

Assam Legislative Assembly Debates

OFFICIAL REPORT

SECOND SESSION OF THE ASSAM LEGISLATIVE
ASSEMBLY AFTER THE FIRST GENERAL
ELECTION UNDER THE SOVEREIGN
DEMOCRATIC REPUBLICAN CON-
STITUTION OF INDIA

SEPTEMBER SESSION

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

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M., on Saturday, the 13th September, 1952.

P R E S E N T

Shri Kuladhar Chaliha, Speaker, B.L., in the Chair, eight Ministers, the two Deputy Ministers, one Parliamentary Secretary and seventy Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Re : Floods and Water-hyacinths

Maulavi MUHAMMAD UMARUDDIN asked :

* 30. (a) Are Government aware of the repeated devastating floods during the last two or three years in the areas to the north of the Railway line in the districts of Kamrup, Goalpara and Darrang which used to be generally immune from such floods in the past ?

(b) If so, do Government propose to arrange for investigation by experts into the cause of such floods so as to take remedial measures ?

(c) Are Government aware that extensive growth of water-hyacinths during the last two decades has choked up practically all beels, channels and other waterways and thereby has been retarding the flow of flood water ?

(d) Are Government aware that water-hyacinths are also gradually encroaching upon agricultural lands—usable for Boro cultivation and also fisheries and seriously affecting the productive capacity of both ?

(e) If so, what steps, if any, do Government propose to take for the eradication of water-hyacinth and whether any provision for the purpose has been made in the current Budget ?

†**Shri SIDDHINATH SARMA (Minister)** replied :

30. (a)—Yes.

(b)—On the advice of the Director, Central Water and Power Commission, who visited Assam recently, Government have been considering the question of opening a new Division called the River Investigation Division for the purpose of investigation into the cause of such floods and collection of hydrological data so that remedial measures may be taken up.

(c)—Yes.

(d)—Yes.

(e)—A sum of Rs. 3,000 has been earmarked from the Agricultural Demonstration Budget to start a campaign to eradicate water-hyacinth with a chemical known as "Ferno-xene" during the month of October 1952. If proved successful, this will be continued on a larger scale next year.

†The questions were replied to by Shri Ramnath Das (Minister) in the absence of Shri Siddhinath Sarma (Minister).

Maulavi Md. UMARUDDIN: Will Government be pleased to state the basis of constitution of that expert committee or body which they propose to set up to investigate into the cause of these floods ?

Mr. SPEAKER: What Committee do you mean ? They are creating a Division and not a Committee.

Maulavi Md. UMARUDDIN: I could not exactly follow the answer to question No.30 (b), but I heard the Minister mentioned of a sort of Committee or Body from the Government of India, I want to be clear about that.

Shri RAMNATH DAS (Minister): It is a Division Sir, and not an Expert Committee or Body.

Maulavi Md. UMARUDDIN: May we know Sir, who will be at the helm of this Department ?

Shri RAMNATH DAS (Minister): I think the hon. Member has not understood me properly, Sir. It will be better if I read my reply again.

Mr. SPEAKER: Yes, please do so, slowly and clearly.

Shri RAMNATH DAS (Minister): In 30 (b) I said—"On the advice of the Director, Central Water and Power Commission, who visited Assam recently, Government have been considering the question of opening a new Division called the River Investigation Division for the purpose of investigation into the cause of such floods and collection of hydrological data so that remedial measures may be taken up".

Maulavi Md. UMARUDDIN: Who is the executive head of this Division ?

Shri RAMNATH DAS (Minister): The head of the Public Works Department of this Government, Sir.

Maulavi Md. UMARUDDIN: Which officer ?

Shri RAMNATH DAS (Minister): The Chief Engineer, Sir.

Maulavi Md. UMARUDDIN: Is he an expert on this line ?

Shri BISHNURAM MEDHI (Chief Minister): It appears there is a misunderstanding and some confusion in this matter and I would like to make it clear. The position is that the CWINC rendered us advice and they have suggested creation of this Division with the promise that they will send experts to help us in all these matters. So, that Division will be created according to the direction and advice given by CWINC who are specially experts in the matter of irrigation, training of rivers and all hydrological schemes.

Maulavi Md. UMARUDDIN: Can we expect to have our own experts in these matters in due course ?

Shri RAMNATH DAS (Minister): Yes Sir, in due course, we must try to have experts of our own.

Maulavi Md. UMARUDDIN: With regard to question No.30(c), is Government trying to find out ways and means of utilising water-hyacinths for other purposes ?

Shri RAMNATH DAS (Minister): Yes, Sir.

Maulavi Md. UMARUDDIN: Where and how ?

Shri RAMNATH DAS (Minister): Everywhere in the State of Assam, Sir, by burrying them underground for compost and burning them also.

Shri BISHNURAM MEDHI (Chief Minister): I think that question pertains to the Food Department.

Maulavi Md. UMARUDDIN: But I heard the hon. Minister said that it is a hypothetical question. I want to know whether Government have investigated the possibility of utilising water-hyacinth for some other purposes apart from chemical use ?

Shri RAMNATH DAS (Minister): I think I have already replied to that Sir. I said that Government had already examined the possibility of using water-hyacinth for other purpose such as manure and they have been advising the villagers how to use them as manure.

Maulavi Md. UMARUDDIN: When was this campaign about using water-hyacinth as manure was started by Government ?

Shri RAMNATH DAS (Minister): Is it necessary to go into all those details, Sir ?

This campaign was started sometime ago and is still going on.

Shri RANENDRA MOHAN DAS: Apart from advising the people did Government spend any money from their own funds to do something ?

Shri BISHNURAM MEDHI (Chief Minister): We wanted to rouse the people in the villages to the sense of making compost and using it. When they make compost we give them, by way of encouragement, some grant from the agricultural fund.

Shri HARESWAR GOSWAMI: Are Government aware of the invention of a specific chemical for destruction of water-hyacinth by Dr. Hitendra Nath Barua of the Gauhati University ?

Shri BISHNURAM MEDHI (Chief Minister): That is the medicine which is contemplated here.

Shri HARESWAR GOSWAMI: Has it been tried anywhere ?

Shri BISHNURAM MEDHI (Chief Minister): Yes, it has been tried.

Shri HARESWAR GOSWAMI: With what result ?

Shri BISHNURAM MEDHI (Chief Minister): It was tried at Gauhati. The idea was to see whether along with water-hyacinth it also destroyed the crop underneath.

Maulavi Md. UMARUDDIN: With regard to (d), will Government be pleased to state the number of revenue-yielding fisheries in the State of Assam covered by water-hyacinth ?

Mr. SPEAKER: How does it arise ? I disallow this question.

Shri GAURISANKAR BHATTACHARYYA: While experiment was being made at Gauhati just in front of my house with the drug that has been invented by the Professor of the Gauhati University.....

Mr. SPEAKER: Are you giving information ?

Shri GAURISANKAR BHATTACHARYYA: While the experiment was being made, is it a fact that not only water-hyacinth but all the grass of the area was destroyed ?

Mr. SPEAKER: Your question is argumentative. I disallow it.

Maulavi Md. UMARUDDIN: With regard to (d), I wanted to know how many fisheries there are in the State of Assam yielding revenue to Government which have been affected by water-hyacinth ?

Shri RAMNATH DAS (Minister): This is a new question and I want notice, Sir.

Maulavi Md. UMARUDDIN: Do Government think that a sum of Rs. 3,000 is sufficient for the reclamation of all the fisheries ?

Shri RAMNATH DAS (Minister): I have already stated that a sum of Rs. 3,000 has been provided as an experimental measure, and if proved successful the campaign will be undertaken on a larger scale next year.

Shri RANENDRA MOHAN DAS: How many fisheries have been cleared of water-hyacinth by this amount of Rs. 3,000 ?

Mr. SPEAKER: You did not hear the reply and as such your question is out of order.

Shri SARVESWAR BORUWA: With regard to (a), are we to understand that the jurisdiction of the River Investigation Division will be confined to the districts of Kamrup, Goalpara and Darrang only ?

Mr. SPEAKER: Your question is out of order. In the answer no limit has been put.

Shri SARVESWAR BORUWA: I want to know whether the Division is meant for the whole of the State or for these three districts only.

Mr. SPEAKER: This is out of order.

Dhubri Jail

Maulavi MUHAMMAD UMARUDDIN asked :

*31. (a) Are Government aware that the Jail at Dhubri constructed with Bamboo pallsading is an insecure arrangement to house prisoners ?

(b) If so, will Government be pleased to state what measures they have taken or propose to take to improve or expand the Jail ?

(c) If not, will Government be pleased to state the reasons for undertaking the construction of a Jail at a cost of over Rs.5 lakhs in the Subdivisional town at Goalpara instead of at Dhubri which is the district Headquarters ?

*32. Will Government be pleased to state the maximum number of undertrial prisoners permitted to be accommodated in the Dhubri Jail and the total number actually accommodated during each month of years 1949, 1950 and 1951 and upto 31st July, 1952 ?

Rev. J. J. M. NICHOLS-ROY (Minister) replied :

31. (a)—Yes.

(b)—The Scheme for extension of the Jail at an estimated cost of Rs.85,000 has been sanctioned by Government and funds provided in the current year's Public Works Department Budget. The proposal for replacing the bamboo pallisade by pucca wall is under consideration of Government.

(c)—Serious overcrowding has been prevailing in the Jails of the State for a pretty long time due to gradual increase of Jail population and this cannot be relieved without sufficient extra accommodation in the Jails of the State. But as there is no suitable space inside or outside most of the existing jails for expansion the establishment of a District Jail at Goalpara town with an accommodation for 250 prisoners was considered an urgent and imperative necessity, which when completed will relieve overcrowding in the Jails of this district as well as in other districts of the State.

Maulavi Md. UMARUDDIN: With regard to (c), when was the search for land for extension of the jail at Dhubri made ?

Rev. J. J. M. NICHOLS-ROY (Minister): This scheme has been about 3 to 4 years' old. The search was, therefore, presumably made at about that time by the officers who were in charge of the jail.

Maulavi Md. UMARUDDIN: Are Government aware that there is plenty of land outside Dhubri town where the jail could have been established ?

Rev. J. J. M. NICHOLS-ROY (Minister): I am not aware of that.

Maulavi Md. UMARUDDIN: Why did the Government decide to have a jail at Goalpara costing about 5 lakhs of rupees instead of investigating the possibility of obtaining land at or nearabout Dhubri ?

Shri BISHNURAM MEDHI (Chief Minister): Many of the Sessions cases under section 302 of the Indian Penal Code are tried at Gauhati, and Goalpara is a place from where the prisoners can be immediately taken to Gauhati for trial. Then Sir, Goalpara is not situated near the border and that is another reason why we decided to have the jail there.

Maulavi Md. UMARUDDIN: Is it not a fact that the Additional Sessions Judge always goes to Dhubri on circuit ?

Shri BISHNURAM MEDHI (Chief Minister): Yes, for trying cases under section 304 of the Indian Penal Code and other sections,—not murder cases generally.

Maulavi Md. UMARUDDIN: Is not the Additional Sessions Judge competent to try cases under section 302 ?

Shri BISHNURAM MEDHI (Chief Minister): He may be competent, but that has been the usual practice.

Maulavi Md. UMARUDDIN: Have not cases under section 302 of the Indian Penal Code, been tried at Dhubri also ?

Shri BISHNURAM MEDHI (Chief Minister): May be. But even then for various reasons we would like to have the district Jail at Goalpara.

Maulavi Md. UMARUDDIN: What are the reasons ?

Mr. SPEAKER: Next question please.

Rev. J. J. M. NICHOLS-ROY (Minister) replied :

32.—The registered accommodation available for undertrial prisoners in Dhubri Jail is 74, the accommodation for other prisoners is 95.

The total number actually accommodated of undertrial prisoners during each month of the years 1949, 1950, 1951 and upto 31st August 1952 is given below :—

Months	1949	1950	1951	1952	
				Upto	31st August 1952
January ...	153·81	164·52	205·45		122·55
February ...	147·29	188·54	136·60		117·31
March ...	153·25	458·74†	177·35		132·52
April ...	118·09	377·17†	160·29		147·80
May ...	113·42	284·86†	168·09		198·26
June ...	150·52	201·30	118·90		118·73
July ...	153·41	204·50	107·47		173·80
August ...	169·76	185·44	113·58		191
September ...	174·83	166·53	102·39		...
October ...	170·50	206·45	113·00		...
November ...	182·00	199·46	130·66		...
December ...	168·48	190·09	127·00		...

† A Camp Jail was opened by the Deputy Commissioner, Goalpara, for a period of three months to accommodate the excess number of undertrials when the Jail could not accommodate them after utilising all available accommodation of the Jail.

Maulavi Md. UMARUDDIN: Why was not the extension and improvement of the Dhubri jail taken up earlier, Sir ?

The Rev. J. J. M. NICHOLS-ROY (Minister): It is a question of money, Sir.

Requisition of lands of displaced Muslims

Maulavi Md. UMARUDDIN asked :

*33. (a) Will Government be pleased to state the total area of lands belonging to displaced Muslims in each of the districts of Goalpara, Kamrup and Darrang requisitioned for temporary allotment to refugees from East Bengal and other non-Muslims in the beginning of 1950 following the communal disturbances ?

(b) Will Government be pleased to state the terms and conditions on which such lands were requisitioned ?

(c) Is it a fact that Government undertook to pay cash rent to the displaced Muslims whose lands were requisitioned ?

(d) If so, what is the rate of rent fixed and the basis on which it was fixed ?

(e) Will Government be pleased to state the amounts of rent assessed and paid respectively up to now to the displaced Muslims in each of the districts of Goalpara, Kamrup and Darrang whose lands have been requisitioned ?

(f) Will Government be pleased to state the total amount of outstanding rent due to be paid to the displaced Muslims whose lands have been requisitioned ?

(g) When do Government propose to pay such rent ?

(h) Is it a fact that all the displaced Muslims whose lands were requisitioned and utilised by others for cultivation of crops are being compelled to pay rent even for that period of occupation also ?

(i) Do Government propose to institute special enquiries into the whole matter to ensure the fulfilment of the commitment of the Government to displaced owners of lands ?

Shri HARESWAR DAS (Deputy Minister) replied :

33. (a)—Information are not available. It will be supplied when received from Deputy Commissioner, who has been referred to.

(b)—The lands were requisitioned on the following terms and conditions:—

(i) If the land was fallow at the time of requisition, the returning migrant owners would get an amount as compensation equal to double the land revenue.

(ii) For lands with standing crops at the time of allotment the migrant owners would get an amount equal to the revenue *plus* any amount between Rs. 3 to Rs. 6 per bigha according to the nature of the crops at the discretion of the Deputy Commissioners.

The above applies to cases of migrants returning within the stipulated time.

(c) & (d)—The Member is referred to the reply to (b) above.

(e) & (f)—The information is not available and will be supplied to the Member when received from the Deputy Commissioners concerned.

(g)—Deputy Commissioners have been instructed to pay the compensation as soon as possible.

(h)—Returning migrant owners are liable to pay revenue as in the case of any other Pattadar.

(i)—In view of the clear instructions given to the Deputy Commissioners, Government do not see any reason to institute a special enquiry into the matter.

Maulavi Md. UMARUDDIN: As regards (a), Sir, will the information be supplied if it will be available during the course of the Session ?

Shri HARESWAR DAS (Deputy Minister): The moment they are received they will be supplied. If they are received during the course of the Session they will be supplied.

Maulavi Md. UMARUDDIN: Has Government taken action to verify whether the local officers were taking proper action for the purpose of payment of rent or compensation, as the case may be, to the migrants ?

Shri HARESWAR DAS (Deputy Minister): Local officers took proper action, otherwise how compensation or rent could be paid to the migrants.

Maulavi Md. UMARUDDIN: Are Government aware, Sir, of the complaints already made to the local officers about non-payment of rent or compensation ?

Shri HARESWAR DAS (Deputy Minister): Not to our knowledge, Sir.

Maulavi Md. UMARUDDIN: Sir, will the Deputy Minister in charge be pleased to say whether any other agency than the Government agency was employed for the purpose of assesment or realisation of rent for those lands ?

Shri HARESWAR DAS (Deputy Minister): No other agency was employed for the purpose, as some of our land revenue staff were specially deputed.

Maulavi Md. UMARUDDIN: Is it not a fact, Sir, that some other people—non official committees were set up for assesment and realisation of rent ?

Shri HARESWAR DAS (Deputy Minister): They were not concerned with the assesment of rent, but they might assist our officers.

Maulavi Md. UMARUDDIN: Is the Deputy Minister aware that some such non-officials actually realised rent ?

Shri HARESWAR DAS (Deputy Minister): We are not aware of it, Sir.

Maulavi Md. UMARUDDIN: Will the Deputy Minister be pleased to make an enquiry about it from the Deputy Commissioner ?

Shri HARESWAR DAS Deputy (Minister): If any specific instance is given we will surely make an enquiry, Sir.

For the information of the hon. Member I want to clear one point. In one question of his it has been said that returning migrant owners are compelled to pay rent. That is not a fact. Rather we extended the time to pay up the arrear till 31st December 1951. In the Goalpara District the total arrears from Muslim migrants were from land revenue Rs.14,736-3-0, from local rate Rs.1,838-12-0 and remission for land revenue Rs.12,783-2-0 and for local rate Rs.1,594-7-0 was granted. In all the Districts the time for payment of land revenue was extended up to 31st December 1951. The land revenue was due for the years 1949-50 and the time for payment was extended till 31st December, 1951.

Transfer of District Headquarters from Dhubri to Goalpara

Maulavi MD. UMARUDDIN asked :

*34. Will Government be pleased to state whether they have in contemplation the transfer of the district headquarters from Dhubri to Goalpara or any other place in the district ?

Shri BISHNURAM MEDHI (Chief Minister) replied :

34.—Not at present.

Maulavi MD. UMARUDDIN : Is there any contemplation in future date, Sir ?

Shri BISHNURAM MEDHI (Chief Minister) : Nothing can be said of the future, Sir. Government will decide it on its merits.

Rate of vegetable oil products

Shri RANENDRA MOHAN DAS asked :

* 35. Will Government be pleased to state—

- (a) Is it a fact that the Central Government lowered the rate of vegetable Oil Products from Re.1-0-6 to 0-14-9 per lb. *vide* the Food and Agriculture Ministry's Notification S. R. O. 972 of 1st June, 1952 ?
- (b) Is it a fact that the Assam Government published this in the *Assam Gazette* after one and a half month ?
- (c) Is it a fact that Government realised the administrative charges from the importers at the previous rate of Re.1-0-6 per lb. during this one and a half month ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

35. (a)—Yes. The fact is already known and quoted as such by the Questioner himself and so there was no necessity to put the question.

(b)—Yes. The fact is that the notification of the Government of India was received by this State Government on 26th June, 1952, and was sent to the press for republication in the *Assam Gazette* on 9th July, 1952. Actually it was republished in the next issue of the *Assam Gazette* dated the 16th July, 1952.

(c)—Until the new rates are republished, it is natural that the local officers will realise administrative charge at the old rates.

Shri RANENDRA MOHAN DAS : Do Government realise the difficulties faced by the merchants due to the late publication of these news in our *Gazette* ?

Shri BAIDYANATH MOOKERJEE (Minister) : As a matter of fact there was no difficulty. Sir, there are two points. The first point is.....

