



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

The Assembly met in the Assembly Chamber, Shillong, at 9 A.M., on Friday, the 18th March, 1960.

PRESENT

Shri Mahendra Mohan Choudhury, B.L., Speaker in the chair, six Ministers, three Deputy Ministers and sixty-two Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

**Surrender of Rs.30,000 provided in the Public Works Department Budget for construction of District Transport Officer's office**

**Shri GAURISANKAR BHATTACHARRYA (Gauhati)** asked:

\*42. Will the Minister-in-charge of Public Works Department (Roads and Buildings) be pleased to state—

- (a) Whether the sum of Rs.30,000 which was provided in the P. W. D. budget for the year 1958-59 for construction of District Transport Officer's office building at Gauhati was surrendered?
- (b) Whether similar sums were provided in the P. W. D. budget for 1959-60 also?
- (c) What progress has been made up-till now with regard to the construction of the said building?

**Shri GIRINDRA NATH GOGOI [Deputy Minister, P. W. D. (R. & B.)]** replied:

42. (a)—Yes.  
(b)—Yes.  
(c)—The work could not be started as the land was not handed over to the P. W. D. by the Department concerned.



**Shri GAURISANKAR BHATTACHARYYA (Gauhati):** Due to whose fault the land was not handed over ?

**Shri GIRINDRA NATH GOGOI [Deputy Minister, Public Works Department (Roads & Buildings)]:** The Department concerned Sir.

**Shri GAURISANKAR BHATTACHARYYA:** In whose hands or in whose possession the land at present is ?

**Shri HARESWAR DAS (Minister, Revenue):** Sir, I can reply because I am in the know of the whole thing. First requisition proceedings were started. The house was in occupation of the father and the land stood in the name of the son. At the time of requisition notices were served on the son and the father and also on the tenants. The father filed an appeal petition before the Transport Minister. Generally these appeals are heard by the Revenue Minister but the father filed the petition before the Transport Minister and so it was not disposed of. The property was acquired and compensation paid and then a notice was served on the father to vacate the house. But the father agitated about his appeal petition. The legal opinion was that the petition was still lying pending and so the appeal was heard and allowed. Then the son went to the High Court and the High Court decided in favour of the son.

**Shri GAURISANKAR BHATTACHARYYA:** When did the High Court decide the case in favour of the son ?

**Shri HARESWAR DAS:** I do not exactly know. It will be about 4 or 5 months.

**Shri GAURISANKAR BHATTACHARYYA:** Whether steps have been taken to take possession of the land after the case was finally disposed of by the High Court ?

**Shri HARESWAR DAS:** I do not know. It is known to the Department Minister.

**Shri GIRINDRA NATH GOGOI:** The Department concerned has assured that they will take possession as soon as the encroachment is vacated.

**Shri GAURISANKAR BHATTACHARYYA:** Was it not against the accepted policy of the Government to make provision for building before the land was in actual possession of the Department ?

**Shri FAKHRUDDIN ALI AHMED (Minister, Finance):** There is no question of policy involved in this case. In anticipation of land and other things Provisions are made in the budget. But when there are difficulties and the expenditure cannot be incurred, the money has to be surrendered.



**Regarding Gaolia Banks and large-sized Co-operative Credit Societies in Dibrugarh**

**Shri JOGA KANTA BARUA (Jaipur)** asked :

\*43. (a) Will the Minister-in-charge of Co-operative be pleased to state—

- (a) How many Gaolia (Village) Banks are there in Dibrugarh ?
- (b) How many large-sized Co-operative Credit Societies are there in Dibrugarh ?
- (c) How many Gaolia Banks have been converted to Service Co-operatives there ?
- (d) How many large-sized Co-operatives Societies have been split up into Service Co-operative up-till now ?
- (e) Until this is done how state trading is going to function in the areas when old Gaolia Banks and large-sized Societies functioned ?

**M. MOINUL HAQUE CHOUDHURY (Minister, Co-operation)** replied :

43.—(a) There are ninety (90) Gaolia Banks in Dibrugarh Subdivision.

(b)—There are twenty-two (22) large-sized Credit Societies in Dibrugarh.

(c)—Fifty (50) Gaolia Banks have been converted to Service Co-operatives.

(d)—No large-sized Co-operative Societies have yet been split up.

(e)—It has not yet been decided to introduce State Trading in food grains in Dibrugarh Subdivision. If and when that is done, appropriate organisations will also be set up. There is, however, no bar to the existing large-sized Credit Societies and Village Primary Banks taking up the work of procuring food grains under the scheme in addition to their usual functions.



†**Shri DEVENDRA NATH HAZARIKA (Saikhowa)**: Whether the Government are aware of the fact that a number of Gaolia Banks are practically defunct in Dibrugarh Subdivision having no transaction for the last 10 or 20 years ?

†**M. MOINUL HAQUE CHOUDHURY (Minister, Co-operation)**: I have no specific information about it. But generally there are some societies which always remain in dormant stage in all places of the State.

†**Shri DEVENDRANATH HAZARIKA** : Whether the Minister-in-charge will be pleased to ascertain from his Department whether all the Gaolia Banks in the list of Banks situated in Lahawal and Bogdung constituencies are functioning ?

†**M. MOINUL HAQUE CHOUDHURY** : I can ascertain but it will not help in any way. Some societies may remain inactive for 2 or 3 years. Steps will have to be taken to replace such inactive societies with active societies.

†**DEVENDRANATH HAZARIKA** : I am speaking about the societies which are defunct for the last 10 or 20 years.

†**M. MOINUL HAQUE CHOUDHURY**: I shall enquire into it.

†**Shri NILMONEY BORTHAKUR (Dibrugarh)**: Is it the policy of the Government to make the service co-operatives co-terminous with the Gaon Sabha area ?

†**M. MOINUL HAQUE CHOUDHURY**: Yes, this is the policy of the Government.

†**Shri NILMONEY BORTHAKUR** : In view of the policy of the Government will the Minister be pleased to take steps for re-organising the service co-operatives on the line of Gaolia Banks ?

†**M. MOINUL HAQUE CHOUDHURY**: That is our policy, Sir. I already explained in course of the debate on the Governor's address. We have got a phase programme. We cannot set up service co-operatives in all areas in a year. So first of all we shall have to take up those areas where there is no co-operative society. Our second duty will be to convert the Gaolia Banks into service co-operatives and thirdly we will take up those areas which are covered by larger Co-operative Societies. In many cases we will have to liquidate the larger Co-operatives.

†**Shri MOHANANDA BORA**: It has been stated that in each Gaon Panchayat there will be one or two service co-operatives whereas the large sized credit societies cover 5 or 6 gaons. May I know what will be the fate of these large sized Credit Societies ?



†**M. MOINUL HAQUE CHOUDHURY (Minister, Co-operation)** : As I have already explained that the difficulty is there but this can be obviated only by either splitting up the big societies into different societies so that they may be coterminous with the respective Gaon Panchayat and the other alternative is to put the large sized Credit Societies into liquidation and organise fresh societies. In doing so, we will be very much guided by the public opinion and also by the advice of the large sized Credit Societies.

†**Shri NILMONEY BORTHAKUR (Dibrugarh)** : Government have stated that they have a phase programme for organising service co-operatives and emphasis will be given where there is no service co-operative. Will the Government consider the cases first where the co-operatives have become defunct ?

†**M. MOINUL HAQUE CHOUDHURY** : Naturally these cases will come first because there no co-operative service is available.

†**Shri MAHANANDA BORA (North Lakhimpur)** : There is no co-operation between the Panchayats and the Service Co-operatives, but according to the plan there should be close co-ordination between the formation of Panchayats and the formation of Service Co-operatives. Now what happened is this : in some places these Goalia Banks which are almost defunct and which comprise some villages of one Gaon Panchayat and some villages of another Gaon Panchayat. I want to know what will be the fate of those Goalia Banks.

**Mr. SPEAKER** : The Minister has already replied that they will be reorganised.

†**Shri MAHANANDA BORA** : Whether Government want to reorganise them immediately or it will take some time.

**Mr. SPEAKER** : There will be phased programme he says.

†**Shri DEVENDRANATH HAZARIKA (Saikhowa)** : May I know whether Government will take some co-ordinative measures during the interim period, till a phased programme is taken up, between the Panchayats and the Co-operatives ?

†**M. MOINUL HAQUE CHAUDHURY** : The interim programme is to utilise all the available assistance for the State Trading Scheme. As I have stated in reply to (e), "there is, however, no bar to the existing large sized Credit Societies and Village Primary Banks taking up the work of procuring foodgrains under the Scheme in addition to their usual functions". This is the interim policy we have taken.



## UNSTARRED QUESTIONS

(To which answers were laid on the table)

**Charing Dispensary in Sibsagar Subdivision**

**Shri KHOGENDRA NATH BARBARUAH (Amguri)**  
asked :

107. Will the Minister Medical be pleased to state—

(a) For how many months or since when Charing Dispensary in Sibsagar Subdivision, is going without any doctor ?

