত এই সমস্যা আলোচনা হৈ যোৱাৰ পাচত স্বাস্থ্য মন্ত্ৰী মহোদয়ে এখন চাকুলি দিছিল। তাত এই কথা আছিল এইটো কেবল চৰকাৰৰে কথা নহয়—এইটোৰ বাবে আমাৰ সমাজত আৰু সমাজ বিৰোধী কাম কৰা মানুহৰ মনত এটা চেতনা জগাই তুলিব লাগিব আৰু তাৰ কাৰণে দেশত জনমত গঠন কৰিব লাগিব। এইটো সচা কথা যে, আমাৰ মানুহৰ মনত দুটা কথাই বৰ বেচিকৈ প্ৰতিস্থা হৈছে যে মোক টকা লাগে, আৰু টকা লাগে, আৰু মোক ক্ষমতা লাগে আৰু ক্ষমতা লাগে। মানে সেই টকা আৰু ক্ষমতা যি উপায়ে নাপাওক। আৰু সেই কাৰণে কিছুমান বস্তুত বহুত লাভ কৰিবৰ কাৰণে যি কোনো উপায় লয়। সেই কাৰণে সমাজত এনেকুৱা চেতনা আনিবৰ কাৰণে চৰকাৰে ব্যৱস্থা কৰিব লাগে। আজি সমাজত যি সকলে সমাজ বিৰোধী কাম কৰিছে তেওঁলোকে বহুত সময়ত আইনৰ ফাকেদি সৰুকি যায়। সেই কাৰণে মই চৰকাৰক অনুৰোধ জনাওঁ যে সেইবোৰ মানুহৰ নামত বাতৰি কাকতত প্ৰকাশ কৰাৰ ব্যৱস্থা কৰিব লাগে। যাতে সেই মানুহবোৰৰ নাম সমাজবদ্ৰি গোচৰ হয়। আৰু লগতে ইয়াকো কওঁ যে এই আইন খনৰ কিছুমান সংশোধন প্ৰয়োজন হৈ পৰিছে। মই এই বিষয়ে স্বাস্থ্য মন্ত্ৰী মহোদয়ৰ দৃষ্টি আকৰ্ষণ কৰিলো। খবৰ কাগজত এই মানুহ বোৰৰ নাম দি তেওঁলোকক সমাজত হেয় প্ৰতিপত্তি কৰিবৰ বাবে যাতে তেওঁলোকৰ নামৰ তালিকা কাগজত প্ৰকাশ হয় তাত ব্যৱস্থা কৰিবৰ বাবে অনুৰোধ জনালো।

Shri DEVENDRA NATH SARMA (Gauhati) : মাননীয় উপাধ্যক্ষ মহোদয়, আমাৰ জনসাধাৰণৰ খাদ্য দ্ৰব্যত ভেজাল দি বিক্ৰি কৰাটো এটা মূৰ্খনীয় সমাজ বিৰোধী পাপ। সুখৰ বিষয় যে আজি আমাৰ সৰ্বসাধাৰণ লোকেও এই কথা হাঁড়-মগজুৰে উপলব্ধি কৰিছে।

মই পৃথিবীৰ অন্যান্য বাটৰ কথা অৱশ্যে ভালকৈ নাজানো কিন্তু আমাৰ অসমত আমাৰ খাদ্য বস্তুত যি ধৰণে ভেজাল থাকে সেই কথা মই গৌহাটী মিউনিচিপালিটিভ চেয়াৰম্যান হোৱাৰ সৌভাগ্য ঘটাত দৈনন্দিন খাদ্য বস্তুত কি পৰিমাণে ভেজাল থাকে তাক জনাৰ সুযোগ মোৰ হৈছিল। এই ক্ষেত্ৰত মই মোৰ অভিজ্ঞতাৰ পৰা কওঁ যে আমাৰ অসমত চাউল, দাইল, মিঠাতেল, মিঁ, আতা, মইদা, হালধীগুৰি, বহৰদাইল, চাহপাত মছলা গুৰি, গাখীৰ, চেনী আৰু গুৰ প্ৰভৃতিত ভেজাল কম-বেচি পৰিমাণে থাকেই। কিন্তু এই দেশাধ্বনোদধন্য লোক, যি সকলে খাদ্য বস্তুত ভেজাল দিয়ে, সেই সকলক ধৰা অতিশয় কঠিন।

চৰকাৰৰ বিশেষ বিভাগে বিশেষ আইন প্ৰবৰ্ত্তন কৰিলেও যে এই সমাজ বিৰোধী সকলক সহজে ধৰিব পাৰিব বা পাৰিছে, সেইটো মোৰ মনে নধৰে। আচল তথ্য হল যে এইমৰ্গে যি আইন আছে তাত কিছুমান স্তৰঙা আছে, যাব কাৰণে সেই আইনৰ জৰিয়তে এই দ্ৰুত সকলক সহজে ধৰা টান। এই বিলাক ধৰাৰ কাৰণে যিয়ানেই Health Inspector দিয়া নহওক, বৰ্ত্তমান পৰিস্থিতিত আমি কোনো সুফল পাব নোৱাৰো। বহুত ক্ষেত্ৰত ধৰা পৰাৰ আগতেই সেই ভেজাল বস্তু বিক্ৰি হৈ যায়। বহু সময়ত দেখা গৈছে, ভেজাল বুলি পৰিগণিত হোৱা বস্তুও পৰীক্ষাৰ পিচত ভেজাল নহয় বুলি সিদ্ধান্ত হৈছে, এনে ধৰণৰ নানা আসোৱাহৰ কথা কৰো অবিদিত নহয়।

বহুত ক্ষেত্ৰত দেখা যায় যে, যিসকলক এই খাদ্য বস্তুত ভেজাল দিয়াৰ অপৰাধৰ বিচাৰ দায়ী দিয়া হৈছে, তেওঁলোকেও এই বিষয়টোত কিমান গুৰুত্ব দিয়া বা দিব পাৰিছে সেই সম্পৰ্কেও কবলগা বহুত আছে।

এনে ঘটনাও বিশ্বল নহয় যে বহু সময়ত ২০ টকা দিও দোষীয়ে অব্যাহতি পাইছে।

তাৰ পিচত ভেজাল ব্যৱসায়ী সকলৰ মোকৰ্দমা নিষ্পত্তি হওঁতে এবছৰ দু-বছৰ সময় অতিবাহিত হয়। এই কালচোৱাৰ ভিতৰত দোষীয়ে নিৰ্দোষীবুলি প্ৰমাণ জোগাৰ কৰাত বহুতো সন্যোগ পায়। তেনে ধৰণে আমাৰ উদ্দেশ্য বিফল হয়।

সেই কাৰণে মই আমাৰ স্বাস্থ্যমন্ত্ৰী ডাঙৰীয়াক কেইটা মান পৰামৰ্শ আগবঢ়াব ইচ্ছা কৰো। মই আশাকৰো চৰকাৰে এই মাৰাত্মক বিষয়টোত গুৰুত্ব আৰোপ কৰিব আৰু স্বেচ্ছা ব্যৱস্থা গ্ৰহণ কৰি এটা স্বস্থ সবল জাতি গঢ়াত তৎপৰ হব।

মোৰ পৰামৰ্শ কেইটা হ'ল এই যে, প্ৰথমতে আমাৰ চৰকাৰে আমাৰ প্ৰচাৰ বিভাগ আৰু কাকত-পত্ৰৰ জৰিয়তে জোৰেৰে বাইজৰ মাজত প্ৰচাৰ কাৰ্য্য চলাব লাগে আৰু যি সকলে ভেজাল বস্তুৰ ব্যৱসায় কৰে, তেওঁলোকক যাতে বৈজ্ঞানিক পদ্ধতিৰে শীঘ্ৰে ধৰিব পৰা হয় তাৰ ব্যৱস্থা কৰিব লাগে।

দ্বিতীয়তে এই সম্পৰ্কত আমাৰ যি আইন আছে, তাক পৰিবৰ্ত্তন কৰি সমন্বয়-যোগী কৰিব লাগে, আৰু যাতে খাদ্যত ভেজালকাৰী দোষী সকলৰ বিচাৰ অতি শীঘ্ৰে নিষ্পত্তি হয় তাৰ ব্যৱস্থা কৰিব লাগে। তৃতীয়তে এই মৰ্শে এটা কেন্দ্ৰীয় High Power Committee কৰি দিব লাগে আৰু প্ৰত্যেক মহকুমাই মহকুমা Advisory কমিটি কৰিব লাগে এই বিষয়ে Chambers of Commerce ৰে সহায় লব লাগে।

এই ভেজালকাৰী দুৰ্বৃত্ত সকলৰ কঠোৰ শাস্তিৰ ব্যৱস্থা কৰিব লাগে। এশ, দুশ বা এহেজাৰ টকা জৰিমনা কৰিলেই একো নহয়।

এই মানুহ বিলাকক ধৰা যে কঠিন মই তাৰে এটা উদাহৰণ দিওঁ। এজন গুৱালে হয়তো এমোণ গাখীৰত তিনিমোণ পানী দি তাতে এটাপইছা পেলাই আনিছে। তাক ধৰিলে সি কব যে আজি এটা পৰ্ব্ব আছে ব্ৰহ্মপুত্ৰত গাখীৰ পেলাব লাগে। এই গাখীৰ বেচিবলৈ অনা নাই। পৰ্ব্বৰ দিনত গাখীৰ নদীত দিব লাগে। সেই কাৰণেহে গাখীৰ অনাবুলি কয়। গতিকে আইন মতে তাক ধৰিব নোৱাৰিলে।

এনে ধৰণৰ আইনৰ ফাক বিলাক বন্ধ কৰিব লাগে।

চতুৰ্থ কথা হ'ল, এই বস্তু বিলাক যেনে মিঠাতেল, যিঁ, আটা, ময়দা, দাইল, চেনী আদিৰ ব্যৱসায়ী সকলক লাইচেঞ্চ দিয়াৰ ব্যৱস্থা কৰিব লাগে। আৰু বিনা লাইচেঞ্চ যতে কোনেও এই বস্তুবোৰৰ ব্যৱসায় কৰিব নোৱাৰে সেই নীতি প্ৰবৰ্ত্তন কৰিব লাগে। ইয়াৰ দ্বাৰা মই এইটো কোৱা নাই যে যেই সেই মানুহে ব্যৱসায় কৰিব নোৱাৰে তাক সীমাবদ্ধ কৰিব লাগে। মই কৈছো যে যি কোনোৱেই ব্যৱসায় কৰিব পাৰে কিন্তু তাৰ আগতে কল্পপক্ষৰ পৰা অনুমতি লব লাগিব। তেতিয়া হে এই সামাজিক ব্যাধিক বহু পৰিমাণে ৰোধ কৰিব পৰা হ'ব।

আৰু এটা কথা এই যে, মিঠাতেলৰ মিলতেই ভেজাল মিহলোৱা বুলি শুনা যায়। তেওঁলোকে বেচি লাভৰ আশাত সৰিয়হৰ লগতে চিচি, এৰাণ্ডি