Mr. SPEAKER : No argument, please. You are to state whether Government realise the difficulties of the merchants.

Shri BAIDYANATH MOOKERJEE (Minister): The first point is because the charges are made on the invoice price, and secondly even if there was any difficulty so to say the traders got advantage on the same ground when it was first introduced. As a matter of fact there was no disadvantage to the traders. But I can assure my Friend that all possible steps are always being taken to expedite these matters.

Shri RANENDRA MOHAN DAS: As the Government realised the administrative charge on the old rates, and since the Government of India's rate came down to 0-14-9, do Government propose to refund these excess administrative charges realised ?

Shri BAIDYANATH MOOKERJEE (Minister): As I have already stated Sir, Government do not think.....

Mr. SPEAKER: No argument. The question is whether you consider it necessary to refund the excess realised.

Shri BAIDYANATH MOOKERJEE (Minister): The amount involved is so small, Sir, that the Government do not consider it necessary to take steps for any refund.

Shri RANENDRA MOHAN DAS: It is not question of small or big it is a question of principle.

Mr. SPEAKER: Next question, please.

Re: Vice-Chairman of the Karimganj Station Road Trading Co-operative

Shri RANENDRA MOHAN DAS asked :

*36. (a) Will Government be pleased to state what action has been taken against Shri Monoranjan Dev, Vice-Chairman of the Karimganj Station Road Trading Co-operative for a case of black-marketing ?

(b) If the reply is in the negative, why Government is delaying the matter pending for more than a year ?

(c) Is he still continuing as Vice-Chairman of that Trading Co-operative ?

(d) If so, why ?

(e) Is Shri Monoranjan Dev, one of the Secretaries of the Karimganj District Congress Committee ?

(f) Is it a fact that Government has given a special grant of Rs.2,500 from Self-Help Fund for the spinning centre of Charakuri at Karimganj ?

(g) Did Government take any recommendation in this matter of the local Sub-Divisional Officer or the Rural Development Officer, who had been the President and Secretary of the Self-Help Committee at Karimganj ?

(h) If not, why ?

(i) If the answer to question (g) above is in affirmative, did any of these Officers recommended such payment ?

*37. Will Government be pleased to state—

(a) Why the Station Road Trading Co-operative which was burnt due to fire accident in Karimganj bazar in 1950 was placed outside the area of that Trading Co-operative ?

(b) Do Government propose to find out or reconstruct the old records alleged to have been destroyed by fire accident ?

†**Shri MAHENDRA MOHAN CHOUDHURY (Minister)** replied :

36. (a)—There is no report of any black marketing case in which Shri Monoranjan Dev, Vice-Chairman of the Karimganj Station Road Trading Co-operative, Limited is involved.

(b)—Does not arise.

(c)—Yes.

(d)—No necessity has arisen to justify any change.

(e)—Yes.

(f)—Yes.

(g)—I myself visited the centre accompanied by Rural Development Officer and other officers and I was satisfied with the working of the centre.

(h)—Does not arise.

(i)—Does not arise.

Shri RANENDRA MOHAN DAS : Sir, of the last Budget Session at page 24 of the list of Unstarred questions meant for the 3rd March, 1952 Question No.90 may be referred to. The question was: "Will the Hon'ble Minister in charge of Co-operative be pleased to state—(a) the names of the Trading Co-operatives Ltd., and their office-bearers in the Karimganj Subdivision against whom there are reports of defalcation and blackmarketing?"

In the reply two names were given of the Karimganj Station Road Trading Co-operative and they are (1) Monoranjan Deb, Vice-Chairman and Promode Ch. Sarkar, Salesman. How I am to reconcile these two replies?

Shri MOTIRAM BORA (Minister) : Sir, unfortunately that answer is not before me which make it difficult for me to say anything.

Shri SARVESWAR BORUWA : That was a case of defalcation and not of blackmarketing, Sir.

(At this stage the list of questions, referred to by Shri Ranendra Mohan Das, was handed over to the Speaker who in turn sent it to Shri Motiram Bora (Minister) through an orderly. The Speaker asked Shri Ranendra Mohan Das to send any paper in future through an orderly and that he should not do it personally.)

Shri MOTIRAM BORA (Minister) : Sir, the original question was whether there was any case of defalcation. Probably there was no case of blackmarketing against him.

Shri RANENDRA MOHAN DAS : There was a case of blackmarketing against him also as per reply I referred.

I want to know, whether it is known to the Government in giving a grant to the Charukuri spinning centre that Shri Monoranjan Dev is actually managing the spinning centre at Sarukuri?

†The questions were replied to by Shri Motiram Bora (Minister) in the absence of Shri Mahendra Mohan Choudhury (Minister).

Shri MOTIRAM BORA (Minister) . My Friend, Hon'ble Shri Mahendra Mohan Choudhury himself went to the place and satisfied himself about the satisfactory management of the institution. It may be a fact that Shri Monoranjan Dev was in-charge of the management but the Hon'ble Minister visiting the area personally satisfied himself with the affairs of the management.

Shri HARESWAR GOSWAMI : Is defalcation not a serious offence ?

Shri MOTIRAM BORA (Minister) : There might be charges of defalcation but at present there is nothing against him.

Shri RANENDRA MOHAN DAS : Have all charges been shelved ?

Shri HARESWAR GOSWAMI : Has it been enquired into ?

Shri MOTIRAM BORA (Minister) : The Minister himself went to the place and satisfied himself with his own eyes and ears.

†**Shri MAHENDRA MOHAN CHOUDHURY (Minister)** replied :

37. (a)—The society could not arrange any house for the accommodation of its shop and office within its area of operation.

(b)—It is not possible to find out the records destroyed by fire. It is also not possible to reconstruct the record in the absence of relevant papers.

Shri RANENDRA MOHAN DAS : Whether it is statutory to have the office of a particular trading co-operative within its jurisdiction ?

Shri MOTIRAM BORA (Minister) : This is not a statutory obligation.

Karimganj Municipal Board

Shri RANENDRA MOHAN DAS asked :

*38. (a) Is it a fact that six members of the Karimganj Municipal Board did not attend more than 7 consecutive meetings of the Municipality after the formation of the new Board in January, 1952 ?

(b) If so, what are the reasons for their absence ?

(c) Do Government propose to take action under the Local Self-Government Manual for their removal early ?

(d) If so, when ?

(e) If not, why not ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) replied :

38. (a)—Yes.

(b)—The members concerned have submitted a Memorandum informing that they did not attend any meeting as a protest against many serious irregularities committed by the Board Chairman himself being a party. They have further prayed for Government intervention as the action and policy of the Board so far, have been seriously prejudicial to public interest.

(c)—No.

(d) and (e)—Do not arise.

†The questions were replied to by Shri Motiram Bora (Minister) in the absence of Shri Mahendra Mohan Choudhury (Minister).

Shri BIMALA KANTA BORA : Who is the Chairman of the Board ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister): The hon. Questioner himself.

Shri BIMALA KANTA BORA : I think, he should know better the affairs of the Board.

Shri RANENDRA MOHAN DAS : Are Government satisfied with the Memorandum submitted by some of the members of the Board ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : It is under consideration of the Government.

Shri RANENDRA MOHAN DAS : Is it not a fact that election of the Board was taken place only in January last ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : It is so, Sir.

Shri RANENDRA MOHAN DAS : How can the new Board which was formed and constituted only in the last January be responsible for works done by the previous Board ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : That is under consideration of the Government.

Shri RANENDRA MOHAN DAS : Will Government take action to remove the members who have absented from 7 consecutive meetings of the Board under provisions of the Municipal Act ?

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Government will take proper action, if necessary.

State Transport facilities in the Golaghat Town

Shri RAJENDRA NATH BARUA asked :

*39. Will Government be pleased to state—

(a) Whether it has received a representation and an extract of a resolution adopted in a special sitting of the Golaghat Bar Association held on the 5th July, 1952 under the presidentship of Shri K. Sarma regarding want of State Transport facilities in the Golaghat Town ?

(b) If so, what action is being taken on the same ?

***Shri SIDDHINATH SARMA (Minister)** replied :

39. (a)—Yes.

(b)—Government have no proposal at present to extend State operation on the roads which do not fall within the purview of the Assembly resolution dated 27th September, 1948 as subsequently modified by Assembly resolution dated the 19th September, 1949. Secretary, Upper Assam Regional Transport Authority has however been asked to properly adjust the time tables of private buses connecting them with State Transport buses plying between Jorhat and Nowgong for the convenience of the travelling public.

*The questions were replied to by Shri Ramnath Das (Minister) in the absence of Shri Siddhinath Sarma (Minister).

Co-operative College at Missamari

†**Shri MOHI KANTA DAS** asked :

*40 Will Government be pleased to state—

- (a) What was the cost of construction of the buildings of Co-operative College at Missamari ?
- (b) When was the construction completed ?
- (c) Whether the College started functioning ? If so, for how long ?
- (d) Whether it is a fact that the idea of training there was given up, and that the buildings were damaged and that Government suffered a great loss ?
- (e) If the reply to question (d) above is in the affirmative, who is responsible for such a state of affairs ?
- (f) Whether any enquiry was made into the matter and if so, what was the result of the enquiry ?
- (g) If the reply to question (f) above is in the negative, whether Government propose to hold an enquiry into the matter ?
- (h) Whether it is a fact that the said buildings were reconstructed and repaired again for Hindi Training College ?
- (i) What has been the amount of expenditure incurred for such repair and reconstruction work ?
- (j) Whether Government propose to maintain the Hindi Training Centre permanently at Missamari or whether it is simply a temporary arrangement ?

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

40. (a)—Rupees 38,830.

(b)—On 20th March 1950.

(c)—The College started functioning from February 1949 and continued to function upto March, 1951.

(d)—The idea of training has not been given up. It is under active consideration of the Government to start a Training Centre at lesser cost. The buildings were not damaged and therefore no question of Government incurring any loss can arise.

(e) to (g)—Do not arise.

(h)—Yes, to suit the needs of the institution.

(i)—Bills have not yet been received from the contractor and no payment has been made. But the total expenditure on repair works of buildings and for the construction of latrines and bath-rooms is not likely to exceed Rs.10,000.

(j)—It is contemplated to maintain the Centre at Missamari as long as it may be necessary in the interest of education.

Shri BIMALA KANTA BORA: Why was the question of training in the Co-operative College given up ?

Shri MOTIRAM BORA (Minister): Not given up. The idea of training has not been given up. The Government is considering to have this training at a lesser cost.

†Put by Shri Bimala Kanta Bora on authorisation.

**The questions were replied to by Shri Motiram Bora (Minister) in the absence of Shri Mohendra Mohan Choudhury (Minister).

Shri BIMALA KANTA BORA: Why was it stopped aft two years of its working ?

Shri MOTIRAM BORA (Minister): It was because of having this training centre elsewhere at a lesser cost.

Shri BIMALA KANTA BORA: Did not Government have a plan when the College was started ?

Shri MOTIRAM BORA (Minister): Yes, Government had a plan.

Shri BIMALA KANTA BORA: Was it closed because it was a costly plan ?

Shri MOTIRAM BORA (Minister): The plan is under modification in view of the fact that it was found a bit costly. We expected some grants from the Government of India from the Post-War Reconstruction Fund but the said grants could not be obtained. It has not been closed but it is going to be shifted elsewhere so it has been suspended for some time only.

Shri BIMALA KANTA BORA: What the Government is going to do with the present buildings there ?

Shri MOTIRAM BORA (Minister): These buildings are going to be utilised for other purposes. They have already been handed over to the Hindi Training Centre.

Shri HARESWAR GOSWAMI: What was the total cost incurred in connection with this College ?

Shri MOTIRAM BORA (Minister): For the buildings ?

Shri HARESWAR GOSWAMI: Not only for the buildings but for the remuneration of the professors, etc.

Shri MOTIRAM BORA (Minister): This is difficult to answer off-hand.

Shri SARVESWAR BORUWA: May I know the number of students ?

Shri MOTIRAM BORA (Minister): That also cannot be answered off-hand, Sir.

Shri SARVESWAR BORUWA: May I know whether any professors were appointed ?

Shri MOTIRAM BORA (Minister): Yes, some professors or lecturers as you may call them, were appointed.

Shri DHARANIDHAR BASUMATARI: May I know the number of teachers and students ?

Shri MOTIRAM BORA (Minister): That is a new question, Sir, I cannot answer that off-hand.

Bidyapur Primary Trading Co-operative Society

Raja AJIT NARAYAN DEB of Sidli asked :

*41. (a) Are Government aware that a meeting of the people of Bidyapur and the neighbouring areas passed a resolution sometime back asking the local Co-operative Inspector to inspect the irregular accounts kept by the Secretary of the Bidyapur Primary Trading Co-operative Society ?

(b) Is it a fact that the Inspector came to Bidyapur and fixed up a date for a meeting of all the share-holders, but did not turn up on the date fixed up by him ?

(c) Are Government aware that repeated requests of the people of the locality could not move the said officer to activity ?

(d) Is it a fact that a copy of the complaint against the said Secretary was also submitted to the Registrar of Co-operative Societies ?

(e) Do Government propose to make inquiries into the matter and take action against the officer concerned ?

***Shri MOHENDRA MOHAN CHOUDHURY** replied :

41. (a)—No.

(b)—Being directed by the Registrar of Co-operative Societies, Assam, the Co-operative Inspector went to Bidyapur on 17th April, 1952 giving previous intimation. He met Kumar S N. Deb, Chairman of the Bidyapur Primary Trading Co-operative and also the local M. L. A. who is the mover of this question, but failed to meet either the Secretary or any member of the Primary Trading Co-operative ; the Secretary of the Primary Trading Co-operative having already left the locality without making over charge to any body. The Inspector fixed 27th April, 1952 as the date for holding a General Meeting and as reported left instructions to proceed with the meeting in case he failed to turn up on the date fixed. The Inspector could not turn up on the date fixed as he is reported to have been busy elsewhere in connection with the investigation of two urgent cases of mis-appropriation.

(c)—No.

(d)—Yes.

(e)—The matter so far the Bidyapur Primary Trading Co-operative is concerned is under investigation. But so far as the officer is concerned no inquiry appears to be called for.

Grant of full and half free studentships to the Plains Tribal Students

Shri MAL CHANDRA PEGU asked :

*42. Will Government be pleased to state the percentage of granting full and half free studentships to the Plains Tribal students in :—

- (i) Government Colleges (in Arts, Commerce and Science) ;
- (ii) Government High English Schools ;
- (iii) Government Aided High English Schools ;
- (iv) Government Middle English Schools ; and
- (v) Government Aided Middle English Schools ?

*43. Will Government be pleased to state how many scholarships are reserved annually for the Plains Tribal students in —

- (i) Middle English and Middle Vernacular Schools ;
- (ii) High English Schools ;
- (iii) Normal Schools ;
- (iv) Colleges, both in Arts and Science ; and
- (v) Post-graduate Classes ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

42. (i)—Nine full free studentships are granted in the Cotton College, Gauhati, *i.e.*, 16 per cent. of the Plains Tribal students.

(ii)—In Government High Schools 50 per cent. of the total enrolment of Plains Tribal pupils are granted free studentships.

(iii)—All Government Aided High Schools are expected to follow the rules of Government High Schools, but they cannot be compelled to do so.

(iv)—As in item (ii) above.

(v)—As in item (iii) above.

†**Shri MAL CHANDRA PEGU**: Is it a fact that not a single Tribal student reading in the Jorhat College has been granted either full or half-free studentship ?

Shri PURNANANDA CHETIA (Deputy Minister): It may be so, Sir, because Jorhat College is an Aided College.

†**Shri MAL CHANDRA PEGU**: May I know whether there are any reservation of seats for Tribal students in the Jorhat College or in such other colleges ?

Shri PURNANANDA CHETIA (Deputy Minister): That I cannot say off-hand, Sir.

†**Shri DHARANIDHAR BASUMATARI**: May I know the amount allotted for grant of free or half-free studentships to Tribal students ?

Shri PURNANANDA CHETIA (Deputy Minister): I require notice of that question.

†**Shri DHARANIDHAR BASU MATARI**: Will Government be pleased to make some provision in Aided colleges for grant of free and half-free studentships to the Tribal Students ?

Shri PURNANANDA CHETIA (Deputy Minister): Government may consider such a proposal.

†**Shri DHARANIDHAR BASUMATARI**: May I know whether certain amount of money has recently been made available to the State Government by the Central Government for grant of free-studentships and scholarships, if so, what is the amount ?

Shri PURNANANDA CHETIA (Deputy Minister): Recently, of course, from the Central Government grant of Rs.10 lakhs there is a proposal for allocation of Rs.10,000 for granting compensation to the schools for awarding free and half-free studentships to the Tribal students and another proposal for allocation of Rs.14,220 for grant of scholarships to Tribal students in schools and colleges.

Shri PURNANANDA CHETIA (Deputy Minister) replied :

43.—Following scholarships are reserved for Plains Tribal students in—

(i)—Middle English and Middle Vernacular Schools (*i.e.*, Primary Scholarships)—69.

(ii)—High Schools (*i.e.*, Middle English and Middle Vernacular Scholarships)—(Middle English —19; Middle Vernacular—9) both for boys and girls—28.

From the next session 38 scholarships more will be available for award to Plains Tribal pupils on the results of the compulsory Middle Scholarship and Leaving Certificate Examination.

(iii)—There is no reservation of stipends for the Plains Tribal students in Normal Schools. Plains Tribal students passing the admission test along with others are given stipends at Rs.20 per mensem each.

(iv)—No College Scholarship is exclusively reserved for Plains Tribal students. 28 scholarships of Rs.10 a month each are reserved for students belonging to the Scheduled Tribes, Scheduled Castes and other backward classes. Plains Tribals being the members of the Scheduled Tribes are allowed to get as many scholarships as they can earn by merit.

(v)—No scholarship is reserved for Plains Tribal students, but in awarding Post Graduate scholarships special consideration is made for Plains Tribal candidates.

†**Shri MAL CHANDRA PEGU**: For Post-graduate Classes the amount of.....

Mr. SPEAKER: What is your question ?

†**Shri MAL CHANDRA PEGU**: About question No.43(v) Sir. May I know whether any provision has been made by the Government for granting of scholarships to the Tribal students of Post-graduate Class ?

Shri PURANANDA CHETIA (Deputy Minister): There was no special provision apart from the general but a few scholarships will be awarded from the fund of scholarships created from the Central Government grant.

Adjournment Motion re: discontentment of the old and new refugees residing in Shillong

Mr. SPEAKER: I find there is an †Adjournment Motion in the name of Mr. Ranendra Mohan Das. I have it here. Will the Leader of the House give his view ?

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, this Adjournment Motion does not raise a definite matter of urgent public importance and of recent occurrence. Had there been such grievances they must have been brought to this House or to the Government before by a representation. The whole matter as appears to me, Sir, is that only yesterday at about 9.30 a. m. I received a representation from the Secretary of the Refugees Association asking for time to present a memorandum. I informed the Chief Secretary that they may be requested to come at a time when the Assembly is not in session. I have accordingly fixed the time on Sunday and I asked the Chief Secretary and my Private Secretary to communicate to them about this. We have not received any representation up till now from the public or any Member bringing to our notice such grievances. In regard to the moving of this Adjournment Motion I will read Rule 89 of the Assam Legislative Assembly Rules.