(b) How long this state of affairs will continue ?

(c) Why this dispensary is not provided with a doctor so long ?

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

107. (a)—Since 9th November, 1959.

(b) & (c)—The post has since been advertised and a doctor will be provided as early as possible.

**Blacktopping of P. W. D. Roads within Sorbhog town**

**Shri GHANASHYAM TALUKDAR (Sorbhog)** asked :

108. Will the Minister, P. W. D. (R. & B.) be pleased to state—

(a) Whether there is any proposal for blacktopping of the P. W. D. Roads within Sorbhog town ?

(b) Whether any representation was lately received to that effect, and if so, by whom the representation was given ?

(c) Whether Government consider the necessity of blacktopping these P. W. D. Roads ?

(d) If so, when this will be done ?

**Shri GIRINDRA NATH GOGOI** [Deputy Minister, P. W. D. (R. & B. Wing)] replied :

108. (a)—No.

(b)—No such representation has been received by the Government.

(c)—Government cannot say without examining the proposals.

(d)—Does not arise.

### Improvement of the Bezera Balikuchi Road

**Shri SARAT CHANDRA GOSWAMI** (Kamalpur) asked :

109. Will the Minister, P. W. D. (R. & B.) be pleased to state—

(a) Whether it is a fact that Bezera-Balikuchi Road is the only means of communication of the interior areas of the mouzas Bar Bangsar, Karara and Patidarang of Kamalpur Circle ?

(b) What is the length of the road from Bezera on N. T. Road to Balikuchi to meet the Khairabari Balikuchi Road which has become gravelled and motorable from Darrang side ?

(c) Whether Government will be pleased to prepare estimates for the improvement of the road on P. W. D. specification ?

**Shri GIRINDRA NATH GOGOI** [Deputy Minister, P. W. D. (R & B)] replied :

109. (a)—Yes.

(b)—7 miles.

(c)—As recommended by the Assam Road Communication Board in the last meeting of which the hon. Member is a member. Rs.30,000 has been made available for this road. An estimates to take up as much length as possible within this amount is being prepared.



**Government Resolution for approval of an an expenditure of Rs.25,49,290 under the head "50—Civil Works—State (excluding Establishment and Tools and Plant)"**

**Shri GIRINDRA NATH GOGOI [Deputy Minister, Public Works Department (Roads and Buildings)]:** I beg to move that this Assembly do approve an expenditure of Rs.25,49,290 under the head "50—Civil Works—State (excluding Establishment and Tools and Plant)" for the items below. The amount involved will be met from the sanctioned grant.

"50—Civil Works—State (excluding Establishment and Tools and Plant)"—

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
I—Grant originally voted by the Assembly.	4,67,82,600	1,78,40,900	6,46,23,500
II—Supplementary Grant voted by the Assembly during the year.	1,55,000	1,27,140	2,82,140
III—Sub-head under which the appropriation will be accounted for—			
NORMAL			
A—Original Works—			
a) Buildings Voted—			
Land Revenue .. .. .	14,000	..	14,000
Charges on account of Motor Vehicles Taxation Act, etc.	10,600	..	10,600
General Administration .. .. .	62,400	5,300	67,700
Administration of Justice .. .. .	3,500	..	3,500
Police .. .. .	5,000	4,000	9,000
Police—Expenditure in connection with Border Areas.	92,300	20,000	1,12,300
Police—Expenditure in connection with operation against Naga Hostiles.	1,000	..	1,000
Education .. .. .	3,000	..	3,000
Medical .. .. .	29,430	..	29,430
Civil Works .. .. .	10,000	..	10,000
Miscellaneous Departments and Rehabilitation. Relief	500	..	500
Total—(a) Buildings .. .. .	2,31,730	29,300	2,61,030

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
(b) Communications— Ordinary Roads .. .. .	1,13,000	..	1,13,000
Ordinary—Expenditure in connection with Border Areas,	3,34,000	3,06,000	5,40,000
Ordinary—Restoration of Flood damage.	7,93,260	33,000	8,26,260
Petrol Tax Projects—Ordinary ..	..	1,000	1,000
Construction of Roads of Economic or Inter-State Importance.	8,08,000	..	8,08,000
Total—(b) Communications	20,48,260	2,40,000	22,88,260
GRAND TOTAL .. .	22,79,990	2,69,300	25,49,290

**Mr. SPEAKER:** The motion moved is that this Assembly do approve of an expenditure of Rs.25,49,290 under the head "50—Civil Works—State (excluding Establishment and Tools and Plant)" for the items mentioned above. The amount involved will be met from the sanctioned grant.

(The resolution was put as a question and adopted.)

**Government Resolution for approval of an expenditure of Rs.1,84,500 under the head—"81—Capital Account of Civil Works outside the Revenue Account, etc.**

**Shri GIRINDRA NATH GOGOI [Deputy Minister, Public Works Department (Roads and Buildings):** I beg to move that this Assembly do approve of an expenditure of Rs 1,84,500 under the Head—"81—Capital Account of Civil Works outside the Revenue Account, etc.," for the items below. The amount will be met from the sanctioned grant.

"81—Capital Accounts of Civil Works outside the Revenue Accounts, etc."

	General	Sixth Schedule (Part A) Areas	Total
(1)	(2)	(3)	(4)
	Rs.	Rs.	Rs.
I.—Grant originally voted by the Assembly.	3,50,83,700	28,29,600	3,79,13,300
II.—Supplementary Grant vot- ed by the Assembly during the year.	..	..	..



	General	Sixth Schedule (Part A) Areas	Total
(1)	(2)	(3)	(4)
	Rs.	Rs.	Rs.
III.—Sub-heads under which appropriation will be accounted for—			
A—Original Works—			
(a) Buildings—			
Land revenue ... ..	6,000	...	6,000
General Administration ...	1,000	...	1,000
Police ... ..	39,000	17,000	56,000
Education ... ..	16,000	...	16,000
Medical ... ..	25,000	...	25,000
Civil Works ... ..	..	10,500	10,500
Total—(a) Buildings ...	87,000	27,500	1,14,500
(b) Communications—			
Ordinary Roads ... ..	70,000	...	70,000
Total—(b) Communnications—			
Ordinary Roads ... ..	70,000	..	70,000
GRAND TOTAL ...	1,57,000	27,500	1,84,500

**Mr. SPEAKER :** The resolution moved is that this Assembly do approve of an expenditure of Rs.1,84,500 under the Head—"81—Capital Account of Civil Works outside the Revenue Account, etc.", for the items mentioned above. The amount will be met from the sanctioned grant.

(The resolution was put as a question and adopted).

**Government resolution for approval of an expenditure of Rs.1,77,017 under the head "18-B and 68-A.—Navigation, Embankment and Drainage Works"**

**M. MOINUL HAQUE CHOUDHURY** [Minister, Public Works Department (Embankment and Drainage)]: I beg to move that this Assembly do approve of an expenditure of Rs.1,77,017 under the head "18-B and 68-A.—Navigation, Embankment and Drainage Works" for the items below. The amount involved will met from the sanctioned grant.

**"18-B and 68-A.—Navigation, Embankment and Drainage Works"—**

(1)	General Rs.	Sixth Schedule (Part A) Areas Rs.	Total Rs.
(1)	(2)	(3)	(4)
I.—Grant originally voted by the Assembly	2,61,23,000	39,500	2,61,62,500
II.—Supplementary Grant voted by the Assembly during the year.	35,46,100	11,000	35,57,100
III.—Sub-head under which the appropriation will be accounted for—			
1.68-A.—Construction of Irrigation, N. E. D. Works (Non-Commercial)—Development Schemes (Second Five-Year Plan).			
(i) Agriculture—Minor Irrigation Schemes.	20,000	..	20,000
Development Schemes (Second Five-Year Plan—Central)—			
(ii) Flood Control .. ..	31,290	..	31,290
(iii) Flood Control—Tools and Plants.	75,727	..	75,727
Total .. ..	1,77,017	..	1,77,017

**Mr. SPEAKER** : The resolution moved is that this Assembly do approve of an expenditure of Rs.1,77,017 under the head "18-B and 68-A.—Navigation, Embankment and Drainage Works" for the items mentioned above. The amount involved will be met from the sanctioned grant.

(The resolution was put as a question and adopted.)



**Government resolution for approval of an expenditure of Rs.2,420 under the head "43-Industries—III—Major Industries"**

**Shri KAMAKHYA PRASAD TRIPATHI (Minister, Industries) :** Sir, I beg to move that this Assembly do approve an expenditure of Rs.2,420 (Rupees two thousand, four hundred and twenty) only under the head, "43—Industries—III—Major Industries" for the item noted below. The amount involved will be met from the sanctioned grant—

	Rs.
I.—Grant originally voted by the Assembly ...	4,16,000
II.—Supplementary grant voted by the Assembly during the last Session.	5,500
III.—Sub-head under which the appropriation will be accounted for:— Second Five-Year Plan—A—Provincial Organisation—A. Direction—5—Works—	
General	Total
Rs.2,420	Rs-2,420.