তেল আদি মিহলাৰ যেতিয়াই কোনো মিলে তেনে অপৰাধত দোষী সাব্যস্ত হয়, তৎক্ষণাৎ সেই মিল বন্ধ কৰি দিব লাগে। যদি এনে কঠোৰ ব্যৱস্থা কৰা নহয় তেন্তে ভেজাল বন্ধ কেতিয়াও নহব বুলি মোৰ বিশ্বাস।

মোৰ আগতে মহিকান্ত দাস ডাঙৰীয়াই কৈ গৈছে যে এই ভেজালৰ কাৰণে আমাৰ জাতীয় স্বাস্থ্যৰ অৱনতি ঘটিছে। বৰ আচৰিত কথা যেচেনীত বালি মিহলায়; পৃথিবীৰ আন আন সভ্য দেশত এনে ধৰণৰ কথা কল্পনা কৰিব পাৰে নে নোৱাৰে ক'ব নোৱাৰো। ই এটা ভৱন্ধৰ কথা। ইয়াক নিৰ্মূল ভাৱে বন্ধ নকৰিলে আমি সভ্য বুলি জগতত পৰিচয় দিয়াৰ অযোগ্য হ'ম। গতিকে ইয়াক আমি এটা প্ৰণালীবদ্ধ পদ্ধতিৰে বন্ধ কৰিব লাগিব। সেই কাৰণে এই বিষয়ৰ মোকদ্দমা বিচাৰ কৰিবলৈ Special Magistrate নিয়োগ কৰি ততাতৈয়াকৈ বিচাৰ কৰিলেহে আমি তাৰ ভাল ফল পাম। পলম হলে সকলো উৎসাহ দৰি যাব। তাৰ ফলত উপযুক্ত ফল আমি নাপাওঁ।

সেই কাৰণে মই চৰকাৰক বিনীতভাৱে অনুৰোধ কৰো যাতে এই কথা খিনিত বিশেষ গুৰুত্ব দি এই খাদ্য দ্ৰব্যত ভেজাল দিয়া প্ৰণালী বন্ধ কৰে।

মানুহৰ স্বাস্থ্য বিটোৰ ওপৰত নিৰ্ভৰ কৰিছে, আমাৰ ভৱিষ্যত বংশধৰ সকলৰ জীৱন নিভৰ কৰিছে সেই গুৰুত্বপূৰ্ণ বিষয়টোৰ এপৰত যদি চৰকাৰে মনোযোগ নিদিয় তেনেহলে আমাৰ চৰকাৰক সৰ্বসাধাৰণ নাইজে কল্যাণ কামী চৰকাৰ বুলি নক'ব। এই খাদ্য দ্ৰব্যত ভেজাল দিয়া ব্যাধি দূৰ কৰিবৰ বাবে চৰকাৰে বিশেষ মনোযোগ দি উপযুক্ত কাৰ্যতালিকা গ্ৰহণ কৰিব লাগে। ইয়াৰ বিৰুদ্ধে জনমত আছেই আৰু তাকে জাগ্ৰত কৰিবৰ বাবে চৰকাৰে আঁচনি গ্ৰহণ কৰিব লাগে। বিশেষকৈ উপদেষ্টা কমিটি গঠন কৰিব লাগে যাতে জনমত সৃষ্টি কৰিবলৈ পৰি কল্পনা কৰিব পাৰে। আৰু এই ভেজাল খাদ্য অসমৰ পৰা আঁতৰ কৰিব পাৰে। আমাৰ স্বাস্থ্য মন্ত্ৰীয়ে ঐকান্তিকতৰে এই কাম হাতত ললে এই ব্যাধি জনতি পলমে অসমৰ পৰা দূৰ কৰিব পাৰিব বুলি বিশ্বাস কৰোঁ।

Shri LAKSHMI PRASAD GOSWAMI (Laharighat)

উপাধায়ক মহোদয়, খাদ্য বস্তুত ভেজাল সহজে ইতিপূৰ্বে মাননীয় সদস্য শ্ৰীদেৱলাল চন্দ্ৰ বৰুৱাই যি আলোচনাৰ অবতারণা কৰিছে সেই আলোচনাত বহু সদস্যই অংশ গ্ৰহণ কৰিছে। খাদ্য বস্তুত ভেজাল দ্ৰব্য মিহলোৱা কথাটো অকল আমাৰ ইয়াতে আলোচনা হোৱা নাই। ভাৰতৰ বিভিন্ন ৰাজ্যত আলোচনা হৈছে আৰু পাৰ্লামেণ্টটো আলোচনা হৈছে। তথাপি এই ভেজাল প্ৰথা চলিয়েই আছে কিয় বা ইয়াক নিৰ্মূল কৰিব পৰা নাই কিয়? ইয়াৰ বাবে দায়ী আনে যাকে নকৰক মই চৰকাৰকে কৰিব খুজিছোঁ। ইমানকৈ আলোচনা কৰা স্বত্বেও কিয় চৰকাৰে ভেজাল দিয়া প্ৰথা উঠান পৰা নাই? চৰকাৰৰ হাতত কাৰ্যচাৰী আছে প্ৰচাৰ বিষয়া আছে, তেওঁলোকৰ জৰিয়তে প্ৰয়োজনীয় তথ্যপাতি সংগ্ৰহ কৰিব পাৰে। গতিকে ইয়াক সহজে বন্ধ ও কৰিব পাৰে কিন্তু কৰা নাই। নিশ্চয় ইয়াত কিবা গুচ তথ্য আছে। যোৱা ২৮ মে'ত নতুন অসমীয়া, আসাম ট্ৰিবিউনে আৰু অন্যান্য বাতৰি কাগজত চৰকাৰৰ ভৱন্ধৰ পৰা বিবৃতি যোগে অসমবাসীক সতৰ্ক কৰি দিছে ভেজাল খাদ্য প্ৰোৱাৰ বিপদৰ বিষয়ে। তাত জনাইছে যে অসমৰ কোনো কোনো ঠাইত মিঠাতেলত অন্য জাতীয় তেল তাত জনাইছে আৰু তাক ব্যৱহাৰ কৰিলে মানুহ ৰোগীক্ৰান্ত হয়। "In some areas of the State adulteration of mustard oil with mineral oils has been reported" কিন্তু এই ঠাই ক'ত? তাক স্পষ্টকৈ কোৱা উচিত আছিল বকাৰৰ পৰা এনে অনিৰ্দ্ধিষ্ট বাতৰী দিয়াটো বৰ পৰিতাপৰ কথা। চৰকাৰে যদি

প্ৰকৃতপক্ষে জনসাধাৰণৰ হিত চিন্তা কৰিছে, তেওঁলোকৰ স্বাস্থ্য বক্ষা কৰাৰ চিন্তা কৰিছে তথা আমাৰ ভৱিষ্যত বংশধৰ সকলৰ মঙ্গল কামনা কৰিছে তেনেহলে আত্মাৰ কৰ্তা প্ৰকাশ কৰি অকণ্ঠ চিন্তে ব্যক্ত কৰা উচিত। ৰাজ্যৰ কোন কোন ঠাইত বিশেষকৈ খাদ্য বস্তুত বিষাক্ত দ্ৰব্য মিহলোৱা হয়। সেই বিষাক্ত দ্ৰব্য মিহলোৱা খাদ্য বস্তু বেচা নকৰি দিব লাগে যাতে স্থানীয় মানুহে ব্যৱহাৰ কৰিব নোৱাৰে। কিন্তু তাকে নকৰি এইদৰে শূণ্যত থকা বিবৃতি দিয়াৰ পৰা জনসাধাৰণৰ স্বাস্থ্য ও বক্ষা নহয় আৰু দেশৰো উপকাৰ নহয়।

চৰকাৰৰ সম্বন্ধসাধাৰণ ৰাইজৰ প্ৰতিনিধি। আমি মঙ্গলময় ৰাষ্ট্ৰ গঠন কৰিব বুলি ৰাইজক দঢ়ায় দঢ়ায় কৈছোঁ। কিন্তু তেওঁলোকৰ লগত ওচৰ সম্বন্ধ ৰাখিব নোৱাৰিলে কল্যাণকাৰী ৰাষ্ট্ৰ গঠন কৰাও সম্ভৱপৰ নহব। আপদে বিপদে চৰকাৰী বিষয়া আৰু মন্ত্ৰীকে আদি কৰি সকলো ৰাইজৰ ওচৰ চাপিব লাগে। জনসাধাৰণৰ লগত ওচৰ সম্বন্ধ স্থাপন কৰিব নোৱাৰিলে কল্যাণ কামী ৰাষ্ট্ৰ গঠন কৰা সহজ হ'ব বুলি মই নোভাবো। মাননীয় সদস্য শ্ৰী দেবেন শৰ্মা, শ্ৰীশৰৎ গোস্বামী আৰু শ্ৰী মহিকান্ত দাস ডাঙৰিয়াই ভালেখিনি পৰামৰ্শ আগবঢ়াইছে। চৰকাৰৰ যি সকল কৰ্মচাৰী আছে তেওঁলোকে মনোনিবেশ কৰিলে ইয়াক কৃতকাৰ্য কৰিবলৈ একো টান বা অসুবিধা নহব। কিন্তু দেখিছোঁ কি নগাঁৱৰ বৰহমপুৰত চৰকাৰৰ তৰফৰ পৰা এখন ডায়েৰী কৰ্মি খোলা হৈছে। এই সদৰে মই গোটাচেৰেক প্ৰশ্নও দিছোঁ অৱশ্যে ওলায় নে নোলায় ক'ব নোৱাৰো। তাৰ গোৰ্খীৰ নগাওঁ চহৰত যোগান ধৰে। কিন্তু তাত পানী মিহলায় আৰু তাক যন্ত্ৰৰ দ্বাৰা প্ৰমাণ কৰি দেখুৱা হ'লত আটো মোগ গোৰ্খীৰ জন্ম কৰা হ'ল। এবাৰ তিনি মোগ ক'ৰি সেৰ ধৰা হ'ল। A. D. M. ৰ আদালতত মোকদ্দমা দিয়া হ'ল ৰাইজৰ ফালৰ পৰা দাবী কৰা হ'ল দোষীৰ বিৰুদ্ধে ব্যৱস্থা ল'ব লাগে। এজন কৰ্মচাৰীক চমক বোৰে কাছাৰীলৈ অনা হ'ল। কিন্তু দুঃখৰ বিষয় কৰ্মচাৰীয়ে এনে এটা জবানবন্দী দিলে যে পানী মিহলায় বুলি আগদিনা প্ৰমাণ হোৱা কথাটোও অপ্ৰমাণ হৈ গ'ল। 'আৰবান হেল্ঠ ইন্সপেক্টৰ' আহি কোন পক্ষক সমৰ্থন কৰিব। ফান মেনেজাৰক নে ৰাইজক। এই দুটাৰ দুখোৰ-মুখোৰত তেওঁ এনে এটা নিবৃতি দিলে, যাৰ ফলত আগদিনা গোৰ্খীৰত পানী থকা প্ৰমাণিত হোৱা স্বত্বেও ধৰিব নোৱাৰা হ'ল। তেওঁকাক সমৰ্থন কৰিলে। এনে ধৰণৰ অভিযোগ বিলাকত ৰাইজৰ তৰফৰ পৰা লেখালেখি হলে চৰকাৰৰ ওচৰত তাৰ প্ৰতিবিধান হ'ব লাগে। কিন্তু দুঃখৰ বিষয় এই বিলাক অভিযোগৰ ওপৰত চৰকাৰে কোনো ব্যৱস্থা লোৱা দেখা নাযায়। যদি এইদৰে, ৰাইজৰ চৰকাৰ হৈ ৰাইজৰ অভাৱ অভিযোগ বিলাক গণ্য কৰা নহয় আৰু তাৰ প্ৰতিবিধান নকৰে তেন্তে, ৰাইজৰ মঙ্গল জনক কাম বিলাক কেনেকৈ হৈ উঠিব আৰু আনহাতে এখন মঙ্গল কামী ৰাষ্ট্ৰ কেনেকৈ হ'ব? সেই কাৰণে মই স্বাস্থ্যবিভাগৰ মন্ত্ৰী মহোদয়ৰ দৃষ্টি আকৰ্ষণ কৰি এই কথাই ক'ব খজিছোঁ যে এই বিলাক ব্যাপাৰত চৰকাৰী বিবৃতি কাগজে-পত্ৰে প্ৰকাশ কৰি, চৰকাৰী কৰ্মচাৰী সকললৈ উপযুক্ত নিৰ্দেশ জাৰি কৰি কেনেকৈ এই ভেজালৰ পৰা বক্ষা পাব পাৰি তাৰ ব্যৱস্থা অনতি পলমে হাতত ল'ব লাগে।