“A Motion for an adjournment of the business of the Assembly for the purpose of discussing a *definite matter of urgent public importance* may be made with the consent of the Speaker.”

So I fail to understand how the alleged discontent of the new and old refugees can be a definite matter of urgent public importance. Under the circumstances, I consider that the Adjournment Motion is out of order.

Mr. SPEAKER: I find that the Motion seeks to discuss a question which is not in accordance with the rules. It is said to be a discontentment of the new and old refugees residing in Shillong. There is nothing very urgent. The Leader of the House has said that he has received a representation and he will be glad to receive the representatives of the Association, time has been fixed, and the matter is going to be considered in the normal course. I don't, think the Adjournment Motion is in order. I think in view of the non-urgency of the matter, the Adjournment Motion cannot be moved. So I disallow it.

The Assam Rural Panchayat (Amendment) Bill, 1952

Mr. SPEAKER: Now we are to take up consideration of the Assam Rural Panchayat (Amendment) Bill, 1952, clause by clause.

†I beg to move that the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, *viz.*, discontentment of the new and old refugees residing in Shillong as demonstrated yesterday, the 12th September near the Assembly House in the form of a huge procession and presentation of a memorandum containing their grievances to Members of this Assembly.

Sd. RANENDRA MOHAN DAS,
Member of the Legislative Assembly.

There is an amendment in the name of Mr. A. S. Khongpai. Will he please move it ?

Mr. A. S. KHONGPHAI: Sir, I beg to move that in the proposed new clause (aa) going to be inserted by clause 2, *add* the words "or on certain days" after the words "assemble daily".

The object of this amendment is very simple. There may be persons who assemble not daily but on certain days for sale of articles intended for food and drink or livestock or other merchandise, and there may also be persons who depend for their foodstuffs in bazars on certain days. I am bringing this amendment to this House for the benefit of all, and I don't think there will be any objection on the part of the Hon'ble Minister who is in-charge of this Bill, and that my amendment may be accepted.

Shri SARVESWAR BARUA: Mr. Speaker, Sir, I rise to oppose this amendment which aims at defining the word "Bazar" in a different manner from the amending Bill. Sir, the words "Bazars" and "Hats" are loosely used in common parlance,—almost like synonyms. But when we use these words in the Act, Sir, it should be used more precisely,—with distinct connotations. Specially when the Amending Bill intends to allocate the revenues between the Local Boards and Rural Panchayats it becomes necessary that these words should be used more precisely so as to distinguish one from the other.....

Mr. SPEAKER: No, I think I shall read first the amendment. Amendment moved is that in the proposed clause (aa) going to be inserted by clause 2, *add* the words "or on certain days" after the words "assemble daily".

Shri SARVESWAR BARUA: Sir, as I said I rise to oppose this amendment which has been introduced by my Friend in the Opposition. The words "Hat" and "Bazar" occur in the Act but without any definition.

As these two words have been used in the Act, it is necessary that they should be used in a precise sense so that one can be distinguished from the other. Now, Sir, since the amending Bill wants to allocate revenue between the Local Boards and the Rural Panchayats, it is necessary, Sir, to be clear which proceeds should go to the Local Boards and which to the Rural Panchayats. Therefore, it becomes all the more necessary to distinguish these two words. Here, the amending Bill seeks to define the word "bazar" as 'any place where persons assemble daily for the sale of articles intended for food and drink or of livestock or other merchandise' as distinct from 'hats' which are supposed to sit only once or twice a week, that is, on certain specific dates. Bazars are those places in which people assemble for such transactions daily.

Now, one of the main purposes of this amending Bill is to allocate proceeds from some of these 'hats' to the Rural Panchayats and of some to the Local Boards. Therefore 'Hats' have been classified into two classes, one class is called 'major hats' and the other 'minor hats'. Proceeds from the major hats will go to the Local Boards and those from the minor hats to the Panchayats. 'Bazars' as a class are reserved for the Local Boards. Hence this distinction is absolutely necessary for the purpose of such allocation of revenue. I therefore, Sir, this amendment of my Friend from the Opposition if adopted by this House will bring in some confusion again because in that case there will be no distinction between hats and bazars. Hats and bazars will then become almost synonymous terms. I say they will become almost synonymous

because bazar will include hats. And thus according to his definition bazars will also mean hats. If such distinction is not maintained it will be very difficult to allocate revenues derived from bazars and hats between Local Boards and Panchayats. Therefore, I think this House ought not to accept this amendment.

Shri MOTI RAM BORA (Minister): Mr. Speaker, Sir, I have given my consideration to the amendment moved by my hon. Friend Mr. Khongphai. Sir, in spite of my most sympathetic consideration to this amendment, I have not been able to see my way to accept it because I feel that if this amendment of my Friend, Mr. Khongphai, is accepted by this House, it will only complicate matters. For instance, there is at present some distinction between a bazar and a hat; if the amendment of my Friend is accepted, that distinction will be taken away and it will only create confusion and as explained clearly and precisely by my Friend, Mr. Barua, such complications will put Government to some difficulty in regard to allocation of revenues. The main purpose of this amending Bill is to make some allocation of revenues between the Rural Panchayats and the Local Boards. Some of the hat revenue will go to the Panchayats and some to the Local Boards. As I have said, Sir, if this amendment of my Friend, Mr. Khongphai, is accepted, there will be this difficulty about allocation of revenue between these two bodies because as pointed out by my Friend, Mr. Barua, these two words will become synonymous. Not only that, Sir, if this amendment is accepted by this House, it will necessitate certain consequential amendments which my Friend, Mr. Khongphai has not foreseen or which he has not attempted to provide.

Therefore, Sir, with these words I would request my Friend, Mr. Khongphai, to see his way to withdraw his amendment.

Mr. SPEAKER: What does Mr. Khongphai propose to do?

Mr. A. S. KHONGPHAI: It is not my intention to create any confusion to the Government, Sir, between the words Bazar and Hat. therefore I would beg leave of the House to withdraw my amendment.

(The Motion was, by leave of the House, withdrawn.)

Mr. SPEAKER: The question is that clauses 1 and 2 do from part of the Bill.

(The question was adopted.)

Mr. SPEAKER: I should like to point out one thing. It is the practice that hon. Members intending to table their amendments should stand in their seat. I shall follow that practice and for those Members who do not rise in seat, I shall not put their amendments.

Dr. HOMESWAR DEB CHAUDHURY: Mr. Speaker Sir, I beg to move that in clause 3 add the words "not less than three and" before the words "not exceeding five".

অধ্যক্ষ মহোদয়, এই বিলখনত মাত্ৰ উদ্ধৃত সংখ্যা এটা ধাৰ্য কৰি কোৱা হৈছে যে এটা কৰবেল পঞ্চায়ত এৰিয়াত পাঁচখন প্ৰাইমাৰী পঞ্চায়ততকৈ বেচি গঠিত হব নোৱাৰিব। কিন্তু

নিম্নতম কিমানখন হলে কৰবেল পঞ্চায়ত হব তাৰ নিৰিখ নাই। ইয়াৰ দ্বাৰাই এনেকুৱা কৰা হৈছে যে সেই সমষ্টিটোতে মাত্ৰ এখন প্ৰাইমাৰী পঞ্চায়তো হব পাৰে। প্ৰত্যেক আইনতে যত উৰ্দ্ধতম সংখ্যা এটা ধাৰ্য্য কৰা হয় তাত নিম্নতম সংখ্যা এটাৰো উল্লেখ থাকিব লাগে। এখন প্ৰাইমাৰী পঞ্চায়তৰ দ্বাৰা এখন কৰবেল পঞ্চায়ত হলে পঞ্চায়তৰ কোনো অৰ্থ নোহোৱা হব, আৰু কেইজনমানে ইয়াৰ ওপৰত প্ৰভুত্ব কৰিব। সেই কাৰণে মই সেই নিম্নতম সংখ্যা এটা বৰ্খাৰ নিতান্ত প্ৰয়োজন বুলি ভাবো, এই সংখ্যাটো যাতে তিনিৰ কম নহয় তাকেই কৈ মোৰ সংশোধনী প্ৰস্তাৱটো এই সদনৰ আগত দাঙি ধৰিছো।

Mr. SPEAKER : The amendment moved is that in clause 3, add the words "not less than three and" before the words "not exceeding five".

Shri LILA KANTA BORA : Mr. Speaker, Sir, as provided in this amending Bill, the number of Panchayats must not exceed five. The main reason of this Act is that the amount at the disposal of the Panchayats is very meagre. We have found previously that the population of each Rural Panchayats was fixed approximately at 10,000 and now it has been raised to 25,000. By restricting the number of Primary Panchayats we will have to spend lesser amount to maintain them by way of salary of the Primary Panchayat Secretaries. The purpose of this clause is that if great amounts are spent in payment of the Secretary of the Primary Panchayats, the Rural Panchayats will suffer ; so it has been found necessary to limit the number of Primary Panchayats not to exceed five. Now, my hon. Friend in the Opposition by his amendment wants that the number of such Primary Panchayats should not be less than three. If the Panchayat could be maintained by less than three Primary Panchayats, there is no reason why he should restrict the number to not less than three. If we accept the amendment of my Friend, in that case the Rural Panchayats will have to incur greater amount of expenditure by way of payment to the Secretaries of those Primary Panchayats when it could be maintained at a lower expense. There is no reason why we should restrict the minimum number of Primary Panchayats to be 'not less than three'. It does not matter if there be three or two. It will be better to make this clause elastic. So, we find no justification why we should restrict the number to three. If it is found convenient to manage the affairs of the Rural Panchayat with lesser number of Primary Panchayats, there is no reason why this House should restrict them and at the same time compel the Rural Panchayats to pay a higher amount. I therefore find no reason why this amendment should be accepted and I oppose the amendment.

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, my Friend, Mr. Choudhury, wants to impose a statutory obligation on Government by fixing a minimum number of Primary Panchayats in a rural Panchayat area. Sir, I feel that he wants to tie down the hands of the Government in this matter. I feel that Government should be given some amount of latitude and discretion and some amount of elasticity in matters like this. For instance, there may be cases where only two Panchayats may appear to be needed and in that case how the hands of the local officer can be tied down to have three Panchayats? If the amendment of my Friend, Mr. Choudhury, is accepted by this House, it will so happen that where there is no need for even two Panchayats, there will have to be three Panchayats. Sir, it would not be fair to the Government. We must give some discretion to our officers and we must have confidence in the Deputy Commissioners and Subdivisional officers who would decide what number may be required in a particular area. I hope, Sir, my Friend will understand the position and will withdraw his amendment.

Mr. SPEAKER : Does the Mover of the amendment want to withdraw his amendment ?

Dr. HOMESWAR DEB CHOUDHURY : I do not want to withdraw my amendment, Sir.

(The amendment was put before the House and lost.)

Mr. SPEAKER : The next amendment may be moved now.

(The remaining amendments were not moved.)

Then I put the whole clause 3.

The question is that clause 3 forms part of the Bill.

(The question was adopted.)

The question is that clause 4 forms part of the Bill.

(The question was adopted.)

The question is that clause 5 forms part of the Bill.

(The question was adopted.)

The question is that clauses 6 and 7 do form part of the Bill.

(The question was adopted.)

The question is that clause 8 do form part of the Bill.

(The question was adopted.)

The question is that clauses 9, 10 and 11 do form part of the Bill.

(The question was adopted.)

Shri SARVESWAR BARUA : I beg to move, Sir, that in sub-clauses (1) and (2) of clause 12, the figures "2" after the words "sub-section" shall be put within "brackets".

This figure in the original Act is within brackets, but in the amending Bill, through mistake probably, it has not been done so. Therefore, I have brought this formal amendment to the Bill which I think may be accepted by the House.

Mr. SPEAKER : It will be done by the draftsman who may also improve the language.

Shri SARVESWAR BARUA : I beg to move that in sub-clause 2 (v) for the words "put a full stop after 'it'" substitute the words "put the full stop after the word 'Government'".

Here also, Sir, it has been done to remove a mistake. The full stop should be put after the last word of the clause and not after "it" after which new words have been inserted. Therefore I have put it like this, that is, to put the 'full stop' after the word "Government" which is the last word of the clause.

Shri MOTIRAM BORA (Minister) : I accept the amendments, Sir.

Mr. SPEAKER : I put the amendments together. The question is that in sub-clauses (1) and (2) of clause 12, the figure "2" after the words "sub-section" shall be put within "brackets". and

That in sub-clause 12(v) for the words "put a full stop after 'it'" substitute the words "put the full stop after the word 'Government'".

(The Motion was adopted.)

I now put the main clause. The question is that clause 12, as amended, forms part of the Bill.

(The question was adopted.)

The question is that clauses 13 and 14 do form part of the Bill.

(The question was adopted.)

Dr. HOMESWAR DEV CHOUDHURY: Mr. Speaker, Sir, I beg to move that in the proposed new sub-section (1) of Section 122 of the Principal Act going to be inserted clause 15—

(1) In item (iii) for the words “the *ex-officio* Secretary of the Board” the words “an *ex-officio* Member of the Board and will be eligible for being elected as its Secretary, if the Board so desires” shall be substituted.

(2) In item (iv) the words “on its own motion or” and “the President of” shall be deleted.

অধ্যক্ষ মহোদয়, মই এই clause টোৰ সংশোধনী এই কাৰণেই বিচাৰিছো যে বৰ্তমান পঞ্চায়তৰ ক্ষমতা সামান্য আৰু সীমাবদ্ধ। যি সামান্য ক্ষমতা আছে তাকে এই নতুন সংশোধনীৰ দ্বাৰা একেবাৰে হ্ৰাস কৰা হৈছে। গাওঁ পঞ্চায়তৰ সম্পাদক জনকো চৰকাৰে বাচি দিয়ে, সভা সকলৰ বাচি লবৰ ক্ষমতা নাই। গাওঁ উন্নয়নৰ চেৰেক্টাৰীজনো *ex-officio* Secretary হিচাবে নিয়োগ কৰিবলৈ হলে পঞ্চায়তৰ সকলো কামকে চৰকাৰে কৰা বা হস্তক্ষেপ কৰা বুজাব। আৰু বাইজৰ অনুস্থান নহৈ ই চৰকাৰী অনুস্থানহে হব। গতিকে মোৰ মতে এই চেৰেক্টাৰীজন চৰকাৰে বাচি দিয়া বা *ex-officio* হিচাবে বাচি দিয়া উচিত নহয়। কাৰণ চেৰেক্টাৰীৰ discretionৰ ওপৰতে বহুতো কথা নিৰ্ভৰ কৰে। গতিকে চেৰেক্টাৰীজনক পঞ্চায়তৰ সভ্যসকলে বাচি লব পৰা ক্ষমতা দিব লাগে। তাকে নকৰি চৰকাৰে উন্নয়ন অফিচাৰজনক *ex-officio* চেৰেক্টাৰী হিচাবে নিয়োগ কৰিলে পঞ্চায়তৰ ক্ষমতা বহুত হ্ৰাস হব। সেই কাৰণেই নিৰ্বাচিত সভ্যসকলৰ মতামত লৈ চেৰেক্টাৰীজনক বাচি লবৰ ক্ষমতা দিয়া উচিত। মই এই কৰ্মচাৰীজনক চেৰেক্টাৰী হব নোৱাৰে বুলি কোৱা নাই। মই মাত্ৰ এইটোহে বিচাৰিছো যে চৰকাৰে তেওঁক *ex-officio* হিচাবে মনোনীত নকৰি, ব’ৰ্ডৰ সভ্যসকলৰ দ্বাৰা নিৰ্বাচিত কৰাব লাগে।

দ্বিতীয় কথা হৈছে যে the words “on its own motion or” and “the President of” shall be deleted. যদি চেৰেক্টাৰীজনো চৰকাৰৰ মনোনীত আৰু বেচৰকাৰী মানুহ কেইজনকো চৰকাৰে স্বইচ্ছাবে বা ব’ৰ্ডৰ প্ৰেচিডেণ্টৰ অনুমোদিত মানুহৰ তালিকাৰ পৰা মনোনীত কৰে, তেতিয়াহলে পঞ্চায়তৰ গ্ৰামোন্নয়নৰ কোনো অৰ্থ নাইকীয়া হব। সেই কাৰণেই চেৰেক্টাৰীজনক পঞ্চায়তৰ সভ্যসকলৰ দ্বাৰাই বাচি লবৰ অধিকাৰ দিব লাগে।

আমি শাসন ক্ষমতা বিকেন্দ্ৰীভূত কৰি তাৰ কিছু অংশ আমাৰ গাৱলীয়া বাইজৰ ওপৰত ন্যস্ত কৰি গণতন্ত্ৰৰ শিক্ষা দিয়াটোই আমাৰ উদ্দেশ্য। আৰু সেই কাৰণেই আমি গ্ৰাম পঞ্চায়ত, জিলা পঞ্চায়ত, প্ৰদেশ পঞ্চায়ত আৰু দেশ পঞ্চায়ত গঠন কৰি ক্ষমতাৰ কিছু অংশ এই চাৰিটা পঞ্চায়তক দিব খুজিছো। আমি চাৰি খুটা বা খলপীয়া শাসন ব্যবস্থাৰ দ্বাৰা পঞ্চায়তৰাজ কৰিব খুজিছো। তেনে অৱস্থাত যদি সভ্যসকলক চেৰেক্টাৰীজন বাচি লোৱাৰ ক্ষমতাখিনিও নিদিও তেতিয়াহলে এই সভ্যসকল এই ব’ৰ্ডত থকা নথকা একে কথা। ই এখন বাইজৰ অনুস্থান নহব; তেওঁকো ভাওনাহে হব। চৰকাৰৰহে ক্ষমতা প্ৰয়োগৰ অনুস্থান। সেই কাৰণে যিবিলাক সভ্য থাকিব

তেওঁলোকক চেফ্ৰেটাৰী নিৰ্বাচন কৰিবলৈ চৰকাৰে ক্ষমতা দিয়া উচিত। ই একো ডাঙৰ ক্ষমতা দিয়া নহয়। মনোনীত চৰকাৰেই কৰিব। সামান্য মাত্ৰ ক্ষমতা এইয়ে যে সভা সকলে এখন তালিকা দাখিল কৰিব আৰু চৰকাৰেই তাৰ পৰা চেফ্ৰেটাৰীজন বাচি দিব। এই ক্ষেত্ৰত চৰকাৰৰ ক্ষমতাৰো কোনো ভ্ৰাস নহয়, এই অলপীয়া ক্ষমতাপিনি ব'ৰ্ডৰ সভাসকলক দিবৰ কাৰণে মই সদনক অনুৰোধ কৰো। মই মনোনয়নৰ বিৰোধী যদিও, মই বৰ্তমানে চৰকাৰৰ হাতৰ পৰা মনোনয়নৰ ক্ষমতা নিব খোজা নাই। অনুমোদনৰ ক্ষমতাহে সভাসকলক দিব খুজিছো। আশা কৰো আমাৰ সদাশয় সদনে এই সংশোধনীটো গ্ৰহণ কৰিব।

Mr. SPEAKER: Amendment moved is that in the proposed new sub-section (1) of section 122 of the Principal Act going to be inserted by clause 15—

(1) In item (iii) for the words "the *Ex-officio* Secretary of the Board" the words "an *ex-officio* Member of the Board and will be eligible for being elected as its Secretary, if the Board so desires" shall be substituted.