**Mr. SPEAKER :** The Resolution moved is that this Assembly do approve of an expenditure of Rs.2,420 (Rupees two thousand, four hundred and twenty) only under the head, "43-Industries—III—Major Industries" for the item noted above.

The amount involved will be met from the sanctioned grant.

(The Resolution was put as a question and adopted.)

**Government resolution for approval of an expenditure of Rs.10,000 under the head "37—I—Edn.—Direct grant to non-Government Secondary Schools"**

**Shri RADHIKA RAM DAS (Deputy Minister, Education) move :** I beg to move that this Assembly do approve an expenditure of Rs.10,000 (Rupees ten thousand) only for the reasons noted below. The amount involved will be met from the Budget Provision made through a schedule in the current year's Budget under "37—I—Edn.—Direct grant to non-Government Secondary Schools", *vide* item 24 at page XXVII of the Budget Memorandum, 1959-60.

**Mr. SPEAKER :** That this Assembly do approve of an expenditure of Rs.10,000 (Rupees ten thousands) only for the reasons noted below. The amount involved will be met from the Budget Provision made through a schedule in the current year's Budget under "37—I—Edn.—Direct grant to non-Government Secondary Schools" *vide* item 24 at page XXVII of the Budget Memorandum, 1959-60.

(The Resolution was put as a question and adopted.)



**Government Resolutions for approval of an expenditure of Rs.40,000 under the head "37—I—Education"**

**Shri RADHIKA RAM DAS (Deputy Minister, Education):** Sir, I beg to move that this Assembly do approve of an expenditure of Rs.40,000 (Rupees forty thousand) only under the head "37—I—Education" for the item noted below. The amount involved will be made from the sanctioned grant.

	General	Sixth Schedule (Part A) Areas	Total
	(1)	(2)	(3)
	Rs.	Rs.	Rs.
I—Grant originally voted by the Assembly	4,52,13,300	48,86,400	5,00,99,700
Winter Session .. .. .	1,25,340	..	1,25,340
II—Supplementary voted by the Assembly during the July Session.	12,59,300	..	12,59,300
III—Sub-head under which the appropriation will be accounted for—			
"37—I—Education—S. Misc.—(c) Other Misc. Charges—5—Grants—Grants for games to Athletic Association".	40,000	..	40,000

**Mr. SPEAKER:** The Resolution moved is that this Assembly do approve of an expenditure of Rs.40,000 (Rupees forty thousand) only under the head "37—I—Education" for the item noted above. The amount involved will be met from the sanctioned grant.

(The Resolution was put as a question and adopted.)

**Government Resolution for approval of an expenditure of Rs.12,840 under the head "37—I—Education—B—Government Arts College"**

**Shri RADHIKA RAM DAS (Deputy Minister, Education):** Sir, I beg to move that this Assembly do approve of an expenditure of Rs.12,840 (Rupees twelve thousand, eight hundred and forty) only under the head "37—I—Education—N—Direct grants to non-Government Special Schools". The amount involved will be met from the head "37—I—Education—B—Government Arts College".

**Mr. SPEAKER:** The Resolution moved is that this Assembly do approve of an expenditure of Rs.12,840 (Rupees twelve thousand, eight hundred and forty) only under the head "37—I—Education—N—Direct grants to non-Government Schools". The amount involved will be met from the head "37—I—Education—B—Government Arts College".

(The Resolution was put as a question and adopted.)



Laying out copies of the Amendments to the Assam Motor Vehicles Rules, 1940, under section 133(3) of the Motor Vehicles Act, 1939

**M. MOINUL HAQUE CHOUDHURY** (Minister, Parliamentary Affairs): Mr. Speaker, Sir, I beg to lay copies of the Amendments to the Assam Motor Vehicles Rules, 1940, under section 133(3) of the Motor Vehicles Act, 1939.

**Presentation of the Annual Financial Statement of the Assam State Electricity Board for the year 1960-61**

**Shri KAMAKHYA PRASAD TIRPATHY** (Minister, Electricity): Mr. Speaker, Sir, I beg to present the Annual Financial Statement of the Assam State Electricity Board for the year 1960-61.

**The Assam Finance Bill, 1960**

**Mr. SPEAKER:** There is a message from the Governor—

“I recommend, under Article 207(1) of the Constitution of India, that the Assam Finance Bill, 1960, be introduced and moved in the Assam Legislative Assembly.

S. M. SHRINAGESH,  
Governor.”

**Shri FAKHRUDDIN ALI AHMED** (Minister, Finance): Mr. Speaker, Sir, I beg leave to introduce the Assam Finance Bill, 1960.

**Mr. SPEAKER:** The question is that leave be granted to introduce the Assam Finance Bill, 1960.

(The question was adopted.)

**Shri FAKHRUDDIN ALI AHMED:** Mr. Speaker, Sir, I beg to introduce the Assam Finance Bill, 1960.

**Mr. SPEAKER:** The question is that the Assam Finance Bill, 1960 be introduced.

(The question was adopted.)

(The Secretary, Legislative Assembly read the title of the Bill.)



**The Assam Autonomous Districts Administration of Justice  
Bill, 1960**

**Mr. SPEAKER:** Shri Khagendra Nath Barbaruah was in the possession of the floor during discussion on this item the other day.

**Shri KHAGENDRA NATH BARBARUA (Amguri):**  
অধ্যক্ষ মহোদয়, এই বিলত যি Additional Deputy Commissioner.....

**Mr. SPEAKER:** Order, order.

There is a message in this connection from the Governor. I am sorry this message should have been read earlier. However, I read it just now.

“Raj Bhawan,  
Shillong, 11th March 1960.

I recommend under Article 207(3) of the Constitution of India that the Assam Autonomous districts Administration of Justice Bill, 1960 be taken into consideration by the Assam Legislative Assembly.

Sd/- S. M. SHRINAGESH,  
Governor of Assam.”

**Shri KHAGENDRA NATH BARBARUA:** অধ্যক্ষ মহোদয়, ‘এডিচনেল’ দি, চি, নতুনকৈ নিয়োগ কৰা হৈছে। এই ক্ষেত্ৰত এই কথা উঠিছে যে এই Additional Deputy Commissioner ক দুটা ক্ষমতা দিয়া হৈছে। এটা হৈছে Executive আৰু আনটো হৈছে Judiciary ৰ ক্ষমতা। দুয়োটাৰে ক্ষমতা এজনৰ হাতত দিয়াটো উচিত হোৱা নাই, আৰু ইয়াৰ দ্বাৰাই কি হব পাৰে সকলোৱে সহজে অনুমান কৰিব পাৰে। তাৰোপৰি ভাৰতীয় সংবিধানৰ Directive Principle মতে Executive আৰু Judiciary, এই দুয়োটাই বেলেগ Jurisdiction ত কাম কৰিব লাগে অৰ্থাৎ দুয়োটা বেলেগ কৰি ৰাখিব লাগে। সংবিধানৰ এই নিৰ্দেশানুযায়ী আমাৰ ৰাজ্যিক চৰকাৰে কোনো ব্যৱস্থা এতিয়ালৈকে লোৱা দেখা নগল আৰু মই জানিব খুজিছো—আমাৰ চৰকাৰে এই নিৰ্দেশ মানিব খোজা নাই নেকি ?

দ্বিতীয়তে—চৰকাৰী কৰ্মচাৰীৰ সংখ্যা কিয় ক্ৰমে বঢ়াব লগীয়া হৈছে মই বুজি নাপাওঁ। ৰাজ্যপালৰ ভাষণত এটা কথা উল্লেখ আছে যে ৰাজ্যত Crime অৰ্থাৎ চুৰি, ডকাইতি, হত্যাকাণ্ড আদি ঘটনাৰিলাক কমি আহিছে। যদি এয়ে হয়, তেন্তে এই ক্ষেত্ৰত কৰ্মচাৰী কমোৱাবহে প্ৰয়োজন আছিল; কিন্তু তাৰ ঠাইত দেখা গৈছে—চৰকাৰে কৰ্মচাৰীৰ সংখ্যা বঢ়াইহে নিছে। মিজু পাহাৰত দুৰ্ভীক্ষাই দেখা দিছে। স্থানীয় প্ৰবাদ অনুযায়ী দুই-তিনি বছৰৰ আগতে তাত বাঁহ ফুলিছে আৰু বাঁহৰ গুটি খাই নিগনিৰ বংশ-বৃদ্ধি হৈছে—আৰু নিগনিয়ে ধান-চাউল খাই শেষ কৰি দিয়াৰ ফলত আকাল হৈছে—আৰু আকাল হোৱাত বিভাগীয় কৰ্মচাৰীৰ সংখ্যা বাঢ়িছে। তাত যে আকাল হৈছে এইটো চৰকাৰৰ দূৰদৰ্শিতা নথকাৰ কাৰণে হৈছে। কৈছে নিগনিয়ে কৰিছে। মই আচৰিত হৈছো—নিগনিয়ে চৰকাৰক দেৱলীয়া কৰিবলৈ ওলাইছে। যি চৰকাৰে নিগনিক বাধা দিব নোৱাৰে সেই চৰকাৰে আকৌ ৫ বছৰীয়া পৰিকল্পনাৰ কথা কয়? আচৰিত—