এই ক্ষেত্ৰত প্ৰচাৰ অভিযান চলাবলৈ চৰকাৰৰ প্ৰচাৰ বিভাগ আছে; গাড়ী আছে, 'মাইক' আছে, লাউড্‌স্পীকাৰ আছে—দেখা যায় এই বিলাক কেৱল মন্ত্ৰী মহোদয় সকলৰ ভ্ৰমণৰ সময়ত, তেওঁলোকৰ পিচে পিচে ঘূৰাই কাম। ৰাইজৰ কল্যাণৰ কামত এই বিভাগে বহুকাম কৰিব পাৰে। কাৰেই দেখা যায়, ৰাইজৰ মঙ্গলজনক কাম বিলাকত চৰকাৰৰ কোনো দৃষ্টি নাই আৰু এই ভেজাল খাদ্য অৰ্থাৎ খাবলৈ বাধ কৰোৱাই দেশৰ বৰ্তমান, আৰু ভৱিষ্যত আন্ধকাৰৰ অটল গ'ভলৈ ঠেলি দিছে। আজি আমাৰ দৰীদ্ৰ জনসাধাৰণৰ প্ৰধান খাদ্য কি? আমাৰ সকলোৱেই নিমগ্ন তেল আৰু

ভাত খাওঁহক : তাতো যদি বিহ গানি খাব লাগে আনাৰ সন্মাজৰ, দেশৰ স্বাস্থ্য থাকে কত? এই বিলাক প্ৰতিবোধ কৰাৰ কাৰণে নানত আইন আছে কিন্তু তাৰ কাক ইমান বেচি যে, ভেজাল খাদ্য বিক্ৰিৰ অপৰাধত অপৰাধী সকল গানি যায়। ইয়াৰ ব্যৱস্থাৰ কাৰণে, আইন সংশোধন কৰা প্ৰয়োজন। জনাইছে, মিঠাতেলত নিমাজ খনিজ পদাৰ্থ মিহলাই ভেজাল কৰি অতিবিক্ৰ চৰা দানত বিক্ৰি হৈছে; আনহাতে মিঠাতেল টোপা, আমাৰ গাঁৱ লীয়া খেতিয়ক বাইজৰ অপৰিহাৰ্য্য খাদ্য আৰু ইয়াক খোৱাৰ ফলত আমাৰ বাইজৰ জন স্বাস্থ্য দিনকদিনে পৰি আহিছে। কাৰণ মই কৈ আহিছো যে, আমাৰ মানুহ খোৱা-পিয়াৰ ব্যৱস্থা নিমিলে আৰু নিমৰ্জ-তেল, পানী-ভাত খাবই লাগিব আৰু তাৰ লগত যদি বিহ পান কৰি জীৱন মৰনৰ অভিনয়ে ঠেলি দিয়া যায় তেন্তে ই বৰ গুৰুতৰ কথা আৰু আইন পুনৰ্গণৰ প্ৰয়োজন কি? এই খাদ্যৰ লগত আমাৰ জীৱন জড়িত আৰু আমি বেচিদিন জীয়াই থাকিবলৈ চাওঁ। যদি এই প্ৰয়াগৰ মূলতে বিভিন্ন ভেজাল খাদ্যই কুঠাবাৰাট কৰে তেন্তে আমাৰ জীৱন ধাৰণৰ সমস্যাই বিশাল আৰু থকাৰ উপায় নাই।

আমাৰ ইয়াত 'লাইচেন্স' আদিৰ ব্যৱস্থা আছে। ময়না, আটাৰ কল-কাৰখানা বিলাকে ময়দা, আটা কৰিবলৈ 'লাইচেন্স' লব লাগে। Food Adulteration Act ও আছে। তথাপি ভেজাল কৰা কাম বন্ধ কৰিব নোৱাৰি। ই বৰ দুখৰ কথা। কল-কাৰখানা বিলাকক 'লাইচেন্স' দিওঁতে, তাৰ সৰ্ত্ত বস্ততো যদি ভেজাল কৰিব নোৱাৰা আৰু বাহিৰৰ পৰা অহা তাৰ ব্যৱস্থা থাকিব লাগে। চৰকাৰে জানে যে, খোৱা বস্তুৰ লগত ভয়ঙ্কৰভাৱে ভেজাল হৈছে আৰু চৰকাৰী কৰ্মচাৰীয়েই নিশ্চয় ইয়াৰ তথ্যপাতি চৰকাৰক দিছে। এই বিলাক জানি শুনিও চৰকাৰ আৰামত বহি থকাটো অত্যন্ত দুখৰ কথা। মই জানিব খুজিছোঁ, এইদৰে ভেজাল পোৱা স্বত্তেও চৰকাৰে কিমান 'কেচ' এই আইনৰ বলত বৰি শাস্তিৰ ব্যৱস্থা কৰিছে? আৰু কিমান কেচ বজু কৰিছে? কি ব্যৱস্থা, Food Adulteration যাতে নহয় তাৰ কাৰণে, হাতত লৈছে। যিবিলাক (Sample) নমুনা চৰকাৰৰ কৰ্মচাৰীয়ে পৰীক্ষাৰ কাৰণে পঠাইছিল আৰু তাত ভেজালপাইছিল সেইবিলাক বখা দোকান বিলাকৰ লিষ্ট কৰি, ছিজ কৰিবলগে আৰু আইনৰ বলত শাস্তি দিয়াৰ ব্যৱস্থা কৰিব লাগে।

শাস্তিৰ কথা কি হব বা কি শাস্তি দিব সেই বিষয়ে মই ভবা নাই। শাস্তি যি দিয়ে দিব কিন্তু তাৰ আগতে শাস্তি দিয়াৰ মনোবৃত্তিটো কৰি লওক। মই আজি শুনি আনন্দ পাইছোঁ যে, আজি কেবাজনো সদস্যই কেনেকুৱা শাস্তি দিয়া হব সেইটো চিন্তা কৰিছে, কিন্তু তাৰ আগতে চিন্তা কৰক যে শাস্তি দিয়াৰ মনোবৃত্তিটো স্ফুট হৈছে নে নাই। বহুত সময়ত দেখা যায় খাতিৰ থকা দোষীয়ে শাস্তি নাপায় আকৌ বহুত সময়ত নিৰ্বাচনৰ কথা ভাবি বহুতো দোষীয়ে বেহাৰ বন্তি তৈয়াৰ কৰি লওক। এইবোৰ নকৰি দোষীক উপযুক্ত শাস্তি দিয়াৰ মনো-কোনো ব্যৱস্থা চৰকাৰে নললে এতিয়া মই সেই বিপ'ট খন পঢ়ি দিওঁ—

"On the subject of edible oils and fats which are an important class of food, but liable to be frequently adulterated the Government of Assam in the course of a press note says:

From the date available from the Government laboratory, it has been found that mustard oil which is a comparatively costly item of food is commonly adulterated with cheap quality oils such as groundnut oil, sesame oil, linseed oil, cotton seed oil and sometime with Mula seed oil. In some areas of the State, adulteration of mustard oil with mineral oil has been reported. It may be noted that mineral oils are extremely harmful for health. In the month of December, 1961, there was food poisoning case in Shillong. After thorough investigations in the Government laboratory at Shillong, it was unfolded that mustard oil was the cause of the trouble. The particular lot of mustard oil was dyed with a non-permitted orange coaltar dye and was adulterated with technical castor oil. Castor oil is not an edible oil.

As regards coconut oil, it may be noted that a large number of the samples were found to contain mineral oil in large proportion."

This statement is absolutely silent wherefrom the sample is procured.

"Such coconut oil is highly injurious if used as food."

As regards ghee and butter, the press note says : Most common adulterant of ghee is the vanaspati which is comparatively cheaper. Often an adulterated ghee is also coloured with yellow coaltar dyes which are generally injurious. Butter is also found to be similarly adulterated with vana pati. Due to the higher price of animal body fats, their admixture with ghee or butter is not usually found. Cream made from milk which is supposed to be a genuine commodity is now widely adulterated with vanaspati and the practice is spreading even to the rural areas.

"Vanaspati is now a widely used commodity. Manufacture of vanaspati is controlled by the vanaspati control order of the Government of India. A vanaspati with a high melting point is unsuitable for use as cooking medium. A seller is liable for prosecution for selling a vanaspati having melting point over 37 degree C."

"Adulteration and sophistication of edible oils and fats are offences under the Prevention of food Adulteration Act, 1954."