(2) In item (iv) the words "on its own motion or" and "the President of" shall be deleted.

Shri GAURISANKAR BHATTACHAYYA: অধ্যক্ষ মহোদয়, যিটো সংশোধনী প্ৰস্তাৱ মোৰ বন্ধু ডা: চৌধুৰী দেৱে আনিছে, মই তাক সমৰ্থন কৰো।

Mr. SPEAKER: You please speak in English.

Shri GAURISANKAR BHATTACHARYYA: মই অসমীয়াত কব খুজিছোঁ এই কাৰণেই যে আমাৰ কেইজনমান বন্ধু আছে যি কেইজনে ইংৰাজী ভালকৈ নেজানে আৰু অসমীয়াত কলে তেওঁলোকে সহজে বুজিব পাৰিব।

Mr. SPEAKER: You can speak English. You are doing it marvellously well. Please carry on in English.

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I support the amendment moved by my Friend, Dr. Deb Choudhury, because it involves an important principle. That principle is the training of our rural masses in the art of Self-Government and management of their affairs by themselves. The very intention of the Rural Panchayat Act is to develop these faculties of our rural masses, though at the initial stage Government has thought it necessary to keep some restraint thereon. Government has thought it necessary to put there some officers who are trained in the affairs of the Government to guide these Panchayats and one such is the Deputy Commissioner and the other is the Subdivisional Officer. They are to be the *Ex-Officio* Presidents so that expert guidance and expert help is made available to the Panchayats, but in addition to this, if the Development Officer is made the *ex-officio* Secretary then practically the whole of the function of the Executive goes into the hands of the Officers of the Government. Of course at the initial stage, for the growth and development of these institutions the Deputy Commissioners or the Subdivisional Officers may be there, but we do not think it proper that the Secretaryship also should go to Government Servants in their official capacity. While it may be desirable that the Development Officer be there to help the Boards in their initial stage, he should not, as a matter of course, be made the Secretary of the Board. If there is a competent man among the non-official members of the Board, he should get the chance. If there is any dearth of such man, in that case the Members may have the option to elect the Development Officer as a Secretary. The members should be free to choose their Secretary by vote. I think, Sir, Government will appreciate this point and will accept the suggestions put forward by my Friend.

Then, the second point is with regard to the question of nomination of Members to such Boards. We might appreciate the necessity of Government nominating certain Members at the initial stage, but this nomination also should not be without consultation with the Board as a whole ; nor should it only be on the recommendations of the *ex-officio* Presidents of the Boards who are nothing but officers of the Government. The Boards should have power and opportunity to send recommendations to the Government with regard to the nomination of suitable persons to the Boards. In certain cases there may be difficulty here and there for some Boards to nominate such persons and in that case Government might think it necessary to take the initiative themselves. Such cases however will be very few, and if Government really wishes and tries to help the Boards so that they may grow properly then Government should surely try to encourage them to take the initiative themselves and thereby Government will actually serve the purposes for which these Panchayats have been brought into being.

With these words, Sir, I request the Government to accept the amendment suggested by my Friend, Dr. Homeswar Deb Choudhury.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, the amendments just moved by my Friend, Dr. Choudhury, are very important and fundamental.

Sir, we appreciate the necessity of forming Rural Development Boards and as it is stated in the Statement of Objects and Reasons, it is clear that these boards will perform a very vital function not only in co-ordinating the activities of the various Panchayats but also in giving effect to the Five Year Plan of the Government.

Sir, the Rural Panchayat is one phase in the process of decentralising power and giving training in Self-Government.

Mr. SPEAKER: What about the amendments ?

Shri HARESWAR GOSWAMI: I am coming to them. When it is contemplated to decentralise power, the power should be decentralised in an effective manner. We find that the Deputy Commissioner or the Subdivisional Officer of the District or Subdivision, as the case may be, will be *ex-officio* President of the Rural Development Board ; similarly, the Development Officer will also be the *ex-officio* Secretary of the Board. On the one hand, we want to decentralise power by conferring powers to the people in order to let them have their voice in the administration of their affairs, in whatever small sphere it may be, on the other hand instead of taking them into confidence we want to impose upon them persons whom they may not want as they are going to be nominated by Government. The President of the Board and the Secretary of the Board will be nominated by Government. The Deputy Commissioner or the Subdivisional Officer will be nominated *ex-officio* President and the Development Officer will be nominated *ex-officio* Secretary of the Board, thus this Board becomes not only not an elected body but it will be a nominated body wholly. We are against the principle of having nominated persons in any public body. As we are interested in educating the people, we should not impose on them persons who will be nominated by Government. It will be like spoon-feeding the people as the Board will indirectly have overriding powers.

In item (iv) the amendment that is moved is a vital amendment. It is stated that State Government may also nominate non-officials to the Board on its own motion, or on the recommendation of the President. Government, if it think necessary, can nominate certain members whether official or non-official. Government can at any moment do so. The President who will be nominated

is a Government servant, when he is to be a Deputy Commissioner or a Subdivisional Officer. It means that members nominated will be at the mercy and sweet will of the Government. No limit has been put to the number to be nominated and we have an apprehension that as its result the principle of decentralisation will come to naught.

I want to add the following amendment to the amendment moved by my Friend, Dr. Choudhury.

Shri BAIDYANATH MOOKERJEE (Minister): Under the rules the hon. Member cannot at this stage move another amendment.

Mr. SPEAKER: Yes, he cannot do so.

Shri HARESWAR GOSWAMI: But the State Government should not be given so much of power and the power given to the President virtually means power given to the State Government. So, Sir I support both the amendments. It is a matter of principle; therefore, I would urge that both the amendments are accepted. If the Members on the opposite side are really sincere about decentralising the Board and taking the people into confidence, they should accept the amendments. If they are sincere, they can have the opinion of the people, who, I am sure, will not accept the principle of nomination.

Shri MOTIRAM BORA (Minister): I am sorry, Sir, I am not convinced with the arguments put forward by Dr. Choudhury in moving his amendments and by Mr. Bhattacharyya and Mr. Goswami in supporting them. I have not been able to persuade myself to accept the amendments so ably argued by my Friends opposite.

The amendments put forward involve three points. I will take each point separately.

First point of the argument put forward by my Friend, Dr. Choudhury, is this. He wants to make the Secretaryship of the Development Board elective and we propose in the amending Bill that the Development Officer should be the *ex-officio* Secretary of the Board. My Friend, Dr. Choudhury, wants to make it an elective office and said that he does not want that this office should be nominated and the Development Officer is to be made the *ex-officio* Secretary. What he wants is that it should be elective and he has no objection if the Development Officer is elected Secretary. By wanting to make the Development Officer *ex-officio* Secretary, we do not want to interfere in the administration of the Board, but we want it because by virtue of his office as *ex-officio* Secretary of the Board, he will be useful not only for co-ordinating the activities of Panchayats and Local Boards, but also he will be able to co-ordinate the activities of Panchayats, Local Boards and various Government Departments. In the best interests of the Board, as well as of the Panchayats it has been proposed to make him the *ex-officio* Secretary. It is for the smooth and harmonious working of the Board. By putting him into it we do not want to hamper the activities of the Board in any way. We want to make the Development Officers Secretaries in the interest of public work, in the interest of smooth and harmonious development of the activities of these Boards and not because that we want to obstruct the activities of these Boards in any way. Therefore, Sir, if from practical considerations the point is looked at, you will be pleased to see that this is not at all a new thing. The Planning Commission in their recommendations have also envisaged the necessity and reasonableness of making the Development Officer, the Secretary of the Development Board.

Shri HARESWAR GOSWAMI : It is not stated by the Planning Commission.

Shri MOTIRAM BORA (Minister) : It is envisaged, I have used the word 'envisaged.' If they have envisaged the necessity of making the Development Officers, Secretaries of the proposed Boards, does it not follow that they have done this after carefully weighing all the pros and cons of all the aspects of the matter? And why they have done it? Because they have found that it is necessary in the interest of smooth work and in the interest of harmonious development of different departments. This is necessitated for the very work itself. Therefore, I say, Sir, these Development-Officers, for the good of the Panchayats, for co-ordinating the activities of the Panchayats, should be the Secretary of the Development Boards. I therefore, do not see any strength in the arguments of Mr. Chaudhury.

He has referred to two other points besides this. His point No. 2 is in regard to taking away of certain powers reserved by the Government in respect of nomination. I am very glad that my Friend, Mr. Bhattacharyya, has not objected to the very principle of nomination. He only wants certain safeguardst He has not objected to the power sought to be reserved by Government in the matter of nomination in the Bill. The amending Bill proposes to do two things—(1) to retain the power of nomination by Government. My Communist Friend, Mr. Bhattacharyya, and the other Friends of the Opposition want to take away the words "on its own". Why does he feel the necessity of taking away these powers from Government I should like to know from my Friend. To me it seems, Sir, the necessity of nomination is quite patent in the Bill. It is apparent on the very face of it. For instance, there may be certain very good people in a particular area, very learned, wise and experienced. He is quite willing to give his services to the country, but he does not like to go through the very nerve-wrecking experience of the election campaign. Should the State in such a case be justified to be deprived of the services and valuable experiences of such a man? It is in order to provide for the services of such outstanding persons this power of nomination is sought to be reserved. Again, Sir, it may so happen, that a certain interest, say for example, the labour, is not represented in a certain District Development Board. How can this interest be represented in the Board if it is not through nomination? It is for these reasons, Sir, with a view to meet such eventualities that this provision of nomination is sought to be introduced in the Bill. The purpose of this provision certainly not to increase the power of the Government, and how can power of Government be increased through nomination? We are not at all after powers. I assure my Friends in the Opposition regarding this and I believe they will accept my assurance.

Now, Sir, the next point that my Friend has put forth is this : he wants that the power of nomination should be exercised through the District Development Boards and not through the President. But I ask my Friend to carefully consider the word used there. We have put the word 'President' and not the words Deputy Commissioner or the Sub-Divisional Officer. We do not want that the list of nominees should come from the Deputy Commissioner or from the Sub-Divisional Officer as such. That is why the word 'President' is put there, Sir. This word is very significant. If the President makes the recommendations, it is natural and very reasonable to expect that he will do so in close co-operation, and harmony, with the members. In that case only he is expected to get the co-operation of the members. Therefore, the word 'President' there is very significant and I believe this should satisfy our Friends of opposite.

With these observations, Sir, I hope I have been able to convince the Members of this House about the usefulness of this

provision introduced in the amending Bill. I hope, I have made it as clear as possible that there is no reason to suspect the *bonafides* of the Government in a matter like this. We are not contemplating to introduce anything in the Bill which will pave the way for Government to usurp any power. That is, Sir, far from our mind. With these words, Sir, I request the Mover of the amendment to withdraw his Motion.

Dr. HOMESWAR DEB CHOUDHURY : The explanation given by the Minister has failed to satisfy us. Therefore, Sir, I am not going to withdraw my Motion.

Mr. SPEAKER : The question is that in the proposed new sub-section (I) of Section 122 of the Principal Act going to be inserted by clause 15—

(1) In item (iii) for the words “the *ex-officio* Secretary of the Board” the words “an *ex-officio* Member of the Board and will be eligible for being elected as its Secretary, if the Board so desires” shall be substituted.

(2) In the item (iv) the words “on its own Motion or” and “the President of” shall be deleted.

The Assembly divided as follows:—

Ayes—14

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| 1. Shri Ranendra Mohon Das. | 8. Maulavi Mukhtar Ali. |
| 2. Maulavi Mehrab Ali Laskar. | 9. Dr. Homeswar Deb Choudhury. |
| 3. Mr. A. S. Khongphai. | 10. Shri Radha Charan Chaudhury. |
| 4. Shri Tamizuddin Prodhani. | 11. Shri Hareswar Goswami. |
| 5. Raja Ajit Narayan Dev of Sidli. | 12. Shri Gaurisankar Bhattacharyya. |
| 6. Md. Umaruddin. | 13. Shri Sarju Prasad Singh. |
| 7. Maulavi Md. Pahar Khan. | 14. Shri Ghana Kanta Gogoi. |

Noes—58

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| 1. Shri Bishnu Ram Medhi. | 6. Shri Ram Nath Das. |
| 2. Shri Motiram Bora. | 7. Shri Omeo Kumar Das. |
| 3. Rev. J. J. M. Nichols-Roy. | 8. Shri Baidynath Mookerjee. |
| 4. Shri. Rupnath Brahma. | 9. Pu R. Dengthuama. |
| 5. Maulavi Abdul Matlib Mazumdar. | 10. Pu Lalbuai. |
| | 11. Pu Ch. Saprawnga. |

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| 12. Shri Ram Prosad Chubey. | 35. Shri Kamala Prasad Agarwalla. |
| 13. Shri Raghunandan Dhubi. | 36. Shri Baliram Das. |
| 14. Shri Raichand Nath. | 37. Shri Pratap Chandra Sarma. |
| 15. Shri Nanda Kishore Sinha. | 38. Shri Mahendra Hazarika. |
| 16. Shri Kistobin Rymbai. | 39. Shri Bimala Kanta Bora. |
| 17. Mr. Joybhadra Hagjer. | 40. Mrs. Usha Barthakur. |
| 18. Shri Nihang Rongpher. | 41. Shri Lila Kanta Bora. |
| 19. Shri Khorsing Terang. | 42. Mohammed Idris. |
| 20. Maulavi Kobad Hussain Ahmed. | 43. Shri Rajendranath Barua. |
| 21. Swami Krishnananda Brahmachari. | 44. Shri Chanoo Kheria. |
| 22. Shri Hareswar Das. | 45. Mal Chandra Pegu. |
| 23. Shri Khagendranath Nath. | 46. Shri Debeswar Rajkhowa. |
| 24. Shri Hakim Chandra Rabha. | 47. Shri Harinarayan Baruah. |
| 25. Shri Baikuntha Nath Das. | 48. Shri Girindranath Gogoi. |
| 26. Shri Shriman Prafulla Goswami. | 49. Shri Ananda Chandra Bezbarua. |
| 27. Shri Prabhat Chandra Goswami. | 50. Shri Purnananda Chetia. |
| 28. Shri Dharanidhar Basumatari. | 51. Shri Sarveswar Barua. |
| 29. Shri Mohendra Nath Deka. | 52. Shri Hem Chandra Hazarika. |
| 30. Shri Radhika Ram Das. | 53. Shri Karka Chandra Doley. |
| 31. Shri Purandar Sarma. | 54. Shri Indreswar Khaund. |
| 32. Shri Sasadhhar Ghose. | 55. Shri Jadunath Bhuyan. |
| 33. Shri Davidson Bhabora. | 56. Shri Manik Chandra Das. |
| | 57. Shri Jogakanta Barua. |
| 34. Shri Biswadev Sarma. | 58. Shri Jadab Chandra Khakhlari. |

(The Motion was negatived.)

The question is that clauses 15 to 18 do form part of the Bill.

(The question was adopted.)

Clause 19—There is one small amendment from Mr. Sarveswar Barua.

Mr. Bora, do you accept it ?

Shri MOTIRAM BORA (Minister): Yes, Sir.

Shri SARVESWAR BARUA : Mr. Speaker, Sir, I beg to move that at the end of clause 19 the "full stop" after the word "inserted" shall be deleted and the words "and after the word "date" in the last line the words "in respect of the area or areas shall be inserted" be added.

Mr. SPEAKER : The motion is that, at the end of clause 19 the "full stop" after the word "inserted" shall be deleted and the words "and after the word "date" in the last line the words "in respect of the area or areas" shall be inserted" shall be added.

The motion was put as a question before the House and adopted.

The question is that clause 19 as amended do form part of the Bill.

The motion was adopted.

The question is that the Preamble and Title do stand part of the Bill.

The motion was adopted.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to move that the Bill as amended be passed.

Mr. SPEAKER : The question is that the Bill as amended be passed.

The motion was adopted.

Ajournment

The House was then adjourned for lunch till 1-45 P. M.

The Assam Liquor Prohibition Bill, 1952

Mr. SPEAKER: Now let us take up item No.5.

Rev. J. J. M. NICHOLS-ROY (Minister): Sir, I beg to move that the Assam Liquor Prohibition Bill, 1952 be taken into consideration clause by clause.

Mr. SPEAKER: We will take up the question of Preamble last of all. So, let us take up amendment No.3 of the list of Amendments.

Shri A S. KHONGPHAI: I beg to move, Sir, that in sub-clause (2) of clause 1, for the words "Subdivision of Barpeta" the words "whole State or of such areas, as may be declared from time to time" shall be substituted.

In the discussion we have had last time about this Bill, some observations were made that this Bill is of far-reaching importance. We know, Sir, that Legislation is not the only source of law. As a matter of fact it may be said that it is of recent origin. We have custom as the earliest means of social regulation, then religion, adjudications or decisions by law courts, equity and scientific discussions. The object of my Amendment will not defeat the purpose of this Bill, but will enable the State Government to apply the Act in any areas and wherever necessary and that will fit in with the next Amendment in sub-clause (?) of clause 1. My Amendment is that for the words "Subdivision of Barpeta" the words "whole State or of such areas, as may be declared from time to time" shall be substituted. Instead of confining the area to Barpeta alone, if the operation area is extended to the whole State or to such areas as may be declared from time to time then the object of my Amendment is reached. Why should we single out Barpeta in a Statute Book, why make law for a particular area. We want all areas to be equal, for there cannot be equality when the conditions are not equal.

I hope the Hon'ble Minister in charge of the Bill will agree with me that Sub-division of Barpeta will not be selected alone. This Amendment seeks to extend the operation of the Bill to all parts of the State of Assam, whenever and wherever necessary.

With these words, Sir, I commend my Amendment for the acceptance of the House.

Mr. SPEAKER: Motion moved is that in sub-clause (2) of clause 1, for the words "Subdivision of Barpeta" the words "whole State or of such areas, as may be declared from time to time" shall be substituted.

Let all the Motions for Amendments in clause 1 be moved together if there is no objection (*Voices*: No, Sir).

Shri HARESWAR GOSWAMI: If all the Amendments are moved at a time there will be some inconvenience. For example, if one particular Amendment is moved and accepted other Amendments may not be necessary. On the other hand, if that Amendment is rejected then we can put forward more arguments for the other Amendments and so they should be taken up serially.

Mr. SPEAKER: All right, as you please.

Shri PRATAP CHANDRA SHARMA: Mr. Speaker, Sir, I want to speak a few words opposing the Amendment. This Assam Liquor Prohibition Bill has two parts in it. The first part, it appears, deals with prohibition of liquor and the second part deals with the area of operation for prohibition. In regard to the first

point there seems to be no defect and everybody seems to have accepted it. Now, Sir, with regard to the area of operation there are Amendments. Let us see what the Amendment moved deals with. It seeks to extend the area to the whole State or to such areas, as may be declared from time to time. Sir, discretion has been given to extend the area from time to time. Government does not like to confine the area to Barpeta alone. Some area is to be selected first for operation and therefore Barpeta has been selected on certain considerations. Now, Sir, I want to speak a few words regarding the selection of the area. The Government is conscious of the danger of embarking on an untried policy of prohibition throughout the State on a vast scale just at the moment. In the Statement of Objects and Reasons it has been stated that introduction of prohibition throughout the State would be made gradually. So, we should consider and find out why Barpeta has been chosen now. As far back as 1947 Government decided on liquor prohibition in that subdivision and in pursuance of that decision all the liquor shops were abolished by 1948. But there was a lacunna in the law in-as-much as the possession and consumption of liquor in the Barpeta subdivision were not prohibited. It is with a view to remove that lacunna that this Bill has been introduced. As all the liquor shops in the Barpeta subdivision have already been abolished in 1948 that is the proper place which should be selected for enforcing total prohibition. There is no such area in the whole of our State. From the point of view of Government also it has been right and proper that Barpeta subdivision has been selected for enforcing liquor prohibition.