নিগনিয়োও চৰকাৰক দেৱলীয়া কৰে। এই প্ৰসংগতে মই চৰকাৰৰ পৰা জানিব খুজিছো— কিয় আগতে এই দুৰ্ভীক্ষৰ প্ৰতিবোধৰ ব্যৱস্থা কৰা নহ'ল আৰু হাজাৰ হাজাৰ মানুহ কিয় মৃত্যুৰ মুখত পৰিব লগা হৈছে? কেৱল Additional Deputy Commissioner এজনক নিয়োগ কৰিলেই নিগনিৰ বংশ উচ্ছেদ হ'ব নেকি? অথবা—এই Additional Deputy Commissioner জনৰ নিয়োগৰ লগে লগেই নিজ পাহাৰৰ নিগনিবিলাক নাইকিয়া হৈ যাব? এনে স্বলত এই Additional Deputy Commissioner জনৰ নিয়োগৰ অৰ্থ বুজি নাপালো। ইয়াকৈ কৈ মই বিলখনৰ বিৰোধিতা কৰো।

**M. MOINUL HAQUE CHOUDHURI (Minister, Parliamentary Affairs for Minister, Tribal Affairs Department):** At the outset I apologise to the House that my friend Shri Sangma, the Tribal Affairs Department Minister is not present due to his illness. I am replying on his behalf. Sir, two Hon'ble speakers took part in the debate, Shri Hiralal Patwary and Shri Borbaruah. I find that they have no basic objection to this Bill and in fact there should not be any. Sir, in our existing rules, viz., in the Assam Autonomous Districts Administration of Justice Rules, there is no provision for appointment of an Additional Deputy Commissioner. There is one word used in the whole Rule, namely, the word "Deputy Commissioner". It is apprehended that if an Additional Deputy Commissioner is appointed, he may not really have the same powers because the post of the Additional Deputy Commissioner is neither included nor defined in the rules themselves. As such it is feared? Sir, if and when an Additional Deputy Commissioner is appointed, some legal difficulties may arise. In order to obviate that difficulty this amendment has been brought before the House with the idea to enable the Government to appoint such Additional Deputy Commissioners, if and when circumstances justify and if they are appointed they may have the requisit powers of a Deputy Commissioner. Sir, in the Plains areas wherever there is a Deputy Commissioner and also an Additional Deputy Commissioner, their powers are more or less defined under the Criminal Procedure Code. In fact, for almost all purposes in the Plains areas where the Criminal Procedure Code is applicable, the powers of the Additional Deputy Commissioner are almost the same as those of the Deputy Commissioner except in some matters like transferring a case from the file of the Additional Deputy Commissioner himself, by the Deputy Commissioner as District Magistrate. Therefore when we appoint an Additional Deputy Commissioner in the Plains District we have no difficulty because the Indian Criminal Procedure Code and the other was on the matter are very clear on this point. Unfortunately the Criminal Procedure Code do not apply except in substance in the Autonomous Districts. There all the proceedings are governed by the Autonomous Districts Administration of Justice Rules. Naturally when an Additional Deputy Commissioner has not been mentioned clearly in these rules and when one is to be appointed with more or less equivalent powers as those of the Deputy Commissioner, then the same has got to be defined by this House. But instead some of my Hon'ble friends have apprehended that the Government is going to increase the number of officers. It is far from our intention. We do not want to appoint Additional Deputy Commissioners in every Hill Districts right now. There is an exigency in the Mizo Hills Districts. Government gave them an assurance that we would see that not a single man die out of starvation there in the famine. We have got to tackle the famine situation successfully. I am sure this House is one on



this point. Shri Borbaruah gave a speech supporting the cause of a people of the Mizo Hills District. He himself said that we should see that no man suffers. We are merely carrying out the wishes of the House in this behalf. We want to appoint an Additional Deputy Commissioner in Mizo Hills District to do that job. My friend was asking what the Additional Deputy Commissioner would do. I can just tell my friends what he would do by illustrating one point.

The rice requirement in the Mizo Hills District is estimated to be 90,000 maunds per month. Now, let me give an idea as to how that 90,000 maunds of rice can be transported to that district from Silchar. My friend knows that the road leading to Mizo Hills is not a very good road; it is a hill road which was recently constructed and it has not yet been stabilised. It can only take a 3-Ton truck which can carry say 100 maunds of rice. If we are to transport 90,000 maunds of rice than that means carrying 3,000 maunds without any holiday 3,000 maunds of rice every day to the Mizo Hills means taking 300 trucks every day; that again means 600 trucks a day going up and coming down simultaneously if the operation is to be done daily. It is really a very gigantic task, Sir, to handle so much of transport. Besides that, transport is not easily available in that district. This is but one job. There are many more. Now, Sir, in such an emergency if we want to appoint one Additional Deputy Commissioner to take up the job of reaching rice or relief to every corner of the district, surely it is not a luxury and I hope the whole House will entirely agree with me that there is full justification for such appointment to tackle the grave situation in the Mizo Hills which Government is pledged to look after properly. My friend was saying, 'what would be his job? Will he chase away the rats?' Well Sir, his job would be to distribute rice and relief to the affected people from Cachar border right up to Rangamati in the Arakan border. You know, Sir, Mizo Hills is possibly the biggest district in India with sparse population but with very limited means of communication. A huge organisation is needed to handle such a situation and in that connection Government thinks it imperatively necessary to appoint an Additional Deputy Commissioner there. I don't think the House will have any objection to that.

Now, my friend Shri Barbarooah raised one pertinent question that the Additional Deputy Commissioner to be appointed will also have some police functions as usual. This is a far reaching question. India has already accepted the policy of separation of the Judiciary from the Executive. When this Government is in a position to implement decision certainly this office will also be entitled to same treatment. Again, my friend was saying that this Government did nothing to tackle the rat menace in the Mizo Hills. I can tell him that Government did its best but could not be fully successful for obvious reasons started by one earlier but Government did not know that there is a Pied piper of Hamelin in this House who can drive away all the rats from Mizo Hill District. I would request my friend Shri Barbarooah to go there and try to drive away the rats with his eloquent oratory and his sweet speeches! My friend Shri Hiralal Patwary raised the question about the disparity of pay between the IV Grade employees and the Additional Deputy Commissioner. Unfortunately that is there. This is not only true about Assam but



throughout the Country. This House passed the Budget giving the other IV Grade employees and the other Additional Deputy Commissioners their respective pays. Anyway, that is not a very pertinent question. But I can tell him that these IV Grade employees do not get only Rs.30 to Rs.35 a month as he said, but I understand they are getting anything between Rs.62 to Rs.67 per month according to the period of the year, that is, in the winter months they get more and in the summer months they get less, but in any case they do not get less than Rs.62 to Rs.67.

Sir, I hope I have met all the points raised by my hon. friends opposite. So I would request this House to pass this Bill.

**Mr. SPEAKER:** I put the question. The question is that the Assam Autonomous Districts Administration of Justice Bill, 1960 be taken into consideration.

(The question was adopted.)

As there are no amendments, you can move for the passing of the Bill.

**M. MOINUL HAQUE CHAUDHURI (Minister, Parliamentary Affairs):** Sir, I beg to move that the Assam Autonomous Districts Administration of Justice Bill, 1960 be passed.

**Mr. SPEAKER:** The motion moved is that the Assam Autonomous Districts Administration of Justice Bill, 1960 be passed.

**Shri KHOGENDRA NATH BARBAROOAH (Amguri):** Sir, I have patiently listened to the speech of the Hon'ble Minister. But one thing I find is not clear. Whether this appointment is a permanent one or is it temporary? In other words, is this Additional Deputy Commissioner to be appointed to be retained there permanently or not. The Minister says that Government wants to appoint this Additional Deputy Commissioner in view of the grave situation that prevails in the Mizo Hills now. I agree with him that for the time being this appointment is necessary but the question arises, whether he will be retained there permanently? I find that in the Bill there is nothing mentioned about that, but there is an indication that he will be retained permanently. It is true that this Additional Deputy Commissioner is sought to be appointed because of the rat menace, but what will this Additional Deputy Commissioner do if the rats do not respond to him..... (laughter). Then again, Sir, it is said that an Additional Deputy Commissioner is necessary to distribute rice to the Mizo district, well there are Famine Committees and other departments too, this job can be taken by these committees and department. So I don't see that appointment of an Additional Deputy Commissioner will just drive away the rats. My contention is that this appointment of an Additional Deputy Commissioner cannot and will not save the people from the rat menace.