চৰকাৰৰ লেববেটৰিত পৰীক্ষা কৰিবলৈ পঠোৱা এই (sample) ন নাবিলাক কোন দোকান বা মিলৰ পৰা অনা হৈছিল? সেই মহাজন বা মিলমালিক সকলৰ গোদামত থকা বাকী বিলাক খাদ্য দ্ৰব্য কলৈ গল? সেই বিলাক জব্দ কৰা হ'লনে নহল? তেওঁলোকৰ বিক্ৰমে গোছৰ কৰা হ'ল নে নহল, এই বিলাক প্ৰশ্ন স্বভাৱতে কাগজ পঢ়েই সকলৰ মনলৈ আহে। মন্ত্ৰী মহোদয়ে উত্তৰত কি কয় আম জানিব খুজিছো।

মই যি খোৱা মানুহৰ কথা ভবা নাই। যি সকলে যি খায় তেওঁলোকে নিজে ভাল যি বিচাৰি লব। কিন্তু যিবিলাক সাধাৰণ মানুহ যি সকলে খোৱা তেল খাব নাজানে আৰু যিবিলাক সব সব লৰা-ছোৱালী টালঙা বজাই যোৱা মানুহটোৰ পৰা লুজন পয়ছা 1d কিনি বিহ খায় মই সেই বিলাক মানুহৰ কথা ভাবিছোঁ। সেই কাৰণে কওঁ যোৱাবিলাক বস্ত্ৰ জনসাধাৰণে খায় সেই বিলাক বস্ত্ৰ ভেজাল হোৱাতহে মই দুঃখ পাইছোঁ। বস্ত্ৰ ভেজালৰ কথা চৰকাৰে জানে। তাৰ বাবে কমিটি কৰিও কোনো লাভ নাই। কাৰণ আজি কালি কমিটিৰ দিনেই। কমিটি বহিয়েই আছে। ডিঃ চিঃৰ অফিচত দিনৰ 10 বজাৰ পৰা 3 বজালৈ কমিটি বহিয়েই থাকে। কিন্তু কমিটিয়ে নিষ্ঠুৰ কাৰণে লাগে উত্থাপতি যোগাব কৰা অফিচৰ সকলৰ ওপৰত। কিন্তু দুঃখৰ কথা যে তেওঁলোকে

কামত বিশেষ মনোযোগ নিদিবে। কোনো অকিচাবে ভেজাল বস্তুর প্ৰথম পালে আঁতৰ আনোৱা কৰা? তেওঁলোকে ভেজাল বস্তুর নমুনা লেবৰেটৰিলৈ পঠায় দিবে। গতিকে কমিটিৰ দ্বাৰা কাম কৰিবলৈ হলে সেই ধৰণৰ প্ৰাক্ৰিমাতি কৰা কৰ্মচাৰী সকলক তেওঁলোকৰ দোষীতকৈও বেচি শাস্তি দিব লাগে। মুঠৰ ওপৰত ভেজাল বস্তু সকলো কাৰণ পৰা নিবাৰণ কৰিবলৈ চেষ্টা কৰি বৃহৎ ৰাইজৰ উপকাৰ সাধন কৰিব বুলি আশা কৰিলো। ৰাইজে চৰকাৰৰ সৰু কামৰ লগত সহযোগীতা কৰিবলৈ কেতিয়াও পিছ নপৰে কিন্তু ৰাইজৰ সৰ্ব্বত অৱবিশ্বাস আনিব লাগিব চৰকাৰে অকল ৰাইজৰ সহযোগীতা কাৰ্জনত বিচাৰিলেই নহয়—প্ৰকৃত কৰ্মক্ষেত্ৰত বিচাৰি। ৰাইজে এখন মজলময় ৰাষ্ট্ৰ গঠনত চৰকাৰৰ লগত সহযোগীতা কৰিবলৈ আহি ৰাইজে হতাশ হৈছে, ৰাইজৰ নৈতিক বল ভাঙি গৈছে কাৰণে চৰকাৰে এই সহযোগীতা সাৰতি লবলৈ আগবাঢ়ি নাহে। দেশক জঁৱাই ৰখাৰ আৰু স্বাস্থ্যবান দেশ এখন গঢ়ি তোলাত চৰকাৰে ৰাইজৰ সহযোগ লবলৈ আগবাঢ়ি যাব বুলি আশা কৰি মোৰ কথাৰ মানবণী মাৰিছোঁ।

Shri MUHAMMAD UMARUDDIN (Dhubri): Mr. Deputy Speaker, the subject which is now under discussion has evoked keen interest of the members, and as a matter of fact, it is a subject which needs serious consideration of this House. Now, Sir, we are all aware of the wide prevalence of food adulteration and the serious injuries it causes to the health and physical well-being of our people. We are also aware that our dealers in food indulge in food adulteration and it will be wrong to say that Government have not been alert and are negligent to fight this menace effectively. Now, there are certain difficulties inherent in the whole situation. First of all, there can be no doubt that we have not been able to build up strong public opinion against adulteration of food as is the case in other advanced countries of the world. Food adulteration is prevailing in the State and in every market and even in milk. We drink adulterated milk freely, we grumble and we growl but we do not try to find a remedy to fight adulteration. Now, Sir, as the situation in the country stands to-day, we have got to take some long term measures to ensure the purity of some of varieties of food which are manufactured and they are manufactured either by individuals or in some large industrial undertakings. Therefore, we have to go to the very root of the problem. One of my friends was mentioning Dalda. This is a vegetable oil produced on a large scale and in course of distribution adulteration was resorted to. Now for some time past it has been under consideration of the Central Government how this important cooking medium can be saved from adulteration. It was thought that if this product can be coloured in such a way that it cannot be changed except by adulteration. Recently I have seen in the papers that certain chemists have been able to evolve a dye which it will be difficult to change, and any change in colour will indicate adulteration. Then, again, Sir, that is one of the remedies but there are things like mustard oil and flour etc. which are produced in factories and are sent in bulk for distribution and at any stage of the distribution it may be adulterated and it becomes very difficult when adulteration is detected to fix the responsibility on the particular agency which has actually connected with the adulteration. Therefore, I say that where certain article of food are manufactured on a large scale some check is possible only at the place of manufacture.

Secondly, all these articles should be put in sealed containers bearing a certain mark of a food expert under whose supervision certain items of food would be manufactured. Take for instance, first of all, we are licensing so many flour mills, mustard oil mills etc. But in the course of distribution, in some of these articles, adulteration is done. But if we can make

certain arrangement by which those articles can be put in sealed containers, we can ensure the purity of the food and I am sure that the scope of adulteration can be reduced to a considerable extent. Containers are made for different capacities one pound, say, two pounds, in the manner I have indicated above, the consumers may buy whatever they need. This can be done in the case of ghee also, butter and also Vanaspati. As regards flour, of course, flour cannot be kept in any container. That is one of the difficulties. Such a measure will involve a huge organisation in order to carry on the work of prevention and do something at the source to ensure the purity of food and also at the distribution stage. Dealers engaged in distribution of food articles either as wholesalers or retailers should be licensed so that in case they are detected in selling adulterated food for which Government will lay down certain standard of purity, they can be punished. But, certain difficulty arises in the case of milk supply. Milk is generally sold in towns by individuals who are not licensed, and we have got no big dairy farms from where milk supply can be properly organised. We have not been able to develop these things as yet in our towns and it will be very difficult to tackle the small sellers coming from different parts of the country unless they are licensed and the milk is put in certain containers. As far as milk is concerned, adulteration cannot be easily prevented. The best thing will be for Government to develop a colony like Arley Milk Colony in Bombay and Haringata Milk Farm in Calcutta where this milk is sterilised and put in sealed bottles and distributed through milk vans. Therefore, if we do this, we can cover at least some big towns and it will go a long way to ensure supply of pure milk to our people. On the whole if arrangements can be made for distribution of articles of food in containers adulteration can be prevented to a considerable extent. But it will be a vast task apart from making the law stringent. There is also the difficulty of taking precautionary measure as they will involve some financial implications for Government but at the same time I appeal to the Government that a body should be set up which should go into the whole question to devise ways and means. I know whatever steps we are going to take, it is a very difficult task to enforce them and to make them absolutely effective. But we must work at it and we must try to reduce the scope of adulteration as far as possible by all possible means in national interest.

Then again, Sir, I find that the machinery for detection which has been set up in towns is very defective. We should have a more elaborate machinery; more officials should move about in towns and examine the food chemically and also launch prosecution. Our dealer in food indulges in adulteration but practically there is neither detection nor prosecution. Therefore, Sir, I think in addition to one laboratory in Shillong for chemical examination of suspected food stuffs we should have some regional laboratories, one at Gauhati and one at Jorhat and one at Silchar so that the samples that are seized are examined and checked up by experts and the results sent to the prosecuting agency without delay because the delay which is advantageous to the offenders may be avoided. So, Sir, the problem of adulteration is very difficult and it will require many years to tackle this problem before we can claim to have eradicated food adulteration from our country. But at the same time we must make a beginning and examine the problem in greater detail and in proper perspective and devise ways and means by which this evil which affects the human society may be eliminated or at least reduced to the minimum extent possible. With these words, Sir, I thank Mr. Barua for moving this resolution.

Shri BISWADEV SARMA (Balipara): Mr Deputy Speaker, Sir, food adulteration has assumed alarming proportion in the State and it needs immediate attention of the Government. Now, the food which is adulterated has been enumerated by many hon. Members. Sir, it is very surprising to find that even baby food is adulterated in this country and Horlicks which is meant for patients is adulterated and openly sold in the market and even medicines which are meant for the very serious cases are also adulterated in many factories in Calcutta and they are merely sold in the State in open market.

Sir, I call these people the worst criminals in the country and if possible they should be caught and hanged in the nearest lamp post as stated by the Prime Minister sometime back. I am very sorry to say that the Government has not paid as much attention to this problem as it actually deserves. There is no seriousness of the Government in tackling this matter although the Government issued Press Notes. Sir, that shows that the Government is realising the situation but actually what are the steps taken by the Government on this account? Sir, this adulteration of food has taken several lives of the State and the Government itself has admitted it. Now to tackle this problem what are the measures taken by the Government? I think the Government should take some very stern measures to tackle this problem very effectively including the penal provision and exemplary punishment should be inflicted on those who indulge in this practice. Sir, another aspect of this problem is that there is a particular class of Traders who indulge in such practice they are powerful both financially and politically. All patronage to these people should be stopped. Sir, these people should be made to realise that if they indulge in such practice, there is Government to bring them to the book.

Sir, I would therefore request the Government to take this matter in right earnest to save the young generation from death which have been killing inch by inch by this adulterated food.

Sir, Mr. Goswami has stated about the Barhampur Government Dairy Firm. Sir, while I was Deputy Minister I personally visited that firm and very responsible persons represented to me that the milk of this firm should be distributed through the Co-operatives and the Firm Manager was requested. When I examined the Milk I found in the milk 40 per cent water content and the officer could not explain to me. I then submitted a note to the Minister in charge to interfere in this matter and to take effective measures; but I am sorry to hear that even now this thing is persisting there in spite of the intervention of the Deputy Minister. I hope the Minister will take up this matter seriously and try to save the health of our people especially the young generation in right earnest.

Shri MOINUL HAQUE CHOUDHURY (Minister): Mr. Deputy Speaker, Sir, the ex-Deputy Minister has mentioned that he had passed on a note to me with regard to certain complaint about mixing of water in the Milk of Barhampur Dairy Firm. Sir the position is this the Firm sells the milk, the tenderer or the other purchasers take it. If he adds or they add water to it then they certainly infringe the law and the law should take its own course. The first part of the story has been narrated by Shri Sarma. The second part also has already been narrated by Shri Goswami. Sir, Mr. Goswami has said that the man was prosecuted

but he had been acquitted in the Court of Law. Now, Sir, what the Government could do in the circumstances was to order for prosecution and they did so. But unfortunately in this case the man was acquitted as has been conveyed to this House by Shri Goswami. That was very unfortunate. So long as the Rule of Law is there we have got to respect the judgment. It is not within the competence of the Veterinary Department to change the law in this behalf. Sir, it has been suggested rightly by some hon. Member, that it is to be examined whether the law dealing with the adulteration of food staff is sufficient and whether we should not change the same to make the provisions more stringent subject to, of course, the Law of Evidence and other relevant Laws which are in force in India.