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I oppose the amendment. The wordings of the amendment also do not convey any meaning to me. The language is bad—it says, “whole State or of such areas”. The proper English should be “whole State or to such areas thereof”. Even on account of this technical defect the amendment cannot be accepted. Moreover what is sought to be proposed is already there in the Bill. I would ask the hon. mover to refer to sub-clause (3) of clause 1.....

Mr. SPEAKER: You mean sub-clause (3) covers it ?

Rev. J. J. M. NICHOLS-ROY (Minister): Yes, Sir. Sub-clause (3) says “The State Government may, by notification in the Official Gazette, extended it to any other areas of the State”. If the amendment be accepted sub-clause (2) will read like this: “It extends to the whole State or of such areas, as may be declared from time to time”. Unless sub-clause (3) is deleted the amendment is redundant. Then Sir, the language of the amendment is also defective. It simply says “whole State or of such areas, as may be declared from time to time”, but the amendment does not state to be declared by whom ? Therefore, Sir, as sub-clause (3) covers the proposed amendment it cannot be accepted. I, therefore, oppose it.

Mr. SPEAKER: The question is that in sub-clause (2) of clause 1, for the words “Subdivision of Barpeta” the words “whole State or of such areas, as may be declared from time to time” shall be substituted.

The Motion was negatived.

Shri GHANA KANTA GOGOI: Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 1, the words “Subdivision of Barpeta” be substituted by the words “Khasi and Jaintia Hills District”.

Sir, I fully appreciate the pious spirit of our Hon'ble Excise Minister in introducing this measure. We know Sir, that from time immemorial the human race is subject to the evil habit of drinking liquor and it is therefore meet and

proper that we should try to eradicate this evil from our State. If we succeed this will be an example to many other States of India and also to the world as well. Sir, I also appreciate the fact that our Hon'ble Minister has introduced this Bill after mature thinking.

My idea in moving this amendment is that Barpeta is a place which is almost dry now. Since 1948 there are no liquor shops in that subdivision. 50 per cent. of the population of that subdivision consist of Muslim peasants who literally follow the injunctions of *Koran* and they never touch liquor. The other half is mainly *Baishnabas*, who are followers of Sankardev and Madhadev. They also do not take liquor. We can therefore say that Barpeta has gone dry, if not entirely at least by 80 per cent. dry. So, Sir, it will be best for us and it will be a very good experiment, if our Hon'ble Excise Minister will see his way to introduce liquor prohibition in the Khasi and Jaintia Hills and here in Shillong, the metropolis of the State. There are many advantages also in enforcing liquor prohibition here. The whole Government including all the Cabinet Ministers, Deputy Ministers Parliamentary Secretaries and all heads of departments are here. We, the Members of either side occasionally gather here for this or that purpose. This is also the place where Christianity has spread to a great extent and the Missionaries have always been preaching against the liquor habit for a long time. So, if there is any place in the State of Assam where liquor prohibition has any chance of being successful it is the Khasi and Jaintia Hills. Then Sir, it will be convenient; it will be very convenient for the Hon'ble Ministers and all the high officials from top right down to the bottom to see that prohibition is pushed to a successful conclusion here. Take for instance, here in Shillong we have the Shillong Club and the Pine Wood Hotel where there are bars and from which liquor is being catered and consumed by many people who visit these places. There are also other places in Shillong where *Ka Kiad* is manufactured and taken by people. If orders prohibiting the sale of liquor in these places are issued and carried out efficiently, then it will serve a very useful purpose. We have the Excise Department staff, the Police and the Intelligence Branch people who can help detecting the cases and stopping this. So I say, Sir, if there is any place within the State of Assam where this prohibition Act has any chance of success, it is Shillong. In the metropolis, let the Ministers and high officials show by their example that they really want prohibition. The prohibition should first of all be enforced in the capital. It will also not be necessary for the Hon'ble Ministers and the Officers to take arduous journeys in the outlying places elsewhere to see the progress of work in connection with the prohibition. So I suggest, Sir, that in place of Barpeta it should be enforced in the Khasi and Jaintia Hills.

With these few words, Sir, I commend my amendment for acceptance of the House.

Mr. SPEAKER: Motion moved is that in sub-clause (2) of clause I, the words "Subdivision of Barpeta" be substituted by the words "Khasi and Jaintia Hills District".

Maulavi Md. UMARUDDIN: Mr. Speaker, Sir, I support the amendment brought by my Friend Mr. Gogoi. No useful purpose will be served by introducing it in Barpeta where it is already 80 per cent. dry. The object of introducing prohibition in certain areas should be that Government will gather experience which will be a guide in enforcing the policy in other parts of the State. Sir, it should not be simply a propaganda, a sort of political stunt. The Hon'ble Minister in charge of Excise who is also a leader of the Khasi people and an ecclesiastical personality and as such he will be the best person to lead the campaign and make it a success here. There are two aspects, one is legal and

the other is moral. So far as the moral aspect is concerned the Hon'ble Minister is in a position to do a great deal in this respect by persuasion. That is why, Sir, I think Khasi and Jaintia Hills is the best place where experiment should be started which will bring to light all the difficulties the Government may have to face in other parts of the State in introducing prohibition.

With these few words, Sir, I support the amendment moved my Friend Mr. Gogoi.

Shri HARI NARAYAN BARUAH : মাননীয় অধ্যক্ষ মহোদয়, মাননীয় গণ্টে ডাঙৰীয়াই যিটো সংশোধনী প্ৰস্তাৱ ডাঙি ধৰিছে মই তাৰ তীব্ৰ বিৰোধীতা কৰিবলৈ থিয় দিছো ; আৰু লগে লগে গণ্টে ডাঙৰীয়াৰ ধন্যবাদ জনাইছো এই কাৰণেই যে আমাৰ এক্সাইজ মিনিষ্টাৰ ডাঙৰীয়াই যিখন Prohibition Bill ডাঙি ধৰিছে তাৰ বাবে তেখেতে গবৰ্ণমেণ্টক ধন্যবাদ জনোৱাত । কিয়নো এই বিল যেতিয়া সিদিনা এই পৰিষদত introduce কৰে বিৰোধী দলৰ পৰা বিৰোধীতা কৰা হৈছিল আৰু কোৱা হৈছিল এই বিলখন public opinion ৰ কাৰণে পুচাব কৰিব লাগে । আমি আচৰিত হও মদ নিৰাবণী কাৰ্য্যত বিৰোধীতা কৰা দেখিলে । মদ এটা যে কিমান বেয়া বস্তু, কেনেকৈ এই মদে আমাৰ ট্ৰাইবেল সকলক সদায় ধ্বংস কৰি আহিছে—অকল ট্ৰাইবেলেই নহয় দেশৰ যুবক ছাত্ৰ সমাজকো দিনে দিনে ধ্বংসৰ মুখলৈ টানি নিছে, এইবোৰ সদায়ে দেখি শুনিও কেনেকৈ বিৰোধী দলে এই বিলৰ বিৰোধীতা কৰে, তেওঁবিলাকৰ অন্তৰত কেনে ধৰণৰ দেশ প্ৰেম আছে নুবুজিলো ! গতিকে মদৰ দৰে এটা মাৰাত্মক বিহ দেশৰ পৰা নিৰ্মূল কৰা কাৰ্য্যত বিৰোধীদলে বাধা জনোৱাত আমি সঁচাকৈয়ে আচৰিত হৈছো ।

Mr. SPEAKER : আপুনি amendmentটোৰ বিষয়ে কওক ।

Shri HARI NARAYAN BARUAH : অধ্যক্ষ মহোদয়, মই আহিছো । মই বুজিব পৰা নাই যে.....

Mr. SPEAKER : নাই, নাই ! The hon. Member should confine his speech to the amendment.

Shri HARESWAR GOSWAMI : Sir, on a point of clarification, the other day, I made it clear that the Opposition is not against the principle of prohibition.

Mr. SPEAKER : You need not worry about that.

Shri HARI NARAYAN BARUAH : শ্ৰীযুত গণ্টে দেৱে বৰপেটাত আবন্ত কৰিব খোজা মদ নিৰাবণী অভিযান বন্ধ ৰাখি তাৰ পৰিবৰ্ত্তে খাচীয়া-জয়ন্তীয়া পাহাৰ এলেকাত পুৰ্বৰ্ত্তন কৰিব লাগে বুলি আপত্তি জনাইছে । মাননীয় ওমবোদ্দিন চাহাবেও এই সম্পৰ্কেও সমৰ্থন কৰিছে । তেওঁবিলাকৰ এই বিৰোধীতাৰ ওপৰত মই ইয়াকে কব খুজিছো যে, চৰকাৰে এই মদ নিৰাবণী অভিযান কেৱল বৰপেটাতেই আৰম্ভ কৰি ৰাখিবৰ কাৰণে কৰা নাই । প্ৰথমতে বৰপেটাত আইনখন বলবত কৰি, সমস্ত ৰাজ্যতে এই অভিযান চলোৱাৰ সিদ্ধান্তত আজি চৰকাৰ উপনিত হৈছে । কাজেই যদি তেখেতে ভাবে, বৰপেটাত এই অভিযান আৰম্ভ কৰিলে চৰকাৰ কৃতকাৰ্য্য হব নোৱাৰে তেন্তে খাচীয়া জয়ন্তীয়া পাহাৰত নো কি নিশ্চয়তা আছে ? খাচীয়া জয়ন্তীয়া পাহাৰ 'পলিটিকেল' জিলা বুলিয়েই কি তাত কৃতকাৰ্য্য হব ? সেইটো মই নাভাবো । এই পুস্কত এই কথাটো উল্লেখ কৰিলে বঢ়াই কোৱা নহব যে, আজিৰ এই বিৰোধীতা আচৰণৰ দৰেই চৰকাৰৰ কানি নিৰাবণী অভিযানৰ সময়তো বহুতে বিৰোধীতা কৰিছিল আৰু কাৰ্য্যসফলতাৰ ওপৰত সন্দেহ কৰিছিল । আজিও এই আলোচনাকক্ষত মই যোৱা দি কও যে, কানি নিৰাবণী ক্ষেত্ৰত বিৰোধী দলে, কৃতকাৰ্য্যতা হোৱা নাই বুলি যিটো কথা কৈছে সেইটো সম্পূৰ্ণ মিছা কথা । সিদিনাখনো 'একচাইজ' বিভাগৰ ভাৰপাণ্ড মন্ত্ৰী ডাঙৰীয়াই কৈ গৈছে যে, আইনৰ দ্বাৰা

‘প্ৰহিবিচন’ কৰি, বাইজৰ কল্যাণৰ হকে এটা ডাঙৰ কাম চৰকাৰে কৰিছে আৰু প্ৰজা সাধাৰণৰ মাজত, মদ, ভাং, কানি যে বেয়া বস্তু, এই বস্তু বিলাকে যে মানুহৰ নৈতিকতা হ্ৰাস কৰে, সামাজিক আৰু অৰ্থনৈতিক ক্ষেত্ৰত—মানুহক অধোগামী কৰে ইত্যাদি, ইয়াৰ অপকাৰীতাৰ সম্পৰ্কে ব্যাপক ভাবে আলোচনা কৰিছিল। তাৰ কথা, বোধ হয় বিৰোধী-দলৰ সদস্য সকলে পাহৰি গৈছে। উদাহৰণ স্বৰূপে, মই এখন ঠাইৰ নাম কব খুজিছো— সেই অঞ্চলৰ প্ৰতিনিধি সদস্য আমাৰ মাজতে আছে। সেই অঞ্চল হৈছে—কানি প্ৰচলনৰ প্ৰসিদ্ধ ঠাই—জয়পুৰ, ডিব্ৰুগৰ মহকুমাৰ অন্তৰ্গত। কানি নিৰাৰণী অভিযানৰ পূৰ্বতে এই জয়পুৰ অঞ্চলত কানিৰ ব্যৱহাৰ চলিছিল, কানিয়াই ভৰি আছিল। বিয়া সভাহতো সেৰে সেৰে কানি ব্যৱহাৰ হৈছিল, বিয়া সভাহত কোনে কিমান কানি দিছিল সি যশস্যৰ কথা আছিল। কিন্তু এই ব্যাপক অভিযানৰ পাচত—কবলৈ আনন্দ লাগে যে, পুৰুষ পুৰুষানুক্ৰমে কানিয়াই কানি খাই অহা প্ৰথা উঠি গৈছে, কানিয়াই কানি এৰি পেলাইছে। তেনেস্থলত, আজি আমি যদি আমাৰ এই জাতিৰ কল্যাণজনক মদ নিৰাৰণী অভিযান প্ৰচেষ্টা কাৰ্য্যত কৃতকাৰ্য্য হব নোৱাৰো, তেন্তে বুজিব লাগিব তাৰ বাবে দায়ী আমি অৰ্থাৎ আমাৰ বিৰোধীদলৰ সদস্য সকলৰ প্ৰবোচনা।

Mr. SPEAKER: আপুনি বেচি কৈছে।

Shri HARI NARAYAN BARUAH: অধ্যক্ষ মহোদয়, তেখেত সকলে এই বিৰ্তকৰ মাজতে, বৰপেটা, কেৱলীয়া সকলৰ ধাম বুলি আখ্যা দি, বৰপেটা এই আইনৰ প্ৰযোয স্থান হব নালাগে বুলি যুক্তি দিছে। সেই যুক্তিৰ মূল্য নাই আৰু মই এই কাৰণেই, সেই যুক্তি সমৰ্থন কৰিব নোৱাৰো। হব পাৰে, তাৰ মানুহ বিলাক মহাপুৰুষীয়া, অথবা কেৱলীয়া, সেই বুলি যে সেই বিলাক মানুহে মদ নাখায় সেইটো আমি ধৰি লব নোৱাৰো। মহাপুৰুষীয়া ধৰ্ম্ম মতে, সিবিলাকে মদ খাব নোৱাৰে বা নাপায়, সেই বুলিয়েই আজি তেওঁ বিলাকৰ সমাজত মদ ব্যৱহাৰ নহয়, সেইটো ধৰি ললে—মাৰাত্মক ভুল কৰা হব। সত্য কথা, প্ৰকৃত ধৰ্ম্ম মতত চলিবলৈ হলে মদ খাব নাপায়; সকলো ধৰ্ম্মতেই মদ বা মদৰ দৰে তেনে বেয়া বস্তু ব্যৱহাৰ কৰা নিষেধ। কি হিন্দু, কি মুছলমান, কি খ্ৰীষ্টিয়ান—সকলো ধৰ্ম্মতেই—তেনে নিষেধ আছে। সেই বুলি আজিৰ যুগৰ জটিল পাৰিপাশ্ৰিকতাৰ মাজত চলা সমাজ খনত তেনেকুৱা সজ পন্থী লোক কিমান আছে? বিয়াসভাহ বা অন্যান্য পৰবৰ সুযোগ লৈ মদ ব্যৱহাৰ কৰা প্ৰথা আছেই আছে। তাৰোপৰি আগতে মই কৈয়েই আহিছো যে, আজি সকলো সমাজতে—বিপথে যোৱা সৰহ সংখ্যক লোক আছে, য’ত মদ চলিবই লাগিছে আৰু তাৰ দ্বাৰাই জাতিটোৰ এটা দৰকাৰী অঙ্গক সামাজিক, নৈতিক আৰু অৰ্থনৈতিক ক্ষেত্ৰত অবনতিয়ে বেয়া ভাবে—পছ কৰি পেলাইছে।

মদ নিৰাৰণী আইনে, আমাৰ জনজাতি লোক সকলক, তেওঁবিলাকৰ দৈনন্দিন জীৱন যাত্ৰাত বিশেষভাবে আঘাত কৰিব বুলি, শ্ৰীযুত গগৈদেৱে আৰু বিৰোধীদলৰ সদস্য সকলৰ অন্তৰত যি সহানুভূতিৰ উদ্ৰেক হৈছে—(voices—shame, shame), তাৰ বাবে তেখেতসকলকহে পুতৌ কৰিব লাগে যেন অনুমান হৈছে। এনে ধৰণৰ জাতীয়তা বিৰোধী সম্পন্ন সহানুভূতিৰ জন্ম তেখেত সকলৰ অন্তৰত নোহোৱাই ভাল আছিল (voices—শুনক, শুনক)।

চৰকাৰে মদ নিৰাৰণী অভিযানৰ যি সজ কাম বৰপেটাত আৰম্ভ কৰিব খুজিছে, তাৰ কৃতকাৰ্য্যতাৰ ওপৰতেই নিৰ্ভৰ কৰিছে ৰাজ্যৰ সকলো সম্প্ৰদায়ৰ সকলো পুৰুষৰ উন্নতিৰ বৃহত পৰিকল্পনা। জাতিৰ বৃহত স্বাৰ্থৰ হকে অবলম্বন কৰিব খোজা সকলো পৰিকল্পনাৰ আৰম্ভতেই যদি আমাৰ বিৰোধীদলৰ পৰা এই দৰে বাধা পোৱা হয়.....

Mr. SPEAKER: Not so far. আপুনি, আপোনাৰ বক্তব্য অন্ত কৰক।

Shri HARI NARAYAN BARUAH: তেনেহলে, ধৃতৰাষ্ট্ৰ আৰু ভীমৰ গল্পৰ ভিতৰত নিহিত থকা ধৃতৰাষ্ট্ৰৰ আইহতুকী প্ৰীতিৰ নিচিনাকৈ, আমাৰ মানুহবিলাকক, বিৰোধী দলে মদ খুৱাই স্বংসৰ পথলৈ টানি নিব খুজিছে বুলি কব লাগিব আৰু এই দৰে তেওঁলোকে যিটো

political stunt ব কথা ভাবি—বাইজব ওচৰত গুণগ্ৰাহী ভাবৰ পৰিচয় দিব খুজিছে সেইটো কেতিয়াও চৰকাৰে হবলৈ দিব নোৱাৰে। কংগ্ৰেচৰ ‘পলিচি’ আছে সেই ‘পলিচি’ অনুসৰি চৰকাৰে কাম কৰিছে।

Mr. SPEAKER: I am sorry, I cannot allow you to discuss general policy, you confine to the amendment.

Shri HARI NARAYAN BARUAH: অধ্যক্ষ মহোদয়, মাননীয় ওমবোদ্দিন চাহাবে.....

Mr. SPEAKER: No, no, you are to obey me. You are to confine to the amendment and should not speak on the general policy of the Congress. You speak about your opinion on prohibition in the Khasi and Jaintia Hills.