**M. MOINUL HAQUE CHAUDHURY:** Sir, I will reply to the hon. member's contention in just one sentence. This Additional Deputy Commissioner is appointed when there is a necessity, but the officer will not be retained more than a day beyond the necessity.



**Mr. SPEAKER:** The question is that the title and Preamble do form part of the Bill.

(The question was adopted.)

**Mr. SPEAKER:** I put the question. The question is that the Assam Autonomous Districts Administration of Justice Bill, 1960 be passed.

(The question was adopted.)

**The Assam Court Fees (Amendment) Bill, 1960**

**Mr. SPEAKER:** There is a Message from the Governor.

“Raj Bhaban, Shillong.

I recommend under Section 207(1) of the Constitution that the Assam Court Fees (Amendment) Bill, 1960 be introduced and moved in the Assam Legislative Assembly.

S. M. SRINAGESH,  
Governor of Assam.”

**Shri FAKHRUDDIN ALI AKMED (Minister, Finance):** Mr. Speaker, Sir, I beg leave of the House to introduce the Assam Court Fees (Amendment) Bill, 1960.

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

I put the question. The question is that the Assam Court Fees (Amendment) Bill, 1960 be introduced.

(The question was adopted.)

(Secretary, Assam Legislative Assembly read the title of the Bill)

**The Assam (Sales of Petroleum and Petroleum Products including Motor Spirits and Lubricants) Taxation (Amendment) Bill, 1960**

**Mr. SPEAKER:** There is another Message from the Governor.

“Raj Bhaban, Shillong,

I recommend under Section 207(1) of the Constitution that the Assam (Sales of Petroleum and Petroleum Products including Motor Spirits and Lubricants) Taxation (Amendment) Bill, 1960 be introduced and moved in the Assam Legislative Assembly.

S. M. SRINAGESH,  
Governor of Assam.”



**Shri FAKHRUDDIN ALI AHMED (Minister, Finance):** Mr. Speaker, Sir, I beg leave of the House to introduce the Assam (Sales of Petroleum and Petroleum Products including Motor Spirits and Lubricants) Taxation (Amendment) Bill, 1960.

**Mr. SPEAKER:** The motion is moved. I put the question.

The question is that the Assam (Sales of Petroleum and Petroleum Products including Motor Spirits and Lubricants) Taxation (Amendment) Bill, 1960, be introduced.

(The question was adopted.)

(Secretary, Legislative Assembly read the title of the Bill).

**The Assam Sales-Tax (Amendment) Bill, 1960**

**Shri FAKHRUDDIN ALI AHMED :** Mr. Speaker, Sir, I beg leave to introduce the Assam Sales-Tax (Amendment) Bill, 1960.

**Mr. SPEAKER:** The question is that leave be granted to introduce the Assam Sales-Tax (Amendment) Bill, 1960.

(The question was adopted.)

**Shri FAKRUDDIN ALI AHMED :** I beg to move that the Assam Sales-Tax (Amendment) Bill, 1960 be introduced.

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

The question is that the Assam Sales-Tax (Amendment) Bill, 1960, be introduced.

(The question was adopted.)

(Secretary, Legislative Assembly read the title of the Bill).

**The Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959**

**Shri HARESWAR DAS (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Fixation of Ceiling of Land Holdings (Amendment) Bill, 1959, be taken into consideration.

**Mr. SPEAKER:** The Motion is that the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959, be taken into consideration.

**Shri TARUN SEN DEKA (Nalbari-West) :** Mr. Speaker Sir, I welcome the amendment but at the same time I want to draw the attention of the Minister-in-charge to Section 20 of the main Act. In Section 10 20 this amendment has omitted the words "no person either by himself or



through the member of his family"—but in the latter portion of this Section, there is another term "Or any member of his family" and this term has not been omitted. From the very beginning to the end of this amending Bill it mainly seeks to omit the words "No person either by himself or through any member of his family" but in the absence of any amendment to omit the very portion which occurred in the 7th line of Section 20 the words "Or any member of his family", I think it will frustrate the aim of this amendment, unless this is sought to be amended.

Further more, Sir, by this amendment Bill Government wants to include the very words "Company and the Body corporate" in the word "person". Originally, the word "person" includes the members of his family. But here, when I find the words "Company or body corporate" have been added, surely the scope of this Bill has been extended and widened, so I welcome it. But at the same-time I do not understand what the very word "Company" means there is no definition, in the original Bill it is clearly stated that the tea garden lands will not be affected by this Act. If that be so, will the Minister-in-charge clarify that except the estates of the tea companies, can he expect to get excess lands from any other companies in our State ?

Is there any other company except the tea company who possesses more than 150 bighas of land as envisaged in the original Act ? Sir, I want to know about this from the Minister-in-charge. In section of the original Act there is mention about the Ceiling of the Co-operative Farming Society, there is a clear definition. In the original Act, Section 4 reads like this—"Notwithstanding anything to the contrary in any law, custom or agreement, no person, either by himself or through any member of his family, shall be entitled to hold as owner or tenant, lands which exceed the limit of 150 bighas in the aggregate. Provided that where the person holds orchard lands, the afore-mentioned limit shall be increased by the actual area of the orchard, subject to a maximum of 30 bighas. (2) The Ceiling of a Co-operative Farming Society shall be the aggregate of the ceilings of its individual members or their families under sub-section (1) above. Provided that lands held outside the society by a member of a Co-operative Society or any member of his family shall also be taken into account for determining his ceiling. (3) No *benami* transfer made after the twelfth day of November, 1955, shall be taken into account in determining the limit upto which the transferor shall be entitled to hold lands under sub-section (1) above and in such case the limit and the excess land of the transferor shall be determined as if the transfer has not taken place".

Here Sir, we find that the fixation of ceilings of the Co-operative Farming Society will have to be made but at the same time a reference has been made of local bodies in the body of the Bill and that land possessed by the local bodies will not be affected by this Act.

So I fail to understand why this body corporate was required to be incorporated in the Act. Now here in this amendment we find that such body corporate includes Co-operative Farming Society also, therefore, you will find that except the Co-operative Farming Society and the local bodies, there is no excess land to be found out. I want to know from the Revenue Minister whether there is any expectation to get excess land from anybody corporate of the State. If there is no excess land to be found out



from the body corporate or from any company, I do not find any reason for amending this Act. Further, Sir, it is seen that quite a number of times amendments to this Act have been made and, in almost all the times which this Act has been brought up for amendment, from this side of the House there were suggestions to make the Act more comprehensive in order that expenditure on this score may not be incurred unnecessarily. If one amendment is made some extra expenditure is incurred and we have in fact amended this Bill many times.

If in this way amendment after amendment is coming, I do not know whether the object of this most valuable piece of legislation would be fulfilled. I am sorry to express here that in spite of the fact this Act was passed long before the implementation is yet to be properly made. Due to improper implementation or untimely implementation, the purpose of the Act has gone astray. Sir, I think it will not be out of place to mention that when the original Act was in the Bill stage, it was seen that some of the land holders got an opportunity to transfer their lands by *Benami Transactions*. You know, Sir, that some of the landlords have just transferred their lands by way of gifts, sell and mortgage to their relatives, sons, daughters and son-in-laws with a view to reduce the quantity of lands less than 150 bighas. Of course in the later stage some amendments have been made to the effect that if some transfer are found to have made after 12th November 1955, then these transaction will be treated as *Benami Transactions*. But the Government have not taken any steps as yet to verify as to which are *Benami Transactions*. There are many landless Adhiars who are not competent to go to Court. They are the worst sufferers. For more than once we have raised in this House that the Government should try in time to enquire itself if necessary, with the help of local organisation and also with the aid of the political parties to ascertain as to which are the *Benami Transactions*. I want to tell the Revenue Minister that only by passing some Acts will not be possible to help our land reform measure unless we are sincere to it.

My last point is about the tea garden lands. I want to suggest that the land under the tea garden companies should also be included because as you know that there are lakhs of acres of land fit for paddy cultivation are lying unused at the disposal of the tea gardens.

**Shri HARESWAR DAS (Minister, Revenue):** May I know whether the hon. Member has tabled an amendment?

**Shri TARUNSEN DEKA (Nalbari-West):** Sir, I am requesting the Government that the land problem is very acute and therefore amendments should come from the Government side to include the excess lands available under the tea gardens which are not required for the development of Tea Plantation and which are fit for paddy cultivation. With these words, Sir, I conclude my speech.

**Shri HARESWAR DAS (Minister, Revenue):** Mr. Speaker, Sir, my Friend, Shri Tarunsen Deka has raised some objections to the amendment of Section 20. But his objection is groundless. Because Clause 8 of the Bill contemplates to amend Section 20 and runs like this. In Section 20 of the principal Act, in sub-section (1) the following words shall be



omitted, namely, "either by himself or through any member of his family".

Therefore Mr. Deka's argument is groundless, wherever these words "either by himself or through any member of his family" occur in that sub-section will be omitted.