Shri TARAPADA BHATTACHARJEE (Katigora):

মাননীয় উপাধ্যক্ষ, মহোদর, এখন যে বিষয়টা সদনে আলোচনা হয়েছে সেটা অত্যন্ত গুরুত্বপূর্ণ বিষয়, এটা পরিতাপের কথা যে এই ভেজাল খাদ্য ব্যবহারের দ্বারা আমাদের ভবিষ্যৎ নাগরিকদের স্বাস্থ্যের অবনতি ঘটান হয়েছে। অর্থনৈতিক উন্নতি না হইলে যেরকম দেশের উন্নতি হয় না, সেরকম ভবিষ্যৎ নাগরিকের স্বাস্থ্যের উন্নতি নাহলেও দেশের উন্নতি সম্ভব নয়। সেরকম খাদ্য বস্তুতে ভেজাল সেরকম ডাক্তারখানায় দেখবেন ওষধেও ভেজাল আমাদের জীবনটাই ভেজাল হয়ে গেছে। যদি এটা বন্ধ করতে না পারি, তাহলে আমাদের ভবিষ্যৎ অন্ধকার। এটা বন্ধ করতেই হবে। আমরা দেখেছি ভেজাল দ্রব্য detection র জন্য সরকারের যে ব্যবস্থা সেটা অত্যন্ত দুর্বল। সেজন্য ভেজাল দ্রব্য detection হইলেও আদালতে শাস্তির হাত থেকে বেচে যায় বিক্রোতা। ১৯৫৯ ইংরাজীতে ২৬০ টা case detect হয়েছে কিন্তু conviction হয়েছে মাত্র ১৩০; ১৯৬০ ইংরাজীতে ৪১৯ টা case detection র মধ্যে মাত্র ১৩০ টা conviction হয়েছে; ১৯৬১ ইংরাজীতে ৩৫০ টা case detection র মধ্যে মাত্র ৭৫ টা conviction হয়েছে। আমার ব্যক্তিগত ধারণা প্রত্যেক মিউনিচিপালিটি Health Inspector এর সংখ্যা বাতানো উচিত। তখন case detection এ সুবিধা হবে। এখন detection না হওয়ার ভেজাল খাদ্য খেয়ে অনেক রোগ হয়েছে। এই cancer রোগে ভেজাল খাদ্যের জন্যই হয়েছে। এই রোগে বহুলোক মারা গেছে। প্রথম এই রোগ ধরা যায় না এবং ধরা পরলেও ঔষধ নাই। বর্তমানে দেশে এই রোগ চিকিৎসার প্রায় কোন ব্যবস্থা হয় নি বললেই চলে। আর যে সামান্য ব্যবস্থা আছে তাতে সাধারণ দারিদ্র লোক আর্থিক অসুবিধার জন্য চিকিৎসা করতে সক্ষম হয় না।

আমি আর একটি রোগের প্রতি সরকারের দৃষ্টি আকর্ষণ করতে চাই। টি, বি, রোগ দিন দিন বেড়ে চলেছে আর এখন এটা জায়গা নাই যেখানে এই রোগ পৌছয় না। আমাদের শিলচর হাসপাতালের রেকর্ড থেকে দেখা যায় :—

চন	সংখ্যা
১৯৫৫ সালে এইরোগের রোগীর সংখ্যা ছিল	১৮২
১৯৫৬ সালে এইরোগের রোগীর সংখ্যা ছিল	৮৪১
১৯৫৭ সালে এইরোগের রোগীর সংখ্যা ছিল	৯০৩
১৯৫৮ সালে এইরোগের রোগীর সংখ্যা ছিল	৮৯৪
১৯৫৯ সালে এইরোগের রোগীর সংখ্যা ছিল	১২৮৮
১৯৬০ সালে এইরোগের রোগীর সংখ্যা ছিল	২০১৭
১৯৬১ সালে এইরোগের রোগীর সংখ্যা হয়েছে	২১৮৪

এতে বোঝা যায় টি, বি, রোগ ক্রমবর্ধমান হয়েছে আর এক প্রধান কারণ হল, যেগুলি জিনিষ-পত্র আমরা দৈনন্দিন ব্যবহার করি সেগুলি মারাত্মক ভাবে adulterated এবং এর দ্বারা আমাদের জীবনীশক্তি দিন দিন হ্রাস করা হয়েছে আর লোকেরা দিন দিন রোগাক্রান্ত হয়ে পড়েছে। অথচ আমরা এই সমাজ কর্মীদের শান্তি-মিত্তে অকম, কারণ এ সম্পর্কে যা আইন রয়েছে সেখানে অনেক ফাঁক আছে ফলে দোষী ব্যক্তি সর্বদা রেহায় পাই। তাই জনসাধারণের মঙ্গলের জন্য এই সম্পর্কিত আইনে যে defect আছে সেটা সংশোধন করা পুরোজন এবং বাহাতে দোষীরা শাস্তি পায় তার ব্যবস্থা করা উচিত। এই সম্পর্কে আমি এখন মাননীয় সদস্যদের কাছে বলতে চাই যে আমাদের শিলচর শহরের শতকরা ৯০ জন লোকের পেটের অস্থি আর 'গেটিক ট্রাবল'। এর মূল কারণ হল, মরিচা তেল যা আমরা পাই তাহাতে নাকি খনিজ বিঘাঙ্ক পদার্থ সংমিশ্রণ রয়েছে বাহার ফলে দিন দিন, আমাদের দেশের লোক নানা বধ জটিল ব্যাধিতে আক্রান্ত। এই জটিল সমস্যা বাহাতে আরও জটিল না হয় তার জন্য স্বাস্থ্য মন্ত্রী মহোদয় যেন দৃষ্টিপাত করেন এবং food adulteration এর কবল থেকে জনসাধারণকে মুক্তি দেন। এই মর্মে সরকারকে আমি এই পরামর্শ দিতে চাই যে রাজ্যের বিভিন্ন জেলা এবং মহকুমাতে একটি করে 'পরামর্শ কমিটি' গঠন করা হউক আর সেই কমিটিমেডিকেল মেন এবং অন্যদের নিয়োগিত হউক এবং এদের পরামর্শানুযায়ী এই মারাত্মক ভেজাল কার্য বন্ধ করবার ব্যবস্থা করুন আর পাবলিসিটি বিভাগের মাধ্যমে প্রচার অভিযান শুরু করিয়া জনসাধারণকে অন্ধকারের পথ থেকে আলোকের পথে নিয়ে যাবার ব্যবস্থা করুন।

Shri TAJUDDIN AHMED (Tarabari): মাননীয় উপাধ্যক্ষ মহোদয়, আজি এই সদনত যি কথাব আলোচনা চলছে সি অতি গুরুতব, কাবণ এই কথা খাদ্য সম্পর্কীয়। খাদ্যব ওপবত মানুহব স্বাস্থ্য বস্তি থাকে কাডেই, খাদ্যত যদি ভেজাল বস্ত মিহলাই কোনোর অখাদ্য কবে আক যাদ তাকেই আন খাব লগা হয় তেস্তে আমাব আক এক থাকিব পাবে। দেখাটগেছে, আজি আমাব দিনব মানুহ বিলাক দিনক দিনে বেমারী হৈ আহিছে আক এনে অস্বস্থাত নিজবেই বা কি উন্নতি হব অথচ দেশবেই কি উন্নতি হব? খাদ্য যদি বিগুরু নহয়, স্বাস্থ্যব উন্নতি হব কেনেকৈ? এনে অস্বস্থাত এই সম্পর্কত কেবল আলোচনা সমালোচনা লৈ থাকিলে একো নহব যদি ইয়াব প্রতিকারব কাবণে দৃঢ়ভারে কোনো ব্যবস্থা চবকাবে হাতত নলয়। দুঃখব কথা, ১৯৫০ চনবে পূবা, মই এই সদনব সদস্য হিচাবে দেখি আহিছে যে, এই বিষয়ত কেবল আলোচনাই সার হৈছে। আলোচনা বিশদ ভাবে হয়; আক্ষেপ কবে, কিন্তু প্রতিকার নাই। চবকাবে এই কাণ্ডব কথা জানে: বুজি পায়—কিন্তু প্রতিকার নকবে। যদি চবকাবে পিঠিদিয়ে তেস্তে খাদ্যত ভেজাল কবা কামব পবা অব্যাহতি পাবব কোনো উপায় আমাব নাই। আজি যি কাডেই আমি চাও তাতেই ভেজাল দেখা পাও। খাদ্য সামগ্রী ভেজাল হৈছে বুলি মাননীয় সদস্য সকলে জোবেবে বিবৃতি দিছে। ইয়াব পিচত যি সকলে কব, তেখেত সকলেও সমস্ববে তাকেই কব। কায়েই খাদ্য সামগ্রীভেজালব প্রতিকার লাগে। মই এজন বসায়ন বিদব পবা জানিব পারিছে যে, আজি আমি সকলোরৈ ব্যবহার কবা কিছুমান মিঠাতেল একবকম খনিজ পদার্থ পমা ভৈয়ারি কবিছে আক এই নকল তেল দেখাত একে, আক গন্ধতো একে বিস্ত দুঃখব বিষয় এই খনিজ পদার্থ ব পবা কবা তেল সব্বিহব তেলব গুণব লগত একেভাবে মিশ্রণ আক ই বিঘাঙ্ক। গুলিলেও উয় লাগে। চাহপাতত মিহলী আছে হালধিত ভেজাল বস্ত আছে। বরপেটা ব'উত বহুত এনে ভেজাল দখল অনা বস্তব ধবা

পৰিছে। যাহা এয়ে হয় তেওঁ আৰু কেচিদিন নাই, অদূৰ ভৱিষ্যতে মানুহ অখাদ্য বস্তু খাই মৰি যাব। আনহাতে এই দোষী বিলাকক আইনৰ ফাঁকেদি বন্ধা কৰিবলৈ উদ্যোগ্য উকীল আৰু মুখীয়াল সকল বন্ধ পৰিবৰ। কাৰোই, ইয়াৰ পৰা বুজা যায় যে, এই আইনত অনেক দোষ আছে—তাৰ ফাঁক আছে সেইহে দোষী বিলাক সাৰিয়ায়। এই আইন সংশোধন কৰি, এই জনসাধাৰণৰ জীৱন হত্যাকাৰী দোষী বিলাকক উচিত শাস্তি দিয়াৰ ব্যৱস্থা কৰিব লাগে আৰু আইনৰ মেৰপাক বিলাক দূৰ কৰিব লাগে। এই ধৰণৰ ভেজাল বস্তু দোকানত বন্ধা মানেনেই, বিজ্ঞীৰ কাৰণে বুলি ধৰিব লাগে আৰু যি দোকানতেই এই বিলাক পোৱা যায়, তেওঁলোকেই দোষী বুলি সাব্যস্ত কৰিব লাগে।

এই ভেজাল বস্তু বন্ধা মানহ বা দোকানী বোৰক ধৰি তৎক্ষণাত বিচাৰ কৰি শাস্তি দিব লাগে। এইবোৰ কেচ কটলৈ পঠাই দীঘল কৰিব নালাগে। mobile court ৰ দৰে কোৰ্ট কৰি তৎক্ষণাত বিচাৰ কৰি দোষীক শাস্তি দিব লাগে কটলৈ দিলে বস্তু দিব লাগে আৰু সেই স্থবিধাতে দোষী সাৰি যায়। বস্তু ভেজাল হোৱাৰ দৰে আমাৰ অফিচাৰ সকলো ভেজাল হৈছে আৰু এনেকুৱা ভেজাল অফিচাৰক ধৰি শাস্তি দিব লাগে।