Shri HARI NARAYAN BARUAH: ‘খাচীয়া জয়ন্তীয়া’ পাহাৰত মদ নিবাবণী অভিযান আৰম্ভ কৰাৰ বিষয়ে মই কও যে, বিবোধী দলৰ সদস্য সকল, খাচীয়া জয়ন্তীয়া পাহাৰত এই কাম চলোৱাৰ বিষয়ে অধৈৰ্য হব নালাগে। কাৰণ, বৰপেটাত এই অভিযান আৰম্ভ কৰি তাৰ সজ ফলাফল নিৰীক্ষণ কৰি, ৰাজ্যৰ সকলো ঠাইতেই, চৰকাৰে ইয়াক ব্যাপক ভাবে চলাব। সেই কাৰণে মই আজিৰ এই সংশোধনী প্ৰস্তাৱ আৰু তাৰ সপক্ষে আলোচনাত অংশ গ্ৰহণ কৰা সদস্য সকলক অনুৰোধ কৰিছো যেন তেওঁবিলাকে চৰকাৰৰ বিপক্ষে আৰু বিবোধীতা নকৰি তেওঁলোকৰ সংশোধনী প্ৰস্তাৱ উঠাই লয় আৰু চৰকাৰৰ লগত সহযোগীতা কৰে।

Shri BAIKUNTHA NATH DAS: Mr. Speaker, Sir, it is as clear as anything why the Subdivision of Barpeta has been selected for operation of the Liquor Prohibition Act. As far as the amendment of the Mover is concerned there are as many as 50 per cent. of Muslims in the Barpeta Subdivision. To what he said, I want to add that there are Keolias also who do not use liquor, and, I think, thus we can have a bigger percentage of persons in Barpeta who do not take liquor. There are Christians in Shillong who do not take liquor. If it is a fact, I wonder why the Mover of the amendment do not want Barpeta Subdivision for prohibition and instead he wants Shillong—Khasi and Jaintia Hills.

Secondly, Sir, one of the Members in the opposite—Shri Hareswar Goswami, had said that the introduction of the Bill should be delayed.....

A MEMBER: Is he relevant, Sir ?

Mr. SPEAKER: No, he is irrelevant.

Shri BAIKUNTHA NATH DAS: The thing is this, Sir, that in 1947 all liquor shops in the Barpeta Subdivision were closed and by 1948 these were totally abolished. Now Sir, if we want to bring to an end this prevalence of liquor, we should first of all select the Barpeta Subdivision as the area for bringing into operation of this Act. Because if we introduce this Act in Shillong, Government is sure to meet with failure in the matter of enforcement of this Act because of various reasons. Firstly Shillong is the capital of the State, it is inhabited by people of diverse races and communities, by foreigners, by Christians etc. etc.

Sir, I do not like to continue my speech any longer. With these few words I with all seriousness oppose the Amendment.

Shri DHARANIDHAR BASUMATARI: অধ্যক্ষ মহোদয়, মই পোন প্রথমতে আমাব বন্ধু গট্টে ডাঙৰীয়াই যি সংশোধনী প্রস্তাব আনিছে তাৰ ঘোৰ প্ৰতিবাদ কৰিছে। আৰু লগে লগে আমাব মাননীয় আবকাৰী বিভাগৰ মন্ত্ৰী বয় ডাঙৰীয়াই যিখন বিল এই সদনত ডাঙি ধৰিছে তাক সমৰ্থন কৰে।

আমাব বিবোধীদলৰ মাননীয় সদস্য সকলে কেতিয়া কি কয় তাক একেবাৰেই পাহৰি যায়। কেইদিনমানৰ আগতে তেখেত সকলে 'phobia of eliciting public opinion' বুলিয়েই আখ্যা পাইছিল। কথাটো ঠিকেই হৈছিল, অপ্রাসঙ্গিক হোৱা নাছিল। এনেকুৱা দৰকাৰী বিলকেই এই সদনত গৃহীত নকৰি তেখেত সকলে জনমতৰ কাৰণে প্ৰচাৰ কৰিবলৈ কেনেকৈ যে গট্টে ডাঙৰীয়াই সংশোধনী প্ৰস্তাৱ দাঙি ধৰিব পাৰে মই কব নোৱাৰো। তেখেত সকলে সিদিনা জন মত লব লাগে বুলিয়েই আমাক বিবৃত কৰিলে; আজি আকৌ তেখেতে এই মত নিবাৰণী আইনখন বিলত কৰা উল্লেখানুযায়ী বৰপেটা এলেকাত নিয়োগ নকৰি জনমত নোলোৱাকৈ প্ৰথমতে আমাব বাজধানী ছিলঙত কৰিব লাগে বুলি সংশোধনী প্ৰস্তাৱ দাঙি ধৰিছে। আমি সচাটকৈয়ে বৰ আচৰিত হৈছো। তেখেত সকলে জনমতৰ অজুহাত লৈ যেই কোনো বিলখন বাতিল কৰাৰ চেষ্টাত লাগি পৰে আৰু কেতিয়াবা পাহৰি গৈ নিজৰ কথাকেই উঠাই দিবলৈ সংশোধনী প্ৰস্তাৱ দাঙি ধৰে—কেতিয়া কি ভাও লয় তাৰ আদি অন্ত নাই। (হাঁহি)।

এই সংশোধনী যে অমূলক সেইটো আমাব বন্ধু শ্ৰীপ্ৰতাপ শৰ্ম্মা ডাঙৰীয়াই ভালকৈয়ে বুজাই দিছে আৰু মাননীয় মন্ত্ৰী ডাঙৰীয়াইও কৈছে। মই আকৌ তেখেত সকলক সোঁৱৰাই দিওঁ যে এনে এখন বিল আনি তাত প্ৰয়োগ কৰিবলৈ বৰপেটাৰ বাইজৰ পৰা বহুতো আবেদন নিবেদন পোৱা হৈছে। তেওঁলোকে বহুতো সভাসমিতি পাতি সকলোৰে ঐক্যমত আমালৈ পঠিয়াইছে, যে, তাত এনেকুৱা বিল এখন সোনকালে প্ৰয়োগ কৰিব লাগে। এই বিলাকেই জানো গণমত নহয়? আমাব অন্যান্য অঞ্চলত দুই এখন মদৰ দোকান আছে; কিন্তু তাত নাই। সেইকাৰণে এই বিলখন প্ৰথমতে তাতে লোৱা হৈছে। তাৰ পিচত গোটেই অসমতে বিস্তাৰ কৰিবৰ কাৰণেও এই বিলৰ এটি দফাত উল্লেখ কৰা হৈছে।

তেখেত সকলে নাজানে নেকি যে মাদকদ্রব্য বজৰ্জন কৰাটো কংগ্ৰেছ চৰকাৰৰ এটা উদ্দেশ্য? (*Interruption*)

Mr. SPEAKER: You should restrict yourself to the amendment.

Shri DHARANIDHAR BASUMATARI: চাব, মই সংশোধনীতেই সীমাবদ্ধ আছো। সেইকাৰণে পোনপ্ৰথমতে বৰপেটা এলেকা লোৱা হৈছে। মই বুজি নাপাও তেখেতে আকৌ কিয় বৰপেটাৰ সলনি ছিলং লবলৈ সংশোধনী প্ৰস্তাৱ দাখিল কৰিছে।

যিহওক মই আমাব মাননীয় মন্ত্ৰী Nichols-Roy ডাঙৰীয়াই বাইজৰ উপকাৰাথে যি বিল আনিছে তাক মই সমৰ্থন কৰো; আৰু গট্টে ডাঙৰীয়াৰ সংশোধনী প্ৰস্তাৱটোৰ বিবোধীতা কৰিছো।

†**Shri BISWADEV SARMA:** I rise to speak against this Amendment. It was clearly stated that the Barpeta Subdivision is almost dry and therefore prohibition is sought to be introduced in that Subdivision, so it can be made completely dry in respect of liquor. It has also been clearly stated that because of this, Government will not incur any financial loss. I am rather surprise to see that the Mover of the Amendment whose sole anxiety is to bring liquor prohibition in the Khasi and Jaintia Hills only bases his arguments on the following points. That there are Government officers from top to bottom, that M. L. As. of this House come to Shillong occasionally, that the Ministers of the State reside in Shillong. It is for these reasons he says that prohibition should be introduced

here in Shillong first. In that case is it his contention, Sir, that these M. L. As., Government Officers, Ministers and for that matter the Police should leave all their work and start applying all their times in prohibition work. Is it for that reason that prohibition should first be started here? If that is his idea, I am sorry to say, Sir, he is sadly mistaken. It was also stated by the Mover of the Amendment that in Shillong there are many Missioneries who do not drink liquor. In that case I am constrained to say, Sir, that in Barpeta Subdivision too there are many people who do not drink. In that case, Sir, according to his own contention the Mover of the Amendment should agree with the Government in their attempt to introduce prohibition first in the Barpeta Subdivision, because, Sir, in Barpeta the number of people who do not drink far exceed the number of those who drink. Instead of raising such futile arguments I would have really appreciated the Mover of this Amendment if he would have tried to have his own constituency selected for operation of this Act first. In that case I would have unhesitatingly admitted that he is really serious in his contention.

With these words, Sir, I opposed the Amendment.

Mr. SPEAKER: Mr. Nichols-Roy.

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I oppose the Amendment. Firstly because that there is no district called 'Khasi and Jaintia Hills District'. Under the present Constitution of India this district is called the United Khasi and Jaintia Hills District. So, if the Amendment be passed like this in the present form, it will be of no effect. Therefore, I do not see any sense in accepting this Amendment. Nor do I propose to prolong my speech dealing with an imaginary district.

My second point is this: I am very doubtful whether this Legislature can directly legislate on matters affecting an Autonomous District. This is a question which has to be decided. This Bill includes Pachowai or non-distilled liquor. Paragraph 12 of the Sixth Schedule is against this amendment.

Then my third point is that, Sir, this is an Amendment which goes against the very object of the Bill.

Then the position is this, that this Bill has been brought before the House by the Government not by the Minister Nichols-Roy. It is a Government Bill. Government Bills which are brought before the House are not of a particular Minister but they are Bills of the Government. I belong to this district, and it appears that the district of Khasi and Jaintia Hills is taken just to taunt me. If that is so then it is a useless thing altogether. Sir, the object of the Bill is shown in the Statement of Objects and Reasons. Sir, Bills are brought before the House on account of necessity, that is emergent necessity, because there is a need of such Bills. There is need in Barpeta which should be considered to be of first priority, therefore, this Bill is before this House. The hon. mover of the amendment has not stated what is the urgent need of bringing such a Bill in the Khasi and Jaintia Hills district or any other districts or Subdivisions, than this Subdivision of Barpeta. We have shown the necessity of bringing this Bill to operate in the Subdivision of Barpeta because of the conditions there, and that necessity is shown in the Statement of Objects and Reasons. My hon. Friend has not shown anything in his speech to show that, there is also an urgent necessity in that non-existent area "Khasi and Jaintia Hills district" or in any other area. I, therefore, oppose the Motion.

Mr. SPEAKER: The question is that in sub-clause (2) of clause 1, the words "Subdivision of Barpeta" be substituted by the words "Khasi and Jaintia Hills District".

The Motion was lost.

Dr. Homeswar Deb Chaudhury.

Dr. HOMESWAR DEB CHAUDHURY: Mr. Speaker, Sir, I beg to move that in sub-clause (4) of clause I, after the words "on such date" in the second line the words "not earlier than 31st March, 1956" shall be added.

অধ্যক্ষ মহোদয়, যি কোনো আচনি আদৰ্শৰ ফালৰ পৰা যিমান মহান নহওঁক, সেই আচনিখন আইনৰ ফালৰ পৰা আৰু কৃতকাৰ্য্যতাৰ ফালৰ পৰাও লক্ষ্য কৰিব লগীয়া। আচনি এখন হাতত ললে তাক ঠিকমতে কাৰ্য্যত পৰিণত কৰিব পাৰি নে নোৱাৰি তাক ভালকৈ চাব লাগে। এই বিলখনো এখন আৱশ্যকীয় বিল, কিন্তু এই বিলখন কাৰ্য্যত পৰিণত কৰিব পৰা হব নে নহয় তালৈকো মন কৰিব লাগিব। আমি দেখিছো ভাৰতবৰ্ষৰ পুদেশৰোৱে যিমান নিৰাবণী আইন কৰি প্ৰয়োগ কৰিছে সেইবিলাকৰ কৃতকাৰ্য্যতাৰ কোনো লক্ষ্য নাই। সেই কাৰণেই কংগ্ৰেছৰ সভাপতি পণ্ডিত জৱহৰলাল নেহেৰুয়ে তিনিবছৰ আগতে কৈছিল যে ৰাজ্য চৰকাৰে যিকোনো আচনিৰ কাম হাতত লওঁতে চাব লাগিব কোনটো কাম আগত লব লাগে আৰু কোনটো পিছত লাগে। যদি মদ নিৰাবণীৰ আগতে আমি খাদ্য সমস্যা, উন্নাস্ত সমস্যা আদিৰ কাম ভালকৈ সমাধা কৰি নলোহেতেন তেতিয়া হলে আমাৰ বেচি উপকাৰ হলেহেতেন আৰু কৃতকাৰ্য্যতাও আশা কৰিব পৰা গলহেতেন। কিন্তু তাৰ পৰিবৰ্ত্তে আজি আমাৰ চৰকাৰে লৈছে যোৰা দৌৰ বন্ধ কৰা বা মদ নিৰাবণ কৰা আদি কামহে। যদি আমাৰ চৰকাৰে পণ্ডিত জৱহৰলাল নেহেৰুৰ পুধান মন্ত্ৰী বুলি আৰু কংগ্ৰেছ সভাপতি বুলি মানে আৰু তেখেতৰ কথা শুনে, তেতিয়া হলে চৰকাৰে চাব লাগিব যাতে কোনো কাম কৰোতে অনাহকত যেন টকা খৰচ নহয় আৰু কৃতকাৰ্য্যতা লাভ হয় আৰু বহু আচনিৰে যাতে চৰকাৰক হেচামাৰি নধৰে। গতিকে এই বিলখন এতিয়া পাচ কৰি প্ৰয়োগ কৰিলে ভাল হবনে নহয় তাক ভালকৈ চৰকাৰে আৰু ৰাইজেও ভাবি চোৱা উচিত।

মদ নিৰাবণ কৰিলে ভালনে বেয়া তাক সকলোৱে জানে। মইও মদ নিৰাবণ সমৰ্থন কৰো, বিৰোধিতা নকৰো। কিন্তু মদ নিৰাবণ কৰা আইনখন প্ৰয়োগৰ আগতে আমি আইনৰ বিলখন জনমতৰ কাৰণে পঠাব লাগে আৰু লগে লগে জনসাধাৰণক শিক্ষিত কৰিব লাগে—মদৰ বিৰুদ্ধে আন্দোলন আৰু পুচাব কৰিব লাগে যাতে তেওঁলোকে মদ নিৰাবণৰ আৱশ্যকতা ভালকৈ উপলব্ধি কৰিব পাৰে। এনে আন্দোলনৰ পুচাব আৰু শিক্ষা আৰম্ভ কৰিলে ৩-৪ বছৰৰ পাচতে এই আইন কাৰ্য্যকৰী কৰা সহজ হব।

Mr. SPEAKER: Why do you want to substitute the words "not earlier than 31st March, 1956"? What is your suggestion?

Dr. HOMESWAR DEB CHAUDHURY: এই কাম সময়োপযোগী হোৱা নাই কাৰণেই মই বিলখন প্ৰথম বা পাঠ কৰোতেই কৈছিলো যে এই বিলখন জনমতৰ কাৰণে পঠাব লাগে। আমাৰ দেশত ইয়াতকৈও বেচি জৰুৰী আৰু আৱশ্যকীয় খাদ্য, বস্ত্ৰ, শিক্ষা, যোগান আৰু উন্নাস্ত সমস্যা আদিৰ আইন সন্নিপুণতাৰে কৃতকাৰ্য্য হবৰ কাৰণে ব্যবস্থা হাতত লব লাগে। এই-বিলাকৰ কামত আংশিক ভাবেও কৃতকাৰ্য্য নোহওঁতেই কিছুদিন পিচলৈ খব পৰা নতুন বিল হাতত লোৱাৰ কোনো কাৰণ নাই। চাৰি বছৰ পিচত এই আইন প্ৰয়োগ হব বুলি কৈ এতিয়াৰ পৰা জনসাধাৰণৰ মাজত পুচাব কৰি বুজায় দিব লাগিব মদ নিৰাবণৰ আৱশ্যকতা আৰু সুৰাপানৰ অপকাৰিতাৰ কথা। সেইকাৰণে মই কওঁ যে ১৯৫৬ চনৰ আগত এই বিলখন আইন হিচাবে প্ৰয়োগ হব নেলাগে। এইবিলা কাৰ্য্যকৰি কৰিবলৈ হলে বহুত টকা খৰচ কৰিব লাগিব আৰু বহুত অফিচাৰ সেইমহকুমাত ৰাখিব লাগিব আৰু নিয়োগ কৰিব লাগিব। ইফালে আমাৰ চৰকাৰে টকাৰ অভাৱত আজিলৈকে ডুমিকম্প পুপিড়ীত লোকৰ সমস্যা সমাধান কৰিব পৰা নাই আৰু বানপানী পুপিড়ীত লোকক আৱশ্যকীয় সাহায্য দিব পৰা নাই। আনফালে চৰকাৰে ডুমিকম্প, বানপানী ইত্যাদিত টকা খৰছ হোৱাৰ বাবে আন ভাল কামৰ কাৰণে টকাৰ অভাৱ বুলি অজহাত দেখুৱাইছে। এইবিলাখনো এতিয়াই আইনত পৰিণত কৰিলে টকাৰ অভাৱ আৰু এটা অজহাতৰ সুবিধাটলৈ চৰকাৰে গা ৰাখিব পাৰিব। মদ নিৰাবণীৰ আইন এতিয়া হাতত ললে কিছুমান বেপাৰী আৰু কৰ্মচাৰীক টকা খোৱাৰ সুবিধা দিয়াৰ বাহিৰে আমাৰ প্ৰকৃত কাম একাংশও নহব।

(voices) Is he in order, Sir; Yes, I am in order.

সেই কাৰণেই মই কওঁ যে এই বিল এতিয়াই প্ৰয়োগ কৰিব নেলাগে, আৰু কেইবছৰমান পিছত অৰ্থাৎ ১৯৫৬ চনত প্ৰয়োগ কৰা হওক। আৰু এইবিলখনৰ কথা ৰাইজক বুজায় দি এতিয়াৰ পৰা প্ৰচাৰ কৰা হওক। মোৰ বোধেৰে আজি দেশৰ আৰু ৰাইজৰ জনমত মোৰ অনুকূলেই অৰ্থাৎ বিলখন এতিয়া প্ৰয়োগ কৰিব নেলাগে। বিলখন এতিয়াই প্ৰয়োগকৰাৰ অনুকূলে জনমত নেথাকিলে ইয়াৰ কৃতকাৰ্য্যতা আশা কৰা বৰ টান। দেশৰ জনমত বাতৰি কাকতত প্ৰচাৰ হয়। কিন্তু এই মদ নিৰাৰণৰ জনমত মোৰ সংশোধনীটোৰ অনুকূলেই দেখা গৈছে। “নতুন অসমীয়া” আৰু “আসাম ত্ৰিবিউনে”ও জনমত প্ৰচাৰ কৰিছে যে এইবিল এতিয়াই প্ৰয়োগ কৰা উচিত নহয়। সেই জনমত অনুসৰণ কৰি এইবিলৰ পৰিবৰ্ত্তে মুখ্য আৰু অতি প্ৰয়োজনীয় সমস্যাই আগ ঠাই পোৱা উচিত বুলি ভাবো। আৰ্থিক অৱস্থাৰ ফালৰ পৰাও লক্ষ কৰিলে এইবিল ১৯৫৬ চনৰ আগত প্ৰয়োগ কৰিব নেলাগে বুলি ভাবো আৰু সেইকাৰণে সংশোধনী প্ৰস্তাৱটো আনিছো। আশাকৰো মোৰ সংশোধনী প্ৰস্তাৱটো সদাশয় সকলে সাদৰেৰে গ্ৰহণ কৰিব।

Mr. SPEAKER: Amendment moved that in sub-clause (4) of clause 1, after the words “on such date” in the second line the words “not earlier than 31st March, 1956 shall be added.