**Shri TARUNSEN DEKA (Nalbari-West):** These words should be omitted wherever they occur in the Act.

**Shri HARESWAR DAS (Minister, Revenue):** Yes, these will be omitted wherever they occur.

The second point of his objection is about the meaning of the word 'Company'. This is simple, the ordinary dictionary meaning is to be taken.

**Shri TARUNSEN DEKA :** There should be specific definition about the word 'company'; because different dictionaries may explain the meaning in different ways.

**Shri HARESWAR DAS :** The general rule of interpretation is that if word is not defined in the Act, it is taken in its ordinary dictionary meaning.

Then Sir, Shri Deka makes some contradictory statements. He has said that there have been many amendments of this Act. But he himself suggests another amendment. He also said that this Act was unduly delayed, then he suggested that we should proceed with caution. He referred to section 4 of the Act and complained about transfer of land by owners. If he needs the original Act, he will find that transfer was made null and void thereafter a certain date. But in giving President's assent Government of India pointed out that that provision would clash with the fundamental rights provided in Art 19 which entitles citizens to dispose of their property. Hence we amended that section.

Now about tea garden for which my Friend Shri Tarunsen Deka has pressed for amendment. This is not necessary. There was some trouble for non-inclusion of the word 'Company'. The tea garden is a company and some people may also form a company. Four or five persons may constitute a partnership business or form a company under the Indian Company's Act. Doubt arose as to whether the present Act covers these cases. In tea gardens some lands are lying unutilised; these are surplus waste land and are covered by the Assam Requisition and Acquisition Act. But there may be lands settled with tenants, these are covered by the Ceiling Act. So to bring the tea companies and other companies within the scope of this Act, this amendment has been proposed.

Then, Sir, I do not know how the Adhiars come here. I find a tendency that whenever there is a talk on land, the question of Adhiars immediately comes. It should not come at all. Adhiars' rights are protected by other provisions. After possession for one year, they are protected from eviction. If there be any breach of those lands remedy is elsewhere. That will be beyond the scope of this Bill.



So, the question of the Adhiar does not come to the picture at all. So, the apprehensions expressed by Shri Deka are groundless. But if he still have any doubt I am prepared to sit together and dicuss matters.

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

The question is that the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959, be taken into consideration, clause by clause.

*(After a pause)*

*(The question was adopted.)*

**Shri HARESWAR DAS (Minister, Reveue):** I beg to move that the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959 be passed.

**Mr. SPEAKER:** The motion is moved. The question is that the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill, 1959 be passed.

*(The question was adopted.)*

### The Assam Loud Speakers (Control) Bill, 1959

**Shri FAKHRUDDIN ALI AHMED (Minister, Law):** I beg leave to move that the Assam Loud Speakers (Control) Bill, 1959 as taken by the Select Committee be taken into consideration.

**Mr. SPEAKER:** The question that the Assam Loud Speakers (Control) Bill, 1959 as reported by the Select Committee be taken into consideration.

**Shri KHOGENDRA NATH BARBARUAH (Amguri):** প্রথমেই মই এই লাউড স্পীকাৰ বিলখন চিলেক্ট কমিটিতৈ যোৱাত আৰু চিলেক্ট কমিটিয়ে কিছুমান পৰামৰ্শ আগবঢ়োৱাৰ বাবে ধন্যবাদ জনাইছো। বহুতো ক্ষেত্ৰত, মই চিলেক্ট কমিটি বিপৰ্টিপ লগত একমত হব নোৱাৰিলো। এইটো কথা ঠিক যে বিল একোখন আইনত পৰিণত কৰাৰ সময়তে চৰকাৰ সাৱধান হব লাগে যাতে অনৰ্থক পিচত তাৰ ওপৰত সংশোধনী নাহে। আমি আজি দুই-তিনি বছৰ ধৰি দেখি আহিছো যে, চৰকাৰৰ অদূৰদৰ্শিতাৰ ফলত, আইন প্ৰণয়নৰ পিচ মুহূৰ্ত্ততেই সংশোধনী আনিবলগা হয়। সেইদৰে যাতে এই 'লাউড স্পীকাৰ' বিলখন আইনত পৰিণত হোৱাৰ পিচতেই যাতে সংশোধনী আনিবলগা নহয়, তাৰ কাৰণে সময় থাকোতে এতিয়াই সকলো প্ৰকাৰে বিবেচনা কৰিব লাগে। এই বিল-প্ৰসঙ্গত যোৱাৰ বাবে যেতিয়া বিলখন সদনত উত্থাপিত কৰা হৈছিল তেতিয়াই আমি আলোচনা কৰিছিলো আৰু তাৰ পিচত চিলেক্ট কমিটিয়ে ইয়াৰ ওপৰত কিছুমান সংশোধনী আগ বঢ়াইছে আৰু মোৰ ধাৰণা যে বহুতো সংশোধনী থাকিব গৈছে। তাৰেই মই কেইটামান কথা আগ বঢ়াব খুজিছো।

প্রথমটো হৈছে—A Bill provide for the control of indiscriminate use of Loud Speakers, Microphones in the State of Assam.



ইয়াত 'indiscriminate' শব্দটোৰ ব্যাখ্যা দিয়া হোৱা নাই। S. I., Police এ ঠিক কৰিব। এই শব্দটো এইদৰে এৰিলে নহব; ইয়াৰ এটা ব্যাখ্যা থকা দৰ্কাৰ। লাউড্ স্পীকাৰ নো সৰ্ব্বমুঠ কেই ঘণ্টা বজাব পাৰে; ২ ঘণ্টা, ৪ ঘণ্টা, ৬ ঘণ্টা নে ১০ ঘণ্টা। যদি এই কথা স্পষ্টভাৱে দিয়া নাথাকে তেন্তে "টুইং মেজিষ্ট্ৰেট" এ কেনেকৈ নিৰ্দ্ধাৰিত কৰিব? গতিকে ইয়াৰ ব্যাখ্যা দিয়া অত্যন্ত দৰ্কাৰ। নহলে এই বিল আইনত পৰিণত হোৱাৰ পিচত বলবত হোৱাৰ দিনাই নানা বকমৰ অসুবিধাৰ সম্মুখীন হব লাগিব।

দ্বিতীয়টো হৈছে—Use of Loud Speaker, Microphones, etc., in the State of Assam. ইয়াত "Etc."ৰ মানে কিছুমান কথা আছে যিবিলাক হয় লুকুৱাই ৰখা হৈছে, নহয় আৰু বহুতো নজনা কথা তাৰ ভিতৰত সোমাই আছে। তাৰ পিচত "other apparatus"ৰ মানে কি? বজা নাযায়। তাৰ পিচত 'লাউড্ স্পীকাৰ', 'হাইফ্ৰফোন' ইত্যাদি শব্দবিলাকৰ 'দেফিনেচন' অৰ্থাৎ সংজ্ঞা দিয়া হোৱা নাই। ধৰক, মানুহৰ মাতটো ডাঙৰ কৰিবৰ কাৰণে এটা জাতিলাউৰ খোলা ব্যৱহাৰ কৰা হৈছে—সেইটোও কি 'লাউড্ স্পীকাৰ'ৰ ভিতৰত সোমাব নেকি?

**Mr. SPEAKER** : 'মেকানিকেল' হব লাগিব।

**Shri KHAGENDRA NATH BARBARUA (Amguri)**: চাৰ 'মেকানিকেল' বুলি উল্লেখ থাকিব লাগিছিল তাৰোপৰি কাগজৰ 'লাউড্ স্পীকাৰ' বা টিংপাট মেৰিয়াই কৰা 'লাউড্ স্পীকাৰ' আদি মানুহে ব্যৱহাৰ কৰে। এইবিলাক "etc" শব্দৰ ভিতৰত সোমাব নেকি? কাজেই, 'etc' শব্দৰ ব্যাখ্যা থকা উচিত।

তাৰ পাচত চাৰ, ৪র্থ ধাৰাত কৈছে—If in the opinion of the Deputy Commissioner or Subdivisional Officer, this is necessary so to do for the purpose of preventing annoyance or injury to the health, or the public or any section there or for the purpose of maintaining public peace and tranquility or purpose of preventing disturbances to the Educational Institutions, হাসপাতাল আৰু কোৰ্ট বুলি কৈছে। ইয়াৰ বাহিৰে জানো আৰু অফিচ নাই, যেনে—চেফ্ৰেটেৰিয়েট, এচেম্বলী আছে, Select Committee এ আৰু বিচাৰি নাপালে। D. C. ৰ হুকুম লৈ loud-speaker কেইঘণ্টামান বজাব পাৰে কিন্তু permit দিয়াৰ কোনো ব্যৱস্থা নাই। Permit ৰ ব্যৱস্থা থাকিব লাগে or operation in any urban area or in any vehicle within such area or microphone, loud-speaker or other apparatus.