অধ্যক্ষ মহোদয়, আমাৰ বৰপেটাৰ মানুহবোৰ সাধাৰণ অসমীয়া মানুহতকৈ ওখ ডাঙৰ কাৰণ তেওঁলোকে বিস্কন্ধ গাখীৰ আৰু অন্যান্য ভাল বস্তু খাবলৈ পাইছিল। মোৰ ভালকৈ মনত আছে যে স্কুল টুৰ্ণামেণ্টৰ tug of war ত বৰপেটাক কোনেও নোৱাৰা হৈছিল। কিন্তু এতিয়া বৰপেটাৰ মানুহো দুৰ্বল হৈ পৰিছে কাৰণ এতিয়া বৰপেটাত মাছ ভালগাখীৰ পাবলৈ নাই আৰু বস্তু ভেজাল হ'ল। লগে লগে অফিচাৰো ভেজাল হৈ গ'ল। সেই কাৰণে এই অফিচাৰ বোৰৰ কাম চাবলৈ আৰু অফিচাৰ নিযুক্ত কৰিব লাগে অৱশ্যে যদিও অফিচাৰৰ ওপৰত অফিচাৰ বহুত ক্ষেত্ৰত দিয়া হৈছে তাত দেখা যায়, ওপৰত ধৰিবলৈ দিয়া অফিচাৰৰ ওপৰতো আকৌ অফিচাৰ দিব লগা হয়। যি হওক S.D.O., D.C. আৰু S.D.M.O. সকলক Health Officer সকলৰ কাম চাবৰ বাবে বিশেষ নিৰ্দেশ দিব লাগে।

আমাৰ চৰকাৰ তথা ৰাষ্ট্ৰৰ দায়িত্ব হৈছে দেশৰ ভবিষ্যৎ নাগৰিক লৰা-ছোৱালী বোৰৰ স্বাস্থ্য বন্ধা কৰা। কিন্তু ভেজাল বস্তু বন্ধ নকৰিলে এইটো আশ কৰিব নোৱাৰি। যি বিলাকে ম'হ পোহে তাত গাখীৰ টিক আছে কিন্তু তেওঁলোকৰ পৰা কিন্তু যি বিজ্ঞী কৰা মানুহ তেওঁলোকে অধিক লাভৰ কাৰণে ভেজাল কৰি পেলায়। আজি সেই কাৰণে বৰপেটাৰ মানুহো ভেজাল বস্তু খাই দুৰ্বল হৈ আহিছে। সেই কাৰণে মই কওঁ এই কথা যাতে প্ৰত্যেক সদনতে পুনৰ্ভাবুতি কৰিব লগা নহয় তাৰ বাবে চৰকাৰৰ দৃষ্টি আকৰ্ষণ কৰিলো।

Dr. HOMESWAR DEB CHOUDHURY (Patacharkuchi): উপাধ্যক্ষ মহোদয়, আমাৰ সদস্য শ্ৰীদুলাল বৰুৱাই ভেজাল খাদ্য বস্তুৰ প্ৰতিবাদ কৰিবৰ কাৰণে যি মোচন আনিছে মই নিজে ডাঙৰ হিচাবে তাৰ ওপৰত দুআষাৰ মান নকলে বেয়া দেখা যায়। ভেজাল কেৱল খোৱা বস্তুতে হোৱা নাই, মানুহ ভেজাল হৈছে, গৰু, ম'হ, হাঁহ মুগীও ভেজাল হৈছে আমাৰ কথাও ভেজাল আনকি আইনো ভেজাল

হৈছে। ইয়াৰ আগতে বন্ধুবৰ নি-সুন্দৰ শৰ্মা ডাঃবীয়াই কোৱাৰ লৰে যে এনে দোষত দোষীক লেন্সপোষ্টত ওলোমাই ফাঁচি দি শাস্তি দিব লাগে বুলি প্ৰধান মন্ত্ৰীয়ে এসময়ত বক্তব্য কৰিছিল, কিন্তু আক্ৰমণকে সেই শাস্তি দাক দিয়া হোৱা নাই। ইয়েই আমাৰ কথাৰ ভেজাল নহয় জানো? কেই বছৰ মান আগতে চিলঙত, Assam Market Association সভা বাহছিল আৰু সেই নিৰ্দিষ্টত আমাৰ স্বাস্থ্য মন্ত্ৰীও উপস্থিত আছিল তাত তেখেতে ভেজাল গন্ধকে সকলো আলোচনা শুনিছে তাত আলোচনা কৰা হৈছিল যে কেৱল খাদ্য বস্তুয়েই নহয় আনকি ঔষধ আদিও ভেজাল হৈছে। তেনেকুৱা কিছুমান ঔষধ দেখুওৱাও হৈছিল। তেনে সময়তে Central Council of Health ৰ বন্ধত Adulteration Act পাচ হয়। সেই আইনত আমাৰ ষ্টেটতো ভেজালৰ কিছুমান case ধৰা হৈছে। কিন্তু আইনৰ ফাঁকৰ কাৰণে বহুতো দোষী সাৰি গৈছে। সেই কাৰণে মই আইন মন্ত্ৰীক অনুৰোধ জনাওঁ যে যেন এই আইনৰ ক্ষেত্ৰত খুব কঢ়া হয়। আৰু লগতে ইয়াকো জনাওঁ যে চৰকাৰী লেবৰেটৰীৰ পৰা বিপট পোৱাৰ লগে লগে সেই বস্তু য'ত পোৱা হৈছিল সেই মানুহক ধৰি লগে লগে শাস্তি দিয়াৰ ব্যৱস্থা হ'ব লাগে। ভেজালৰ কান এটা স্তবত হয়। এটা হল উৎপন্ন হোৱা ঠাইত, তাৰ পাছত মাজ স্তবতো হল বাটত অৰ্থাৎ বেল, জাহাজত আৰু এয়েটো হল সাধাৰণ দোকানদাৰৰ তাত। বেল, জাহাজ কৰ্মচাৰী বা কুলিয়ে বস্তু উলিয়াই দি ওজন ঠিক ৰাখিবলৈ বস্তৰ ঠাইত বাহিৰা বেয়া বস্তু দি দিয়ে। গুৰত ইটাগুড়ি দিয়া ঘটনা দেখা গৈছে।

উৎপন্ন স্থানত বাহিৰেও বাস্তা-বাট, বেল, ষ্টিমৰ আদিত C. I. D. ৰাখিব লাগে। সকল এজন ডাক্তাৰ বা Health Inspector এজন ৰাখিলেই কাম নহ'ব। আজি গৰু-ম'হৰ গাখীৰত ভেজাল হৈছে। যিজন গুৱালৰ সাধাৰণতে এমোণহে গাখীৰ বিক্ৰী কৰিব পাৰে তাত দেখা যায় এটা বিয়া-বিহু পৰ্ব হলে সেই গুৱালটোৱে ৩।৪ মোণলৈ গাখীৰ দিব পাৰে। সি কেৱল পানী মিহলাই এমোণ গাখীৰ ৪ মোণ নকৰে তাত পাউডাৰ মিহলী কৰি গাখীৰ বিক্ৰী কৰে। সাধা-বণতে বিগুৰু গাখীৰৰ পৰা তৈয়াৰ কৰা বনোপোলা এটাৰ দাম চাৰি অনা; কিন্তু পাউডাৰেৰে তৈয়াৰ কৰাটোৰ দাম পৰে মাত্ৰ চাৰি পইছা। তেনেকৈ গাৱত যি-বিলাক ওসত্যনাৰায়ণ পূজা হয় আৰু গুৱালৰ গাখীৰ ব্যৱহাৰ কৰে বহু সময়ত সেই গাখীৰো পাউডাৰ মিহলোৱা গাখীৰ। সেই বিলাক সময়ত বিমাজ্জ হয় আৰু খালে মানুহ মৰে। এনে বহুতো ঘটনা আমি কাগজে পত্ৰই পাইছো। তেনেকৈ চাহ-পাতত গৰুৰ চামৰা গুড়ি মিলাই বিক্ৰী কৰিছে আৰু তাৰ বস হিন্দু সকলে খাইছে আনকালে কাছৰ কণিও মুৰ্গীৰ কণি বুলি বৰপেটাত বিক্ৰী কৰিছে তাকে মুছলমান সকলেও খাইছে। গতিকে দেখা যায় ভেজালকাৰী সকলে বৰ্মতো হাত দিছে। এই বৃত্ত সকলৰ পৰা বৰ্মপ্ৰাৰণ লোৱা নিজৰ বৰ্মও ঠিক ৰাখিবলৈ অসমথ হৈছে। সেই কাৰণে গাৱলীয়া মানুহকো এই বিলাক বুজাই ভেজাল ধৰিবলৈ লগাব লাগে।

সেই কাৰণেই মই কওঁ যে আজি ভেজাল নথকা বস্তু একোৱেই নাই বুলিলে বঢ়াই কোৱা নহয়—আমি খাদ্যৰ পৰিবৰ্তে অখাদ্য খাইছো গতিকে ইয়াক অতি শীঘ্ৰে বোধ নকৰিলে আমাৰ ভৱিষ্যত একেদৰে অন্ধ কাৰ। আমি প্ৰচাৰ কাৰ্য্যৰ দ্বাৰা সৰ্বসাধাৰণক সজাগ কৰি দিব লগীয়া হৈছে, যাতে ভেজালৰ গুণসূত্ৰ পালেই পুলিচক বা কৰ্ত্তৃপক্ষক জনায়। সেই হিচাবে আমাৰ C. I. D. বিভাগকো সজাগ কৰি দিব লাগে আৰু বিচাৰৰ দীঘলীয়া ব্যৱস্থাতো চুটি কৰিব লাগে। আৰু এই দেশ-দ্রোহী জাতি দ্ৰোহী লোক সকলক দমন কৰিবলৈ কঠোৰ আইন কৰি কঠোৰ শাস্তিৰ ব্যৱস্থা কৰিবলৈ মই চৰকাৰক অনুৰোধ কৰোঁ।

Shri MAHADEB DAS [Bhabanipur (Reserved for Scheduled Castes)] : মাননীয়, উপাধ্যক্ষ মহোদয়, আজি খাদ্য দ্রব্যত যে ভেজাল হৈছে সেই কথা সকলোৱে জানে, আৰু কোমেও সেই কথা নুই কৰিব নোৱাৰে। কিন্তু ইয়াৰ মূল কাৰণ আমি বাহিৰ কাৰণ লাগিব। মই এই সমস্যাব বিষয়ে চিন্তা কৰি এটা সিদ্ধান্তত উপনীত হৈছো। সেইটো হ'ল এই যে যেতিয়া দেশত অভাব হয় খাদ্য বস্তু কম পৰিমাণে উৎপন্ন হয় তেতিয়া মানুহে ভেজাল দি কিছু পৰিমাণে বৃদ্ধিত কৰাৰ চেষ্টা কৰে। সেই কাৰণে আমাৰ দৰ্কাৰী বস্তুখিনিৰ উৎপাদন বৃদ্ধি কৰিব লাগে। তাকে নকৰিলে সেই অভাবেই চলি থাকিব আৰু খাদ্য বস্তুত ভেজাল দিয়ে থাকিব। কাৰণ কথাতে কয় অভাবেই স্বভাব নষ্ট গতিকে ভেজাল বন্ধ কৰা টান হব। গৰ্ভৰ্ণমেন্টে হাজাৰ যত্ন কৰিলেও কোনো সফল নহব।