Shri MAL CHANDRA PEGU: Mr. Speaker, Sir, I would like to oppose this amendment moved by hon. Friend from the Opposition. He said just now that education should first be infused into the Tribal People. But I say that we are rather tired of infusing education among our Tribal People particularly. I feel that before giving education to the people specially in the tribal areas, we must, instead of it first prohibit or prevent them from drinking. There is no good giving education to them so long they are allowed to drink and so long they are allowed to sleep throughout the whole day after drinking; they cannot be compelled to send their children to school and colleges because of this bad drinking habit. Sir, I speak all these things from my own personal experience. For the last 15 or 16 years we have been trying our level best to give them education in these matters, but we have completely failed. So, I personally say that first prohibition should be enforced if possible from to-day, amongst the tribal people so that they can come up to the level of other communities within the next ten years. Otherwise I am sure all the plans which have been taken up by the Government of India or the State Government will prove a complete failure if our tribal people are not prevented from drinking liquor.

With these words, Sir, from the very core of my heart I oppose this amendment.

Shri MAHENDRA HAZARIKA: মাননীয় অধ্যক্ষ মহোদয়, মাননীয় মন্ত্রী মহোদয়ে যি খন বিল আনিছে তাৰ বাবে তেখেতক ধন্যবাদ জ্ঞাপন কৰিছো। আৰু ডাক্তৰ চৌধুৰী ডাঙৰীয়াই সেই বিলৰ ওপৰত যি সংশোধনী প্ৰস্তাৱ আনিছে তাৰ তীব্ৰ প্ৰতিবাদ কৰিবলৈ থিয় দিছে। মাননীয় মন্ত্রী মহোদয়ে বিলখন অনাত এই কাৰণে ধন্যবাদ জনাওঁ যে বৰপেটাৰ নিচিনা ঠাইত য’ত মহাপুৰুষ শব্দবদেৱে আমাৰ জাতিটোক মানসিক, আধ্যাত্মিক ও সকলো ফালৰ পৰা আঙুৱাই নিছিল সেই ঠাইত পুণৰ জাতিটোক আঙুৱাই নিবৰ বাবে বিলখন সৰ্ব্ব প্ৰথমে প্ৰচলন কৰা হব বুলি উল্লেখ কৰাৰ কাৰণে। আৰু ডাক্তৰ চৌধুৰী ডাঙৰীয়াৰ সংশোধনী প্ৰস্তাৱটোৰ বিৰোধীতা কৰাৰ কাৰণ হৈছে আমাৰ দেশৰ যুবক সকল যি ভাবে দোকান বজাৰ—চাহৰ দোকান বিবিৰ দোকান আদিত মদ পান কৰিবলৈ আৰম্ভ কৰিছে সেইবোৰ দেখি শুনিও তেখেতে বিলখনৰ ওপৰত সংশোধনী আনাৰ বাবে।

আমি কানি নিৰাৰণী কাৰ্য্যত যেতিয়া গাৱে গাৱে ফুৰিছিলো তেতিয়া প্ৰত্যেক ঠাইৰ অভিভাবক সকলে কৈছিল “কানি নিৰাৰণ কৰিবলৈ আহিছে হয়, কিন্তু আমাৰ দেশৰ পৰা মদ খোৱা দূৰ কৰিবলৈ কি ব্যৱস্থা কৰিছে।” বাস্তবিকে আমাৰ দেশৰ ডেকা সকলে—ছাত্ৰ সকলে যি ভাবে মদ খাবলৈ ধৰিছে তাৰ ফলত আমাৰ অসমীয়া জাতিৰ ভবিষ্যত অন্ধকাৰ আচছনু হৈ পৰিছে। সেই কাৰণে আমাৰ অভিভাবক সকলে মদ নিৰাৰণ কৰাৰ কাৰণে সদায় উপাই চিন্তি আছে আৰু ৰাইজক ও চৰকাৰক আবেদন জনাই

আছে। গতিকে জনমত আমি পাইছো। কিন্তু ডাক্তৰ চৌধুৰীয়ে ১৯৫৬ চনলৈকে স্থগিত ৰাখিবলৈ কোৱাৰ অৰ্থ অহা নিৰ্বাচনলৈকে ৰবলৈ কৈছে। ইয়াৰ বোধ হয় তেখেতৰ কিবা ব্যক্তিগত স্বার্থ আছে, আৰু বোধ হয় তেখেতৰ মতলব ১৯৫৬ চনৰ ভিতৰত নিশ্চয় সিদ্ধি হব। সেই কাৰণে তেখেতে মোৰ বোধেৰে নিজৰ মতলব সিদ্ধি কৰিবৰ কাৰণে এনে সংশোধনী প্ৰস্তাব আনিছে। মই কও অতি সোনকালে এই বিলখন কাৰ্য্যকৰী কৰা দৰকাৰ। ডাক্তৰ চৌধুৰীয়ে জনমত বিচাৰিবলৈ কৈছে কিন্তু জনমত সদায় মদ নিবাৰণ পক্ষে আবেদন জনোৱা দেখিছো গতিকে পূৰ্ণৰ জনমতৰ প্ৰয়োজন কি? মুছলমান সকলৰ ধৰ্ম্মত মদ খোৱা হাৰাম, গতিকে মদ খোৱাৰ পক্ষে মুছলমান সকলে কেতিয়াও মত নিদিয়। সেইকাৰণে মদ খোৱা অতি সোনকালে আমাৰ দেশৰ পৰা নিৰ্মূল কৰা প্ৰয়োজন। তাৰ বাহিৰে কেৱলীয়া সকলৰ কথা কৈছে—কেৱলীয়া সকল মহাপুৰুষ শঙ্কৰদেৱে বৈষ্ণৱ ধৰ্ম্ম প্ৰচাৰ কৰা ঠাইৰে মানুহ; সেই কেৱলীয়া সকলেও আৰু স্থানীয় বৈষ্ণৱধৰ্ম্মাৱলম্বী লোক সকলেও মদ নিবাৰণ কৰাৰ প্ৰয়োজন অনুভৱ কৰিছে। সেইদৰে বিভিন্ন জিলাৰ শিক্ষিত লোক সকলে চাৰিও ফালৰ পৰা চিঞৰীৰ লাগিছে যে অতি সোনকালে মদ নিবাৰণ কৰিব লাগে। কিন্তু নিৰ্বাচনলৈ ৫/৬ বছৰ যদি মদ প্ৰচলিত হৈ থাকিবলৈ দিয়া হয় তেনেহলে আমাৰ দেশৰ যুবক সকল একেবাৰে নষ্ট হব। গতিকে ডাক্তৰ চৌধুৰীয়ে দেশৰ মঙ্গলৰ কাৰণে চিন্তা কৰা নাই। বৰপেটাৰ নিচিনা ঠাইত এই বিল কাৰ্য্যকৰী কৰাৰ পৰিকল্পনা দেখি মই নিজে এজন বৈষ্ণৱ হিচাবে গৌৰৱ অনুভৱ কৰিছো। মই ইয়াৰ কাৰণে গৰ্ণমেন্টক আন্তৰিক ধন্যবাদ জনাও আৰু ডাক্তৰ চৌধুৰীৰ সংশোধনী প্ৰস্তাবটো বিৰোধীতা কৰি মোৰ বক্তব্যৰ সামৰণী মাৰিবলৈ ইচ্ছা কৰো।

Rev. J. J. M. NICHOLS-ROY (Minister) : Mr. Speaker, Sir, I oppose the Amendment. This Amendment only means that this Bill should not be placed before the House and therefore it is said that it should not be enforced before 31st March, 1956. The hon. Member has given some arguments which were discussed the other day when I moved for taking this Bill into consideration. Sir, he spoke about the failure of the Government in certain cases like making plans and schemes for education etc. and loss of revenue etc. which have nothing to do with this Amendment and which were discussed on the day when the Bill was taken into consideration. The Amendment before us is that this Bill should be enforced not earlier than 31st March, 1956, that is before the next general election. (laughter) Sir, in reality the Amendment means to say that this Bill should not be placed before the House, and that it should be made null and void. This is the real meaning of the Amendment. Of course the whole House will not agree to this. The other day when the Leader of the Opposition spoke he said that he was not against the principle of prohibition. Some one says that he was not against prohibition, but he was against prohibition by law and in favour of prohibition by persuasion. But prohibition can only mean prohibition by law or Legislation. The objection of the Leader of the Opposition was why the measure should be applied to Barpeta alone. We find that there are some irregularities or illegal practices in the Barpeta Subdivision and these irregularities or practices are to be corrected by this Bill in order to make prohibition effective. In view of this Sir, I do not understand why there should be objection from any quarter against the spirit of this Bill. I therefore, Sir, oppose the Amendment.

Mr. SPEAKER: Motion moved is that in sub-clause (4) of clause 1, after the words "on such date" in the second line the words "not earlier than 31st March, 1956," shall be added.

The Motion was lost.

I now put the main clause That clause 1 of the Bill do form part of the Bill.

The Motion was adopted.

Shri GHANA KANTA GOGOI : Mr Speaker, Sir, I beg to move that in sub-clause (3) of clause 2 after the words "any form and any substance" add the words "except Beers prepared out of rice and other corns".

The purpose of this Amendment is that beers prepared out of rice are taken by a large percentage of our people, both in the hills and in the plains and also by the *ex*-tea garden labourers and they are in the habit of taking rice beer from time immemorial. They drink rice beer as a part of their food, not so much as an intoxicating drink. Sir, we find that the people who are in the habit of taking rice beer do maintain good health and live long as this beer contains a good percentage of vitamin. During the last war, at Dimapur, some of the Nagas were suffering from beriberi and the doctors prescribed a good amount of rice beer and when they were given rice beer regularly they recovered from the disease. I find Naga people maintaining very robust health till ripe old age in their tribal areas. When enquired how they can maintain such good health it has been informed that they take rice beer regularly which they consider as a part of their food. Sir, this is a custom of our tribal people in the hills and plains and also of the *ex*-tea garden labourers to prepare and take rice beer on ceremonial occasion as well. I therefore, move this Amendment with the hope that rice beer be exempted from the list of liquors which are going to be prohibited in the State of Assam. I do not know the views of my tribal friends of the hills and the plains sitting opposite, but I think they will all agree with me that this item of rice beer be exempted from the list of liquors.

With these words, Sir, I commend my Amendment for the acceptance of the House.

Mr. SPEAKER : The Amendment moved is that in sub-clause (3) of clause 2, after the words "any form and any substance" add the words "except Beers prepared out of rice and other corns".

Shri MAL CHANDRA PEGU : Mr. Speaker, Sir, I rise to oppose the Amendment moved by my Friend just now. He says that liquors are habituated taking from time immemorial, by the tribal people. Sir, if that argument is advanced then I may say that in the primitive days our tribal people were naked and they were far far backward and for that reason should these people even now remain as naked and backward as the primitive age (*laughter*). It is said that rice beer is not harmful to our health. But I find and know having been born and brought up amongst the Tribal people that 99 per cent. of the Tribal people are suffering from stomach troubles due to this drinking habit of rice beer. Of course I would have been glad if the hon. Member moving the Amendment wanted to do anything for the benefit of our tribal people instead of it. Members of the Opposition party would shed tears to find how these people are getting ruined for this habit of taking rice beer. It is to be seen how rice and paddy gathered with great toil are wasted in preparing rice beer for drinking by the Tribal people. During the last election our people used to say that some Members of the Socialist party induced them (the tribal people) to drink

Mr. SPEAKER. This remark should be withdrawn.

Shri MAL CHANDRA PEGU : Very well, Sir, I withdraw the remark. This drinking habit has made our people economically more backward than any other community or any other people.

Shri DHARANIDHAR BASUMATARI: অধ্যক্ষ মহোদয়, এনেকুৱা সংশোধনী প্ৰস্তাব যদি আন কোনো সদস্যই আনিলোহেতেন, তেন্তে আমি ভাবিলোহেতেন যে, তেখেত সকলে আহোম কছাৰী আদি সম্প্ৰদায় পিচপৰি থকাটোৱেই বাধা কৰে; আৰু তেখেত সকলৰ কাৰণে এনেকুৱা সংশোধনী প্ৰস্তাব অনাটো স্বাভাৱিক বুলিয়েই ভাবিলোহেতেন। কিন্তু আমাৰ বন্ধু গগৈ ডাঙৰীয়াই নিজেই আহোম বুলি পৰিচয় দিছে; অথচ তেখেতেই এনেকুৱা সংশোধনী প্ৰস্তাব এটা এই সদনত উত্থাপন কৰি নিজকেই ধ্বংস পথত নিবলৈ গৈছে। ভাবিলে বৰ দুখ লাগে যে তেখেতে এনেকুৱা প্ৰস্তাৱ এটা অনাৰ আগতে এবাৰ নহয় দুবাৰ নহয় বহুত বাৰ এনেকুৱা প্ৰস্তাৱ উত্থাপন কৰিছিল। তাৰি নাচালে যে এই মদেই আহোম ৰাজ্য ধ্বংস কৰিলে। এসময়ত এই অসমতেই প্ৰবল পৰাক্ৰমী কছাৰী ৰজাৰাজ্য ৰাজত্ব কৰিছিল। সেই ৰাজ্যৰ ধ্বংস প্ৰাপ্ত হৈছে এই মদৰ কাৰণেই। মই নিজেই কছাৰী (clap)। এই মদেই কছাৰীৰো ৰাজ্য হেৰুৱালে। মদৰ কাৰণেই তেওঁলোকে নিজৰ অস্তিত্বও হেৰুৱালে। এনে ক্ষেত্ৰত টাইবেল নাইবা আহোমে নিজক পাহৰি যোৱাটো উচিত বুলি মই নাভাবো। কব নোৱাৰো যদি আমাৰ ভট্টাচাৰ্য ডাঙৰীয়া, গোস্বামী ডাঙৰীয়া আৰু চৌধুৰী ডাঙৰীয়াই তেখেতক এনেকুৱা প্ৰস্তাব আনিবলৈ উত্থাই দিলে নেকি? (*Interruption*) নাইবা তেখেতে তেখেতৰ অন্তৰৰ পৰা মুচি পেলালে নেকি—কি কাৰণে আহোমে ৰাজ্য হেৰুৱালে—কি কাৰণে পিচপৰা সম্প্ৰদায় বুলি আজি আখ্যা পাইছে?

Mr. SPEAKER: No, no, you need not recapitulate the ancient history of Assam. You should express your views as regards the Amendment; whether you accept or oppose the Amendment?

Shri DHARANIDHAR BASUMATARI: I am opposing the Amendment, Sir. এই মদৰ কাৰণে তেওঁলোকে সকলো হেৰুৱাইছে; আৰু তাৰ কাৰণেই আজি কি শিক্ষা কি দীক্ষা অথচ নৈতিক সামাজিক সকলো ক্ষেত্ৰতেই আজি তেওঁলোকে পিছ পৰা সম্প্ৰদায় বুলি আখ্যা পাইছে। এনেকুৱা মাদক দ্ৰব্য বৰ্জ্জন কৰিবলৈ যি এখন বিল অনা হৈছে তাৰেই ওপৰত প্ৰতি পদে পদে প্ৰত্যেক আখৰে আখৰে একোটা সংশোধনী প্ৰস্তাৱ আনি এনেকৈ সময় নষ্ট কৰাৰ উদ্দেশ্য কি থাকিব পাৰে—মই কব নোৱাৰো। তেখেতে যে এনেকুৱা সংশোধনী প্ৰস্তাৱ আনি বিলখন নাকচ কৰিবলৈ গৈ এই পিচপৰা সম্প্ৰদায় কেইটাৰ গুৰুতৰ কথা বুজা নাই তাক ভাল দৰে বুজিব পাৰি। গতিকে মই গগৈ ডাঙৰীয়াৰ এই সংশোধনী প্ৰস্তাৱৰ তীব্ৰ প্ৰতিবাদ কৰিছোঁ (*Voice*—একেবাৰে তীব্ৰ?) আৰু লগে লগে তেখেতক অনুৰোধ কৰো যাতে তেনেকুৱা প্ৰস্তাৱ আৰু তেখেতে কেতিয়াও নানে। আৰু ভুল কৰি যিটো প্ৰস্তাৱ আনিছে তাক মই উঠাই লবলৈ অনুৰোধ কৰিছোঁ।

Mr. SPEAKER: Yes, Mr. Roy.

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I oppose this amendment first on the technical ground that the word 'beer' has not been defined anywhere in this Bill. 'Beer' according to the Dictionary means any liquid alcoholic beverage made from malted barley flavour with hops. It is now used for malted liquor including ale and porter. So, Sir, there is no meaning in incorporating it in the statute. The mover has not proposed to define the 'beer.' Regarding the other point, Sir, the hon. Members have spoken on it, so I do not need to add anything more.

Mr. SPEAKER: Motion is that in sub-clause (3) of clause 2, after the words "any form and any substance" add the words "except Beers prepared out of rice and other corns."
The Motion was lost.

Mr. SPEAKER: The question is that clause 2 do form part of the Bill.

The question was adopted.
Clause 3—Mr. Khongphai.

Shri A. S. KHONGPHAI: Mr. Speaker, Sir, I beg to move that in sub-clause (5) of clause 3, after the word "liquor" at the end, the words "except those used for indigenous rice beer for home consumption" shall be added.

Sir, this indigenous rice beer for home consumption has been being used from time immemorial. There is no harm if a man who is accustomed to it is allowed this kind of drink which is suited to him. Rice-beer is a kind of food and different from distilled liquor and the two should not be confused. Rice-beer is used in all ceremonial performances.

With these few words, Sir, I commend my motion for acceptance of the House.

Mr. SPEAKER: Motion moved is that in sub-clause (5) of clause 3, after the word "liquor" at the end, the words "except those used for indigenous rice-beer for home consumption" shall be added.

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I oppose this amendment first on the technical ground as already stated by me that the word 'Beer' has not been defined anywhere at all in the Bill. My Friend also admits that there is a confusion between "Ka Kiad" and rice-beer. There is no definition of this word "beer". Even from that technical stand point it should be opposed.

Mr. SPEAKER: Motion moved is that in sub-clause (5) of clause 3, after the word "liquor" at the end, the words "except those used for indigenous rice-beer for home consumption" shall be added.

The question was lost.

Mr. SPEAKER: Clause 3—Mr. Umaruddin. The Amendment seems to be out of order. The first part is irrelevant.

Maulavi MD. UMARUDDIN: I want to give an explanation, Sir.