Loud-speaker or other apparatus ৰ পিচত কমা নাই। এইটো কি বজাইছে? এটা কমাই বহুত কথা বজাই দিয়ে। পাঁচ পৃষ্ঠাৰ প্ৰথম পৰাৰ ৪র্থ লাইনত Microphone, loud-speaker or other apparatus বুলি কৈছে, এই or ৰ আগত কমা নাই।

২নং Police Officer below the rank of S. I. বুলি কৈছে। Any officer or the police station within the limits of which the vehicle is seized not below the rank of Sub-Inspector (may) shall release immediately such vehicle on bond for such sum.



এইটো withdraw কৰিব লাগে, নহলে এটা কমা দিব লাগে তাকে নকৰিলে Inspector ৰ vehicle কৰা হব।

Proviso to Section 4(3) টেক্সি চলোৱা ড্ৰাইভাৰৰ গাড়ী seize কৰাৰ কথা কৈছে। কিন্তু গাড়ীখন কিয় seize কৰিব লাগে? দুখীয়া মানুহে ভাড়া পালে গাড়ী দিবই। গাড়ীখন seize কৰি তাৰ ভাত নবাবহে ব্যৱস্থা।

**Mr. SPEAKER:** Mr. Barbaruah, instead of discussing this at this stage it would be better if you bring amendments at a later stage, because the scope of debate at this stage is very limited under Rule 76 of our Rules of Procedure and Conduct of Business. For your information I read the rule—

“76. Scope of debate on report of Select Committee. The debate on a motion that the Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.”

So, if you want to criticise every clause, line by line, word by word, then it would be better for you to bring up amendments. Now we are only in the consideration stage of the Select Committee Report.

**Shri KHAGENDRANATH BARBARUA (Amguri):** সেইটো হয়, সেই কাৰণে মই মোটামুটিকৈ কৈছো। এতিয়া any person ৰ কথাটো কৈছে। এইটো কি বুজাইছে? এতিয়া loud-speaker বজোৱা লৰাটোকো ধৰিবনে? মালিককহে ধৰিব, আনন্দতে দুই এটা লৰা গাড়ীত উঠিব পাৰে সিহঁতকো ধৰিব লাগিবনে?

D. C. আৰু S. D. O. ধৰাৰ ক্ষমতা দিছে ইফালে বিচাৰৰ ক্ষমতাও তেওঁলোককে দিছে। তেওঁলোকে ধৰিব আকৌ তেওঁলোকেই বিচাৰ কৰিব। এইটো ঠিক নহয়। আমাৰ সংবিধানেই Judiciary আৰু Executive বেলেগ কৰি দিছে, তেনেস্থলত এইটো কেনেকৈ হয়? আৰু appeal কৰিবৰ বাবে ব্যৱস্থা থাকিব লাগিছিল, কোনো কোনো আইনত appeal ৰ ব্যৱস্থা আছে আৰু কোনো কোনোত নাই। এইটো মই ভাল পোৱা নাই, সেই কাৰণে মোৰ কথাবোৰ সদনে বিবেচনা কৰি চাব বুলি আশা কৰিলোঁ।

**Shri TARUN SEN DEKA (Nalbari-West):** Sir, under rule 75 of our Assembly Rules, I beg to move that the Assam Loud Speakers (Control) Bill 1959, be recommitted with instruction to the Select Committee to delete the word “Etc.” occurring in the third line of the preamble and also delete the words “or other apparatus” occurring in both clauses (2) and (3) of Section 4 and also delete the square brackets and the word “five” occurring in the 7th line of sub-clause (4) to Section 4.



Sir, I welcome the aim and object of this Bill. But to arrive at the aim and object of this Bill I want to delete the word "Etc." because it does not signify a specific apparatus. The word "Etc." is vague and bad in law. At the time of general discussion of this Bill, also it was said that the word "Etc." should be omitted. With this instruction, Sir, the word "Etc" occurring in the third line of the preamble should be omitted.

Also, Sir, the words "or other apparatus" are also bad. So, I want to delete that portion also.

**Mr. SPEAKER:** Your purpose will be served by moving amendment to the Select Committee's Report. Why don't you move amendment of the Bill clause by clause?

**Shri TARUN SEN DEKA (Nalbari West):** Sir, here the Select Committee suggested that in place of Rs.100 it should be 500 rupees in clause (4) of Section 4, towards the middle. Here any person who contravenes any order of the Deputy Commissioner or the S. D. O. may under clause (4) of that sub-section, shall be punished with fine which might extend to 500 rupees and the court trying an offence under this Section may also direct forfeiture of any microphone, loud speakers, or other apparatus. Here originally it was Rs.100 and the Select Committee wants to make it Rs.500. Indiscriminate use of loud speakers will no doubt be an offence if this Bill is passed into an Act. But I do not find any reason why it should be treated as a serious offence. There is no reason to make it Rs.500. Moreover if the amount is less than Rs.500 it would be easier for third Class Magistrates to try the cases. I want to make it 100 and want to remove the "brackets" which has been put on here by the Select Committee.

I find that the Select Committee has accepted my previous amendment. My amendment was under clause 3 to Section 4 proviso, that in place of "may" the word "shall" be added. I am grateful to them.

With these few words, Sir, I move for recomittal of the Bill to the Select Committee.

**Mr. SPEAKER:** The amendment moved is that the Assam Loud Speakers (Control) Bill, 1959 be recommitted with instruction to the Select Committee to delete the word "Etc." occurring in the third line of the preamble and also delete the words "or other apparatus" occurring in both clauses (2) and (3) of Section 4 and also delete the square brackets and the word "five" occurring in the seventh line of sub-clause 4 to Section 4.

**\*Shri FAKHRUDDIN ALI AHMED (Minster, Law):** Mr. Speaker, Sir, I am really surprised that at this late stage such a motion could have been made by my Hon'ble friend Shri Deka. I do not see where the necessity or justification to recommit this matter to the Select Committee because if the Hon'ble member thinks that the Bill as it has emerged out from the Select Committee requires certain modifications, he is at liberty to move amendment and place them before this House. His



only objection is that the word "apparatus" has to be removed or the words "or the other apparatus" have to be deleted from sub-clause (2) under clause 4 of the Bill. Then he also suggested that the amount of Rs.500 as suggested by the Select Committee should be reduced to Rs.100. These are matters which he can easily bring before this House through the amendment and for this purpose it is not necessary that this Bill should be recommitted to the Select Committee.

Now, Sir, so far as Shri Barbaruah is concerned, he has objection to using the word "Etc." but if the Hon'ble member will please look at the provision of these clauses, the word "Etc." has not been used in clause 4 which is relevant for our purpose. The word "Etc." has only been used in the preamble and it has been done for a definite purpose and I do not know what apprehension my Hon'ble friend can have and what objection he can have for the use of the word "Etc." in the Bill, because this clause, if the Hon'ble member please read sub-clause (2) he will find that there the words are "may seize any microphone, loud speakers or other apparatus used or operated in contravention of this order". There the word "Etc." has not been used. Therefore the word "Etc." in the preamble refers to microphone, loud speakers or other apparatus used or operated in contravention of this order. It can have no reference to any other matters. Then he says that he objects to the use of the word "indiscriminate" also in the preamble. Here also he will be pleased to go through the provisions of this Bill he will find that the Bill aims at two things. First of all is authoritises the Government and the Deputy Commissioner to declare a particular area as an area deemed to be within the jurisdiction of the Municipality; and secondly, for which purpose the period is fixed only a period of three months and then for what purpose the use of those apparatus can be prohibited that is also defined and then if an an order is passed by the Deputy Commissioner that is subject to modification and alteration by the State Government on its own initiative or on the representation by any person when it is found that the order is not reasonable. Therefore, I do not know what apprehension my friend has simply because the word "indiscriminate" has been used in the preamble, and now he says it has to be defined and so on.

So I do not know what apprehension my Friend has simply because the word "Indiscriminate" has been used in the Preamble. Now he says that it should be defined. If we go through the provisions of this bill, we find that the Power which is intended to be delegated to the Deputy Commissioner is specific and in spite of such delegation the control has been kept by the Deputy Commissioner. The only thing I would like to tell him is that this Bill was circulated for eliciting public opinion and as he might have been practically every one has supported this measure. A few suggestions which have been made by few Bar Associations and other persons were taken into consideration by the Select Committee and those have been, to a great extent, accommodated in the Bill as amended by the Select Committee. After all these, I think, it is not necessary that we should take any more time and refer back this matter to the Select Committee. The Hon'ble Member will be at liberty to move such amendments as he likes when the



matter comes up and I, therefore, submit that the House may be pleased to pass it at the consideration stage.

**Mr. SPEAKER :** Shri Deka, are you going to press the amendments ?

**Shri TARUN SEN DEKA :** I press the amendments.

**Mr. SPEAKER :** I put the amendment first. The question is that the Assam Loud Speakers (Control) Bill, 1959 be re-committed with instructions to the Select Committee to delete (a) the word "etc." occurring in the 3rd line of the Preamble, (b) the words "or other apparatus" occurring in both clauses (2) and (3) of Section 4 and (c) the square brackets and "five" occurring in the seventh line of clause 4 of Section 4.