আজি চৰকাৰে প্ৰত্যেক ঠাইত Health Inspector নিয়োগ কৰিছে। বাজেটখন পঢ়িলে দেখাযায় যে গৰ্ভৰ্ণমেন্টে এই বিষয়ে সজাগ হৈছে। আৰু বৰ্তা কা খৰছ কৰিছে। কিন্তু সজাগ হলেই কি হব যেতিয়ালৈ আমাৰ নৈতিক চৰিত্ৰ উন্নত নহব তেতিয়ালৈ এই খাদ্য বস্তুত ভেজাল চলিয়ে থাকিব।

এই খোৱা খাদ্যত ভেজাল বন্ধ কৰিবৰ হলে গৰ্ভৰ্ণমেন্টৰ ফালৰ পৰা আৰু বাইজৰ ফালৰ পৰা বহুত প্ৰচাৰ চলাব লাগিব যাতে বাইজে বুজি পায় যে, আমাৰ এই ভেজাল বস্তুৰ পৰা স্বাস্থ্যৰ অৱনতি ৰাটিছে আৰু সেই ভেজাল বস্তু খুৱাই আমাৰ ওপৰত অনায়াৰ ভাৱে এক শ্ৰেণীৰ লোকে টকা-পইছা উপাৰ্জন কৰি দেশৰ অনায়াস সাধন কৰিছে। ইয়াৰ কাৰণে আমাৰ প্ৰচাৰ বিভাগ আছে আমাৰ আইন আছে। ইয়াৰ জৰিয়তে বাইজক ভালকৈ বুজাই দিব লাগে। এই বিলাক ধৰাৰ কাৰণে আধুনিক যন্ত্ৰ-পাতিও আনি কোন বস্তুত কিমান ভেজাল দিয়ে তাক তৎক্ষণাত পৰীক্ষা কৰিব পাৰি তাৰ ব্যৱস্থা গৰ্ভৰ্ণমেন্টৰ পৰা লব লাগে। যাতে বাইজে সহজে ভেজাল বস্তু চিনি পায়। এই কামত বাইজ আৰু গৰ্ভৰ্ণমেন্ট দুয়ো পক্ষৰে সহযোগ লাগিব। ভেজাল বস্তু বেচা-কিনা কৰি যি সকল প্ৰকৃততে দোষী হয় তেওঁক তৎক্ষণাত শাস্তি বিধান কৰিব লাগে। যাতে তেওঁৰ শাস্তিৰ বিষয় বাইজ আনি আন সকলেও সেই অনায়াসৰ পৰা দৰত থাকে। গতিকে গৰ্ভৰ্ণমেন্টে কঠিন অনুৰোধ কৰে। যাতে এই বিষয়ত চোকা দৃষ্টি দি বাইজক মৃত্যুৰ মুখৰ পৰা হাত সৰায়। ইয়াকে কৈ মানৱণী মাৰিলো।

Mr. DEPUTY SPEAKER : Now, I think the question has been thoroughly discussed. So, I now request the Minister-in-charge of Health to give his reply.

Shri BAIDYANATH MOOKERJEE (Minister, Medical) : Mr Deputy Speaker, Sir, the subject matter was first initiated on the floor of this House during the last March Session. On that occasion the movers Shri Dulal Ch. Barua and Dr. Ghanasyam Das spoke on the subject. I have noticed Sir, that many hon. Members have taken part in the debate. Some of them criticised for the sake of criticism but most of them advanced constructive suggestions. It has been mentioned by some of my friends that in the past many hon. Members gave valuable suggestions when this subject was discussed on the floor of this House, but ultimately it was found that no steps or inadequate steps were taken, so far as their suggestions were concerned. But some of the hon. Members even from the opposition benches admitted that the Government was not sleeping over the matter and was trying to eradicate this national evil. As you know, Sir, the

prevention of Food Adulteration Act is a Central Act. Formerly, there were State Acts. But as this matter of food adulteration is a national evil, it was taken over by the Central Government and an Act was passed in 1954. It is needless for me to say that its provisions extend throughout India except Jammu and Kashmir. Now Sir, we are bound by the provisions of this Act. Of course we have our own Rules. It has been pointed out by some hon. Members that there are defects in the Act, but we are bound by the powers given to us by the provisions of the Central Act. I am one with those hon. Members who said that the punishments that are given for such offences are not at all adequate. Sir, though the Act provides for very severe and exemplary punishment, it is found in practice that they are inadequate, I cannot say the reason, it all depends on the judiciary, I have no right to criticise them. The fact remains that the punishments inflicted are really unsatisfactory. There might be good grounds for it. Now Sir, for the information of the hon. Members, I can say this much that I am contemplating to take up this matter with the Central Government. I feel that a minimum punishment should be fixed. Now, maximum fine has been fixed at Rs.2,000 (rupees two thousand) and a Magistrate can fine, for the first offence with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 2,000 or with both. Now it all depends on the Magistrate whether it would be one rupee or one day or both. So my intention is this that the minimum punishment should be fixed, say 3 months or 4 months. Minimum fine also should be fixed, say Rs.500. I do not know how far I shall be able to convince the Government but it will be my earnest endeavour to see that there are provisions for exemplary punishments so far these crimes are concerned. Now Sir, as regards, the Inspectors, though their number is a considerable one, they are only part-time officer. Municipalities and Town committees have got their own Inspectors to look after this matter. Now, Sir, two Deputy Directors of Health Services who are at Headquarters, two Deputy Directors of Health Services who are in the Plains (Regional) II Civil Surgeons, 130 Assistant Surgeons I, 270 Assistant Surgeons of Grade II, 21 Sub-Divisional Medical and Health Officers, 7 urban health services, 37 Sanitary Inspectors, 220 rural health Inspectors, etc. are there, but very few of them are full-time, so I am trying to divide zones and have full-time Inspector for this purpose.

Now Sir, as regards the suggestion given by my friend, Shri Debendra Nath Sharma and a few others also, that the Publicity Department should be more active. I shall remember the same. One of the hon. Friends insinuated that the Publicity Department is most active only when any Minister visits any particular area; they go with the Minister, and they cannot be found anywhere else. Sir, this is far from truth. When the Ministers go to a particular area and meet the people they take the advantage of saying their say to the people and to hear them also at that time, use of mike becomes a necessity, that is why sometimes they are used but not in all cases and it is also not a fact that wherever a Minister goes, the publicity Department follows them. Sir, I had already been in many places during the last 3 months, (hardly it is 3 months,) but Sir, I had not the good fortune of having more than once the use of the mike of the Publicity Department.

Now, Sir, I admit that there should be better co-ordination between different departments, not only Publicity and the Public Health Department but there should be co-ordination with other departments as well as which are connected with this food affair. I am looking to that side also Sir.

Now Sir, as regards detection of cases, Mr. Bhattacharjee quoted certain figures, but he quoted in such a manner that the clear position could not be understood by the Hon'ble Members present here. So I am not in a position to say anything on this score. Sir, in 1959 the total number of samples analysed was 624, out of that the number of samples analysed under the Act, that means by all those persons who are authorised to do it, was 554 and the number of samples analysed not under the Act only 70, in 1960 the corresponding figures were 846 total, 709 samples under the Act and 137 not under the Act. Now the number of samples reported to be adulterated in 1959 was 260, in 1960 the number was 419, in 1961 it was 350. The number of samples reported to be adulterated not under the Act, in 1959 out of 70 it was 41, during 1960 out of 137, it was only 32, in 1961 it was 46 out of 77 samples. Now the number of cases instituted in the court in 1959 was 157, though 260 cases were found out to be adulterated. In 1960 out of 419, 226 cases were instituted and in 1961, out of 350, 169 cases were instituted. Out of this in 1959, 130 persons were convicted, out of 226, in 1960, 130 were convicted and in 1961 out of 169 cases 75 were convicted and some cases are still pending.

(Voice.)

Now Sir, the point is, there might be a question why all the cases that were detected could not be filed in the Court. It all depends on the local authorities. Supposing Sir, in a Municipality there are 20 cases detected if the Board files only 10 cases before the Court, the deficiency is there sometimes we hear that some matters are not so serious so the local authorities did not like to proceed and in some cases I understand the local authorities compromised.

As regards the issue of licence, I think it will be a news to my friends present here, specially the Chairman of the Gauhati Municipality Board. That all Food Trades including the manufacture, dealers, hotels, restaurants and even hawkers are required to take license under the prevention of the Food Adulteration Act.

Shri PRABINDRA NATH SARMA (Nalbari East): On the point of information Sir, tea, sugar, tea-leaves, atta, maida, mustard oil, molasses, dal, spices etc. dealers are not required to take license from any authority.

Shri BAIDYANATH MOOKERJEE (Minister, Medical): Now Sir, if the relevant rule is not enforced, the Government cannot be blamed as the responsibility has been given to Municipality. Town Committees, Panchayats and other local bodies wherever they exist. They should take the entire responsibility of giving effect to the provision of the Food Adulteration Act. Now, Sir, regarding the Health Advisory Committees there are such committees in 3 districts and 6 Sub-divisions so far and civil surgeons have been directed to ensure that committees are set up in the remaining districts and Subdivision. To make it more effective I shall have all the Committees very soon. As a matter of fact, I have taken this up and according to the rule we are to take certain suggestions from the Subdivision and Districts and I am waiting for their suggestions.

Shri LAKSHMI PRASAD GOSWAMI (Laharighat): May I know from the Hon'ble Minister, how many Committees are there in the districts? It is for the first time we have heard about these committees.

Shri BAIDYANATH MOOKERJEE (Minister, Medical): In some places they exist and so to make the Subdivision-wise and effective. I am taking certain steps and I am reconstituting them.

Then Sir, regarding the part played by the local authorities, as you know the essence of democracy is decentralisation and therefore, as I mentioned just now, we have given these authorities to local bodies as mentioned to deal with these national evils. Panchayats, Municipal Boards, Town Committees, District and Regional Councils have been entrusted with the duties of issuing licenses and checking of adulteration.

Then Sir, it was very rightly mentioned by some of my friends that active public co-operation is essential for eradication of such national evils. Public opinion goes a long way in these matters. Sir, any stick is good enough to beat and to condemn any activity of the Government by the Opposition Members. To a jaundiced eye, everything is yellow, nothing is white to it. So, Sir, I do not want to dilate on these criticisms further. But I am grateful to my friends who have given constructive suggestions. I have touched the points raised by all of them. I can assure them that I shall try to give my early attention to those suggestions which will really benefit the people. Now, Sir, as regards another suggestion that there should be a provision for speedy disposal of these cases the suggestion of my friend Shri Sarma is that there should be a separate court, that is a special Magistrate should be appointed to deal with these cases. Sir, people for two reasons, one I have already mentioned is that the punishment is very meagre and not quite adequate for the crimes committed and the other is delay in disposal, do not like to go to court because it takes such a long time and they do not want to be harassed due to large number of adjustments. Now, Sir, I cannot blame the courts. There are various types of cases as well as there might be some other difficulties relating to the parties of some Learned Lawyers may be busy otherwise; so naturally the court is to accommodate them by adjoining the cases. But if a Magistrate deals with a particular type of case, there is every chance of speedy disposal though there might be delay in some cases. But I think most of the cases may be heard and judgement may be delivered earlier. So far that point is concerned, I shall discuss the matter with my colleagues in charge of judicial department and it will be my endeavour to see that there is speedy disposal of the cases whatever may be the results.

Now, Sir, My friend Shri Biswadev Sarma, who wanted to know whether I could give him the figures of punishments. I am sorry, Sir, at this stage I am not in a position to give him a reply but I shall try to supply the same after collecting them from the districts and subdivisions so it will take sometime. I would request him just to remind me after a month or so if he does not get the reply. I hope he will keep my request and pursue the matter to get the reply from me.

Now, Sir, I have touched all the suggestions given by my friends who took part in the debate and after hearing me, my friend Shri Barua will be satisfied and will see his way to withdraw his motion.

Mr. DEPUTY SPEAKER: Not necessary.

Shri DULAL CHANDRA BARUA (Jorhat): Sir, I have referred to concrete cases at Shillong. I want to know from the Minister-in-charge what action has been taken.

Shri BAIDYANATH MOOKERJEE (Minister, Medical): I understand that a case is pending, Sir.

Shri PRABINDRA NATH SARMA (Nalbari-East): May we know from the Hon'ble Minister the names of the Municipalities who have compromised such cases as just now mentioned by the Hon'ble Minister.

Shri BAIDYANATH MOOKERJEE (Minister, Medical): I shall supply the information after I collect the same.

Mr. DEPUTY SPEAKER: Then we come to the next item 7, Shri Sarbeswar Bordoloi.

Motion Re: Failure of the Government to form a Pay Committee for re-fixation of the Pay of the Government employees

Shri SARBESWAR BORDOLOI (Titabar) উপাধ্যক্ষ মহোদয়, বিহঙ্গমস্বীৰ ভাষণতো কমিটি পতাৰ কথা উল্লেখ কৰিছে সেই কাৰণে মোৰ প্ৰস্তাবটো দাঙি ধৰিব নোখোজো। কিন্তু এটা পৰামৰ্শ আগবঢ়াব খোজো।

Mr. DEPUTY SPEAKER প্ৰস্তাবটো উত্থাপন কৰিব নেন নকৰে।

Shri SARBESWAR BORDOLOI নকৰো।

Mr. DEPUTY SPEAKER উত্থাপন নকৰিলে কোনো কথা কবলৈ দিব নোৱাৰি।

Shri KHOGENDRA NATH BARBARUAH (Amguri): Mr. Deputy Speaker, Sir, I move my motion that this House do now take into consideration the revision of pay scales of the Government employees.

Shri MAHAMMAD UMARUDDIN (Dhubri): Sir, the motion is out of order. I would refer to rule 131 of the Assembly Rules.

The Finance Minister, Sir, has made categorical statement in paragraph 39 of his budget speech.....

Mr. DEPUTY SPEAKER: What is the rule?

Shri MAHAMMAD UMARUDDIN: Rule 131, sub-rule (7).

Mr. DEPUTY SPEAKER: How this rule applies?

Shri MAHAMMAD UMARUDDIN (Dhubri): Because, sir, it anticipates discussion of a matter which is likely to be discussed in the same session, and this particular motion is about setting up of a Pay Committee for revision of pay structure of the Government servants which has been mentioned in the budget speech of the Finance Minister in paragraph 39. Therefore, this matter is coming up for discussion in course of the debate on the budget.

Mr. DEPUTY SPEAKER: How could it be anticipated at the time the motion was brought in ?

Shri MAHAMMAD UMARUDDIN; Now, Sir, it is clear.

Mr. DEPUTY SPEAKER: He may or may not move it. You want to move ?

Shri KHOGENDRA NATH BARBARUAH (Amguri): Yes, Sir, I want to move. Sir, day before yesterday, the Hon'ble Finance Minister in his budget speech has mentioned about the setting up of a Pay Committee for purposes of revision of the present pay scales of the Government employees. This indication gives satisfaction to all the Government employees as well as the *quassi*-Government employees, but Sir, if Government would come up with a resolution in this session indicating the composition of the Committee, *i. e.* Sir, if the Finance Minister would come up with a resolution that these are the members and that these members are selected to man the Pay Committee, that would have given more satisfaction to wider sections of the people. Sir the Tyagi Committee has rightly expressed one thing. The Tyagi Committee says, unless price level is stabilised, only change of Pay scales by Pay Committee is not the solution. The index of prices is gradually rising. Along with the fluctuations, or the rise of price, Government is now considering to revise the pay scales of the Government employees, because the price level is going up and so the income of the Government employees should also go up. With this end in view, the Government have announced the setting up of a pay Committee. But, Sir, if the price level cannot be held back, what is the necessity for revision of pay scale in that case.

Next point is how and with what element the Pay Committee should be composed. My suggestion is this, that the Pay Committee should be composed of nine members including one Chairman and one Secretary non-official. Then, the question is who will be Chairman. I think, Sir, that the Chairman should be an *ex*-Judge of a High Court or so. Our first Central Pay Commission was presided by Hon'ble Shri Shrinivas, an *ex*-Judge of the Federal Penal Court. He was supposed to be a man without any bias, naturally unattached and with a broader outlook. The eight members of the Committee, I think, Sir, should be selected from the M. L. A.'s and none of the members should be drawn from the Government side. No Minister should be represented in the Pay Committee, because, Sir, the final decision whether the Government will accept recommendations or not will rest on the Ministers of the Cabinet. The Cabinet will give the final opinion and therefore, no Minister should be represented in the Pay Committee.

Sir, the next point is what this Committee will do. Now coming to the terms of reference, this Committee, I feel, should enquire and report on the conditions of service of the Government employees under the rule-making power of the Governor of Assam as well as enquire and report on the conditions of the semi-Government officials, departments, establishments and should also deal nationalisation of pay. Sir the pay should be rationalised for the sake of justice and fair play. Equal pay should be given for equal work. If the nature of work is same, the pay should also be the same. The nature of work being similar, the pay should be similar.

Mr. DEPUTY SPEAKER: Without the distinction of qualifications ?
Shri KHOGENDRA NATH BARBARUAH (Amguri): No, Sir; for instance, in the High Schools. There is disparity in pay scales between Government High Schools and Aided High Schools although the qualification is the same.

Secondly, Sir, only simplification of pay does not help much. There should not be further grades in the same service. At present there are three or four grades in the same scale. There should be uniformity in all the grades and these are my suggestions.

Sir, the staff will be necessary and it should be manned, one from the Government side and if possible, there should be one from the Government officials, *i. e.*, from the Secretariat level one from the Heads of Department and one from the District level. The function which this Pay Committee will have besides revision of pay scales, revision of leave rules also. Here our Government is maintaining two or three kinds of leave rules, and old leave rules and the other new leave rules. According to the old leave rules, the leave is accumulated if any Government officer or employee did not avail of his leave. That in one or two years, he may take leave for one or two months at a time because his leave has accumulated. But according to the new leave rules, there is no such accumulation of leave. If the leave available is not taken by the Government officers, the leave lapses and it does not accumulate. So, there should be revision of leave rules also. Thirdly, the benefit of retirement should be increased. We know that retirement benefit is given to the retired persons. But, Sir, sometimes here also some officers are getting pension upto 50 per cent of their last pay drawn *plus* gratuity and some are getting only 40 per cent of their pay and some gratuity. Some are getting pension of 50 per cent of their pay with gratuity and some are getting pension of 50 per cent without gratuity. In the case of I. A. S. officers, some are getting 50 per cent pension while others get only 40 per cent of their pay. I think, Sir, in this case, our Government should be at par with the Central Government pension rules. Fourthly Sir, as regards Provident Fund. I suggest that contributory Provident Fund system should be introduced and made it compulsory. But this system has not yet been introduced. Now, the system is optional and any Government servant can either keep money in the provident fund or not. But if this compulsory Provident Fund system is introduced, Government will contribute equal percentage of the amount deposited in the Provident Fund by the Government servants. Sir, I hope my suggestions will be forwarded to the proposed Pay Committee and I hope they will receive due consideration of the Pay Committee.

Regarding the negotiating machinery, as there is such a difference between the Government and the employee or officials and the Government should try to settle these differences by Whitley Councils.

Shri BISWADEV SARMA (Balipara): Sir, how does that arise here.

Mr. DEPUTY SPEAKER: Please confine your observations to the revision of the Pay scale and not to other matters.

Shri KHOGENDRANATH BARBARUAH (Amguri): Sir, I do not think it is really irrelevant when I put forward my suggestions to the Pay Committee and the Pay Committee will be strengthened.

Shri BISWADEV SARMA (Balipara): No Pay Committee can discuss these things.

Mr. DEPUTY SPEAKER: These things cannot come within the purview of the Pay Committee.

Shri KHOGENDRANATH BARBARUAH (Amguri): Now I come to medical side. Sir, certain categories of Government servants are given free medical treatment. But some persons belonging to the low-income group whose pay ranges from Rs.25 to Rs.18 per month and who cannot afford to meet the medical expenses of their family, are not given free medical treatment. Therefore, the children of the low-paid employees, rather the low-income groups should be given free medical treatment. In this respect I would refer to the Contributory Health Service Scheme which is in existence in Shillong should be extended to the big towns like Gauhati, Dibrugarh, etc., and free education should be made available to the children of Government servants falling under low-income group. Sir, it is very difficult for the low-paid Government servants to meet the educational expenses of their children. Some facilities for amenities be given to the Government officers and employees, like recreation room, radio, library, etc., in their offices.

Mr. DEPUTY SPEAKER: Mr. Barbaruah, instead of giving an idea as to the structure of the pay scales, you give some concrete suggestions regarding the pay scales as to what should be the pay scales of the different categories of Government servants.

Shri KHOGENDRANATH BARBARUAH (Amguri): Yes, Sir. The pay scales should be revised and revision should be accelerated so that the income of the low paid people may be linked with raising price index. Sir, as regards the dearness allowance to be merged in pay, the Government cannot do that unless it is recommended by the Pay Committee. What the Government can do now? Now, the dearness allowance may be converted into dearness pay. So, I request Government not to make delay in this matter also. Certainly, there will be dissatisfaction amongst the Government officials if revision of pay scale is delayed specially those in the lower income group because they cannot have a free mind to serve the Government if they are not induced. That is why I suggest that immediately Government should come forward with a resolution so that we may pass it in this Assembly as to the Pay Committee's composition, how it will function, etc., with all details. Government have already declared its intention that they will compose a Pay Committee, but the sooner it is formed the better.

Mr. DEPUTY SPEAKER: Order, order. The House stands adjourned till 9 A. M. on Friday, the 15th June, 1962.

Adjournment

The Assembly was then adjourned till Friday, the 15th June, 1962,

R. N. BARUA,

Secretary, Legislative Assembly,
Assam.