(The question was negatived.)

**Mr. SPEAKER :** Then I put the main question. The question is that the Assam Loud Speakers (Control) Bill, 1959 as reported by the Select Committee be taken into consideration.

(The question was adopted.)

#### **The Assam Consolidation of Holdings Bill, 1959**

**Shri HARELWAR DAS (Minister, Revenue):** I beg to move that the Assam Consolidation of Holdings Bill, 1959, be referred to a Select Committee with the following members :

Shri Ram Nath Das.

Shri Mohi Kanta Das.

Shri Radhika Ram Das, Deputy Minister, Revenue.

Shri Tajamul Ali Barlaskar.

Shri Karka Doley.

Shri Lila Kanta Bora.

Shri Bhuban Chandra Pradhani.

Shri Prabhat Narayan Choudhury.

Shri Phani Bora.

Shri Jahanuddin Ahmed.

The<sup>3</sup> Minister-in-charge.

Five members will form quorum and the Committee will submit its report by the 30th June, 1960.



**Mr. SPEAKER:** Motion moved. I put the question. The question is that the Assam Consolidation of Holdings Bill, 1959 be referred to a Select Committee consisting of the following members :

Shri Ram Nath Das.

Shri Mohi Kanta Das.

Shri Radhika Ram Das, Deputy Minister, Revenue.

Shri Tajamul Ali Barlaskar.

Shri Karka Doley.

Shri Lila Kanta Bora.

Shri Bhuban Chandra Pradhani.

Shri Prabhat Narayan Choudhuri.

Shri Phani Bora.

Shri Jahanuddin Ahmed.

The Minister-in-charge.

Five members will form quorum and the Committee will submit its report by the 30th June 1960.

(The question was adopted.)

### **The Assam Co-operative Land Mortgage Bank Bill, 1960**

**Mr. SPEAKER:** There is message from the Governor :

“Raj Bhavan, Shillong,  
The 9th March, 1960.

I recommend under Article 207(1) of the Constitution of India that the Assam Co-operative Land Mortgage Bank Bill, 1960 be introduced and moved in the Assam Legislative Assembly.

S. M. SHRINAGESH,  
Governor of Assam.”

**M. MOINUL HAQUE CHOUDHURY (Minister, Co-operation) :**  
I beg leave to introduce the Assam Co-operative Land Mortgage Bank Bill, 1960.

(The motion was put as question and adopted.)

**Shri MOINUL HAQUE CHOUDHURY:** Sir, I beg to move that the Assam Co-operative Land Mortgage Bank Bill, 1960 be introduced.



**Mr. SPEAKER :** The question is that the Assam Co-operative Land Mortgage Bank Bill, 1960 be introduced.

(The question was adopted.)

(The Secretary Legislative Assembly read out the title of the Bill.)

**The Assam Motor Vehicles Taxation (Amendment) Bill, 1960**

**Mr. SPEAKER :** There is a message from the Governor :

“Raj Bhavan, Shillong,  
The 9th March, 1960.

I recommend under Article 207(1) of the Constitution of India that the Assam Motor Vehicles Taxation (Amendment) Bill, 1960 be introduced and moved in the Assam Legislative Assembly.

S. M. SRINAGESH,  
Governor of Assam.”

**M. MOINUL HAQUE CHOUDHURY :** I beg to introduce the Assam Motor Vehicles Taxation (Amendment) Bill, 1960.

**Mr. SPEAKRR :** Motion moved. The question is that the Assam Motor Vehicles Taxation (Amendment) Bill, 1960 be introduced.

(The question was adopted.)

(The Secretary Legislative Assembly read out the title of the Bill.)

**The Assam Maintenance of Public Order (Amendment) Bill, 1960**

**Shri HARESWAR DAS (Minister, Revenue) :** I beg leave to introduce the Assam Maintenance of Public Order (Amendment) Bill, 1960.

**Mr. SPEAKER :** The question is that leave be granted to introduce the Assam Maintenance of Public Order (Amendment) Bill, 1960.

(The question was adopted.)

**Shri HARESWAR DAS :** I beg to move that the Assam Maintenance of public Order (Amendment) Bill, 1960 be introduced.

**Mr. SPEAKER :** The question is that the Assam Maintenance of Public Order (Amendment) Bill, 1960 be introduced.

(The question was adopted.)



**Election of Seven Members to the Committee on Public Accounts**

**M. MOINUL HAQUE CHAUDHUKY (Minister, Parliamentary, Affairs)**: I move that this Assembly do elect seven Members under Assembly Rule 242 to the Committee on Public Accounts to function from the 15th June, 1960.

**Mr. SPEAKER**: Motion moved. The question is that the Assembly do elect seven Members under Assembly Rule 242 to the Committee on Public Accounts to function from the 15th June, 1960.

(The question was adopted)

The Secretary will issue notice fixing date and time of election, if necessary.

**Election of ten Members to the Committee on Estimates**

**M. MOINUL HAQUE CHOUDHURY**: I beg to move that this Assembly do elect ten Members under Assembly Rule 244 to the Committee on Estimate to function from the 15th June, 1960.

**Mr. SPEAKER**: Motion moved. The question is that this Assembly do elect ten Members under Assembly Rule 244 to the Committee on Estimate to function from the 15th June, 1960.

(The question was adopted.)

The Secretary will issue notice fixing date and time of election, if necessary.

**Election of two Members to the Assam Text Book Committee**

**Shri RADHIKARAM DAS (Deputy Minister, Education)**: I beg to move that this Assembly do elect two representatives from amongst its Members to the Assam Text Book Committee.

**Mr. SPEAKER**: Motion moved. The question is that this Assembly do elect two representatives from amongst its Members to the Assam Text Book Committee.

(The question was adopted.)

The Secretary will issue notice fixing date and time of election, if necessary.

**Election of a Member to the Assam Road Communication Board to fill up the vacancy caused by the death of  
Rev. J. J. M. Nichols-Roy**

**Shri FAKHRUDDIN ALI AHMED (Minister, Finance)**: I beg to move that this Assembly do elect one representative from amongst its Members to the Assam Road Communication Boards to fill up the casual vacancy caused by the death of Rev. J. J. M. Nichols-Roy.



**Mr. SPEAKER** : Motion moved. The question is that the Assembly do elect one representative from amongst its Members to the Assam Road Communication Boards to fill up the casual vacancy caused by the death of Rev. J. J. M. Nichols-Roy.

(The question was adopted.)

The Secretary will issue notice fixing date and time of election, if necessary

**Laying out copies of the Report of the Board of Directors of the Assam Finance Corporation for the year ended on 31st March, 1959**

**Shri FAKHRUDDIN ALI AHMED (Minister, Finance)**: I beg to lay out in accordance with Sections 37(7) and 38(3) of the State Financial Corporation Act, 1951 the copies of the "Report of the Board of Directors of the Assam Finance Corporation for the year ended on 31st March, 1959.

**Laying out copies of Appropriation Accounts, 1957-58 and Audit Report, 1959**

**M. MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs)**: Mr. Speaker, Sir, I beg to lay out copies of Appropriation Accounts, 1957-58 and Audit Report, 1959.

**Government Resolutions for approval of an expenditure of Rs.33,000 under the head "28.—Jails"**

**Shri FAKHRADDIN ALI AHMED** : Sir I beg to move that this Assembly do approve of the expenditure of Rs.33,000 under the head "28.—Jails" by re-appropriation from the saving from sanctioned grant as indicated below :—

	General	Sixth Schedule (Part A) areas	Total
	Rs.	Rs.	Rs.
<b>28—JAILS—</b>			
1. Grant Originally voted by the Assembly ..	24,26,400	1,84,000	16,10,400
Additional grant voted by the Assembly during the year.	1,11,000	..	1,11,000
<b>Total .. ..</b>	<b>15,37,400</b>	<b>1,84,000</b>	<b>27,21,400</b>
<b>2. Sub-head under which the re-appropriation will be accounted for—</b>			
(1) A.—District Jails—5. Contingencies ..	32,000	..	32,000
(2) D.—Jail Manufacture .. ..	..	1,000	1,000
<b>Total .. ..</b>	<b>32,000</b>	<b>1,000</b>	<b>33,000</b>
<b>3. Sub-head from which the amount is to be re-appropriated—</b>			
D.—Jails Manufacture .. ..	33,000	..	33,000



**Mr. SPEAKER :** The Resolution moved is that this Assembly do approve of the expenditure of Rs.33,000 under the head "28.—Jails" by re-appropriation from saving from the sanctioned grant as indicated above—

(The Resolution was put as a question and adopted)

### Adjournment.

The Assembly was then adjourned till 10 A.M., on Saturday, the 19th March 1960.

R. N. BARUA,

Secretary, Legislative Assembly Assam.