Mr. SPEAKER: I rule that out of order. The first part is out of order.

Maulavi MD. UMARUDDIN: In the second part, when Barpeta is placed in the prohibited area, the *bona fide* traveller travelling from one part of the State to any other through the local limits of the Barpeta Subdivision should not be placed in a difficult situation. Then, Sir, under the laws he will be liable to be arrested or punished.

Mr. SPEAKER: Another difficulty is that the second part of the amendment is connected with the first part as the second part begins with "provided", therefore, the second part of the amendment also false through. The object of the second part of the amendment does not fit in. I therefore, rule this amendment out of order.

Mr. SPEAKER: The question is that clause 3 do form part of the Bill?

The question was adopted.

Shri A. S. KHONGPHAI: Sir, I beg to move that in clause 4, for the words "and also" in the third line the word "or" shall be substituted; and after the words "thousand rupees" at the end the words "or with both" shall be added.

The offenders in these cases are generally tried by a Magistrate of the first class, who should be allowed the discretion to punish the offender either with imprisonment which may extend to two years or fine which may extend to one thousand rupees, or with both. Purpose of my amendment is to allow the discretion to a Magistrate either to convict the offender straight away to imprisonment which may extend to two years or fine which may extend to rupees one thousand, or with both. I hope, Government with the experience behind them that in awarding punishment some discretion have to be given to the trying court according to the facts and circumstances of each case will agree with the purpose of my amendment and accept it.

Mr. SPEAKER: Motion moved is that in clause 4, for the words "and also" in the third line the word "or" shall be substituted; and after the words "thousand rupees" at the end the words "or with both" shall be added.

Rev. J. J. M. NICHOLS-ROY (Minister): Sir, it is very clear that the desire of the Government is to make the punishment deterrent. We want to punish with imprisonment and fine so that people will be prevented from falling into temptation. That is the reason why we have put this clause. We do not want to give the Magistrate the power to punish an offender either with imprisonment or with fine or both. We want the Legislature to make this punishment deterrent and it will be deterrent if it is made with fine and imprisonment. That is why I have brought this Bill before the Legislature in order to make prohibition in the Barpeta Subdivision an effective measure.

Mr. SPEAKER: The question is that in clause 4, for the words "and also" in the third line the word "or" shall be substituted; and after the words "thousand rupees" at the end the words "or with both" shall be added.
The question was lost.

Shri HARESWAR GOSWAMI: Sir, I beg to move that at the end of clause 4, the following proviso shall be substituted:—

"Provided however this Section shall not apply to persons carrying Liquor in transit through the Barpeta subdivision or any other areas which may subsequently be declared 'dry' by the Government".

Sir, as you will find that in clause 3 it has been stated—

"No person shall —

- (1) import, transport, or possess liquor;
- (2) sell or buy liquor;
- (3) consume liquor except on a prescription from a registered medical practitioner;
- (4) manufacture liquor; and
- (5) use or keep any material, utensil, implement or apparatus.....".

Sir, we are going to experiment prohibition in an area which is not isolated from areas which are not under prohibition. A man may come by train from Calcutta to Gauhati, or other places. He may be addicted to drinking habits and he may possess liquor with him, but if we do not have a saving clause to clause 4 under this present Bill, he may be arrested, harassed and punished. I do not think, it is the intention of this House or of our Hon'ble Minister to punish such a person. I am quite at one with him that prohibition should be strictly enforced in the Barpeta Subdivision, but so long as we keep

other areas outside the purview of this Bill. It is also fit and proper that in giving effect to the Bill we do not punish people whom we really do not want to punish. Therefore, Sir, the Bill is defective in that it has not taken into consideration those persons who will be coming by steamer, rail, or by air, yes because if a man happens to land at the Sarbhog aerodrome on his way to Gauhati.

Mr. SPEAKER: Mr. Goswami, I am sorry to point out that this amendment of yours is not properly put. It should have come under clause 3.

Shri HARESWAR GOSWAMI: It can come under clause 4, Sir.

Mr. SPEAKER: It is a penal section, the other one deals with transport. It should appropriately go under clause 3 and not clause 4. I cannot see the relevancy how this amendment can come under clause 4.

Shri HARESWAR GOSWAMI: The relevancy is there, as such a person travelling with liquor should not be punished.

Mr. SPEAKER: I cannot see the relevancy. You apply your mind legally as I and you stand here.

Shri HARESWAR GOSWAMI: I can understand your point. My contention is that people possessing liquor on transit should not be made punishable.

Mr. SPEAKER: All about transit and transport is in clause 3. Excuse me, I rule your amendment as out of order.

The question is that clause 4 do form part of the Bill.

The question was adopted.

As there is no amendment to clause 5, I put the question. The question is that clause 5 do form part of the Bill.

The question was adopted.

Shri A. S. KHONGPHAI: I beg to move that in clause 6, for the words "the imprisonment with which he shall be punished shall be rigorous" the words "he shall be punished with" shall be substituted.

The amendment is that whenever a person is punished for an offence under sub-section 1 or 2 of section 3, the imprisonment shall extend upto 4 years.

My amendment is that punishment *i.e.* imprisonment is either simple or rigorous. Therefore, instead of the words, "the imprisonment with which he shall be punished shall be rigorous" the words "he shall be punished with" shall be substituted. The idea of the amendment is this: that an enhanced punishment has been provided in the Penal Code and with restrictions under sections 32 and 33 of Criminal Procedure Code and I should like to say that whether punishment be simple or rigorous in offences under this Act should be left to the discretion of the Magistrate.

There are two kinds of punishments. In some cases punishment is rigorous and in some cases punishment is simple. When a person is being convicted under sub-section (1) or (2) of Section 3 it says Sir, he shall be punished with rigorous imprisonment for four years.

Shri BISHNURAM MEDHI (Chief Minister): The whole idea is to eliminate rigorous punishment leaving it to the discretion of the Magistrate.

Shri A. S. KHONGPHAI: No Sir, the paragraph in clause 6 is very badly drafted, specially in the fourth line.

Mr. SPEAKER : But in clause 4 we do not have it properly.

Shri BISHNURAM MEDHI (Chief Minister) : In clause 4 that is the first offence and in clause 6 that is the second offence.

Rev. J. J. M. NICHOLS-ROY (Minister) : Mr. Speaker, Sir, I oppose this Amendment. The idea of my Friend Mr. Khongphai is that even in the second offence there should not be any deterrent punishment. He wants that the question of imprisonment should be left entirely to the Magistrate whether it is rigorous or not. That is the meaning of his Amendment. I oppose this. The object is that there should be rigorous imprisonment when a man once convicted goes on doing the same thing so that it may act as a deterrent.

Mr. SPEAKER : Motion moved is that in clause 6, the words "the imprisonment with which he shall be punished shall be rigorous" the words "he shall be punished with" shall be substituted.

The Motion was lost.

The question is that clause 6 do from part of the Bill.

The question was adopted.

Clauses 7 and 8.

The question is that clauses 7 and 8 do form part of the Bill.

The question was adopted.

Mr. SPEAKER : Clause 9, Mr. A. S. Khongphai.

Shri A. S. KHONGPHAI : Sir, there is another Amendment in my name regarding Clause 9 which I move that in clause 9, the words "or an officer of the Excise Department not below the rank of a Superintendent specially empowered by the State Government on this behalf," shall be deleted."

Sir, the object of this Amendment is not to give such powers to an officer of the Excise Department—the power to issue a warrant for the arrest of any person. You know, Sir, this power is a very serious one and should be used only on good and legal grounds. Therefore, Sir, this power should be given only to a District Magistrate, a Subdivisional Officer and though not very desirable to a Magistrate of the first class. The Excise Officer or the Superintendent however high he may be will have to supervise, if not inquired into the offence under this Act and the same man of that Department cannot inquire into, or send up charge-sheet, or be a witness or even supervise and at the same time to have the power of issuing warrant. The object of my Amendment is thus very simple and does not require much elucidation. So the whole clause read with my Amendment stands thus : A District Magistrate or a Subdivisional Magistrate or a Magistrate of the first class, may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence punishable under this Act or the rules thereunder, or for the search, whether by day or by night, of any building, vessels or place in which he has reason to believe any liquor, materials, utensil, implement or apparatus, in respect of which an offence punishable under this Act has been committed, is kept or concealed.

With these words, Sir, I commend my Amendment for the acceptance of the House.

Mr. SPEAKER : The Motion moved is that in clause 9, the words "or an officer of the Excise Department not below the rank of a Superintendent specially empowered by the State Government, on this behalf" shall be deleted.

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I oppose this Amendment. Because, Sir, it is very necessary that the Superintendent of the Excise Department should be given these powers. At times it may so happen that there may not be anybody, I mean the District Magistrate or the Subdivisional Magistrate or a Magistrate of the First Class, available immediately to issue the warrant for the arrest of a person believe to have committed an offence under this Act or the rules thereunder. In such a case it becomes very necessary for the Superintendent of the Excise Department to issue such warrants. I think that this provision in the Bill is an essential one for the Excise Department and as a matter of that to the Government, in order to enable them to arrest any person or search any building, vessels or place in which any liquor, materials, utensil, implement or apparatus may be lying hidden or concealed.

(The Motion was put to vote and lost.)

Mr. SPEAKER: The question is that clauses 9, 10, 11 and 12 do form part of the Bill.

(After a pause)

The question was adopted.

Shri A. S. KHONGPHAI: Sir, I beg to move that clauses 13 and 14 shall be deleted. According to the Amendments—any officer making an arrest or seizure under this Act shall, within twenty-four hours of such seizure and arrest, make a full report of all the particulars of such arrest and seizure to his immediate official superior and every person arrested under any of the provisions of this Act shall be produced before the nearest Magistrate, within twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the Magistrate.....

Mr. SPEAKER: Mr. Khongphai, you seem to suffer from some defects, and you have joined together and jumped together, and it is difficult for the Hon'ble Minister to understand. I feel like disallowing you.

Shri A. S. KHONGPHAI: Sir, according to the law a man who is arrested should be brought immediately and within twenty-four hours excluding the time of journey before the court of the Magistrate, and that has been provided in Section 61, of the Criminal Procedure Code (Act V of 1889), the provisions of which are applicable to this Act.

Mr. SPEAKER: What do you think of the arguments, this is a self-contained Act?

Shri A. S. KHONGPHAI: The Criminal Procedure Code has clearly laid down that provision and that will be found in Sections 60 and 61 of the Criminal Procedure Code.

Mr. SPEAKER: That is redundant?

Shri A. S. KHONGPHAI: Yes, Sir, because in clause 13, it is said that the provisions of the Criminal Procedure Code will be applicable to this Act.

Mr. SPEAKER: I disallow both the motions.

The question is that clauses 13 and 14 do form part of the Bill.

After a pause

The Motion was put and adopted.

The question is that clauses 15, 16 and 17 do form part of the Bill.

After a pause

The Motion was put and adopted.

Mr. SPEAKER : Clause 18—Shri Radha Charan Chaudhuri.

Shri RADHA CHARAN CHAUDHURI : Mr. Speaker, Sir, I beg to move that in clause 18 (c)—(1) the words "six months" in the seventh line be substituted by the words "one year"; and (2) the words "five hundred rupees" in the last line be substituted by the words "one thousand rupees."

Sir, that the provision for punishment of officers in clause 18 of this Bill is quite alright for the safe-guards of those people who may be unnecessarily arrested by the officers. But the punishment to the officers in this Bill is quite inadequate, the punishment should be more and heavy. In order that the safe-guards to the people will be quite alright, the punishment will be justified by substituting "one year" in place of "six months" and "one thousand rupees" in place of "five hundred rupees."

Mr. SPEAKER : The motion moved is that in clause 18 (c)—(1) the words "six months" in the seventh line be substituted by the words "one year"; and (2) the words "five hundred rupees" in the last line be substituted by the words "one thousand rupees."

Rev. J. J. M. NICHOLS-ROY (Minister) : Mr. Speaker, Sir, this punishment is a matter of opinion. I am glad however for the suggestion of my hon. Friend the mover. To meet the desire of the members of the other Group, we can accept this Amendment, Sir.

The question was put and adopted.

Mr. SPEAKER : The question is that clause 18 as amended do form part of the Bill.

The question was adopted.

Mr. SPEAKER : Clause 19—Shri Ghana Kanta Gogoi.

Shri GHANA KANTA GOGOI : I do not want to move this amendment, Sir.

Mr. SPEAKER : The question is that clause 19 do form part of the Bill. The question was adopted.

Mr. SPEAKER : Clause 20—Mr. A. S. Khongphai.

Shri A. S. KHONGPHAI : Mr. Speaker, Sir, I beg to move that in clause 20, the word "foreign" in the fourth line shall be deleted.

Sir, the object is very simple, only the word "foreign" is to be removed. A poor man cannot afford to buy foreign liquor, and if it is necessary for medicinal purposes a doctor's certificate will only be required to buy the same. So why should we put this word "foreign" and stick to only thing that is "foreign" in this Bill? I hope my amendment may be accepted.

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I oppose this amendment, because this amendment will have no meaning, and will make the clause meaningless, especially in view of clause 20 (c) which provides that permit may be issued to a person who was either born and brought up or domiciled in any country outside India.....

Clause 20 says—

“Notwithstanding anything hereinbefore contained, the State Government may prescribe the conditions under which permits may be issued for the use or consumption of foreign liquor to persons on the following amongst other conditions—

- (a) that such person is not a minor ;
- (b) that the health of such person shall be seriously and permanently affected if such person is not permitted to use or consume such liquor ; or
- (c) that such person was either born and brought up or domiciled in any country outside India where such liquor is being generally used or consumed ; or
- (d) that such person belongs to any of the armed forces of India.

Moreover, Sir, foreign liquor is meant purposely for those people who come from outside India.

We have other provisions for the people who are living here and who are Indians. Clause 21 is for all people in India. It says—“The State Government may prescribe the conditions under which licenses may be issued for the manufacture, import, transport, sale or possession of liquor on the ground that such liquor is required by such person for a *bona fide* medicinal, scientific, industrial or such like purpose” not the the words “or such like purpose.” But this clause 20 is especially for foreign liquor. Therefore, Sir, this amendment will have no meaning at all, and I oppose it.

Mr. SPEAKER : Motion is that in clause 20 the word “foreign” in the fourth line shall be deleted.

The Motion was put as a question before the House and lost.

Mr. SPEAKER : Mr. Goswami, will you move both your amendments together ?

Shri HARESWAR GOSWAMI : Yes, Sir. I beg to move that sub-clause (c) of clause 20, shall be deleted, and that in sub-clause (d) of clause 20 after the words ‘forces of India’ the “full-stop” shall be deleted and the words “on duty during a state of war between this country and any other foreign country” shall be added thereafter.

Sir, in clause 20 it is stated that provision would be made for giving permits to a certain class of people to possess or consume liquor in areas declared ‘dry.’ Clause 20 says—“Notwithstanding anything hereinbefore contained, the State Government may prescribe conditions under which permits may be issued for the use or consumption of foreign liquor to persons on the following amongst other conditions—(a) that such person is not a minor, (b) that the health of such person shall be seriously and permanently affected if such person is not permitted to use or consume such liquor ; or (c) that such person was either born and brought up or domiciled in any country outside India where such liquor is being generally used or consumed ; or (d) that such person belongs to any of the armed forces of India.” Sir, on the day when the Bill was introduced and the motion for consideration was moved, I opposed the Bill because I felt that prohibition will be very successful if we can bring it about by persuasion. I am not against the principle of prohibition or the purpose

of prohibition. I want that our people should spend more money on other things than in drinks and thereby cause their own ruination. But Sir, when I have seen the House is bent upon having this Bill passed, then I want also that the Bill must be a fault proof Bill. The Bill must be such that prohibition can be enforced effectively.

Sir, if items (c) and (d) are retained there is every chance of other people also to have liquor from people exempted from the operation of the Bill. Sir, today in free India I do not want to make any distinction between Indians and any other people. There is a saying that while in Rome behave like a Roman. So, Sir, every foreigners who stays in India must behave like Indians. They must adjust and adapt themselves to our mode of living, to our social life and also must not do what we do not want our people to do. Sir, I do not want to place them on a higher privileged position. I do not want to give them better and higher rights, and therefore Sir, I want that these foreigners who come to India even if they may drink in their own country, they should not drink in our country or in those places where we have enforced prohibition with the will of the people and they should respect the will of the people.

Sir, I am conscious that there are international courtesies and international behaviours. But Sir, from what I know of international law, it will not stand on the way. There is nothing in international law which enables foreigners to come to another country and enjoy the position and privileges, or enjoy a higher position than domiciled or nationals of that country. That is why today in free India we must not have any complex for anybody. Let us treat everybody who comes here to be our equal and let them also feel that they are equal with us. Therefore Sir, I want that these clauses should be deleted.

There is another side of the whole thing, Sir. It is quite possible that at times we may have friends amongst the foreigners, we may accompany them and drink and thereby we may violate the principle of the clauses of this Bill. It will not be possible under clause 4 or clause 3 to arrest or convict them. So, Sir, these loopholes should not be allowed to remain there. These loopholes should also be closed if we really mean to make prohibition a success. Let us not exempt anybody.

Secondly Sir, about item (d). People in the army or the airforce are not different from us. They may be serving in the army or the airforce anywhere in the world, but there is a time when they will come back and live with us. If it is considered necessary at times of war to give them license for drink, in other times when they are just ordinary soldiers and they are not on duty and not involved in war, why should they be allowed to acquire this bad habit if you consider it a bad habit. At times when this country of ours is engaged in war with any other country, when the soldiers are on duty and when it is considered necessary to get them intoxicated, when it is considered necessary to give them spirit to keep their spirit up then of course a little spirit will not be bad for them. But at other times why should we differentiate between the soldier and any other person. As I said about Bombay and Madras, people can easily get into the soldiers' bar and get drinks there. I do not mean to cast any reflection on the army or airforce personnel, I only say that such things do happen and that we must have a faultless Bill, if we want to go on with our prohibition rigorously, if we want that there should be complete prohibition, then I consider this amendment is necessary and that deletion of clauses (c) and (d) is necessary. If we give them a long rope, they will not only hang themselves, but they will hang us also.

Mr. SPEAKER : Motion moved is that sub-clause (c) of clause 20 shall be deleted, and that in sub-clause (d) of clause 20, after the words "forces of India" the "full stop" shall be deleted, and the words "on duty during a state of war between this country and any other foreign country" shall be added thereafter.

REV. J. J. M. NICHOLSROY—(Minister) Sir, I oppose this amendment. I am glad for the contents in my friend's, Mr. Hareswar Goswami's speech. All these matters will be considered when Rules are framed. Details regarding permits will be considered by Government. This clause says that the State Government may prescribe conditions under which permits may be issued. It gives the discretion to Government. There are certain matters which have to be prescribed by rules. If we find that some people should be allowed to get permits we shall provide for it by rules, and if we see that some people should not have permits that also will be provided by rules. Therefore, Sir, all the points raised by Mr. Goswami will be considered at the time of framing rules. It is not necessary to incorporate every detail in the Act itself.

Then, Sir, there may be certain persons living in the Subdivision of Barpeta who have come from foreign countries which do not consider drinking to be an evil. There must be some consideration for them. Etiquette and courtesy also demand that we should not force them to accept our point of view. That is the reason why we have put in this sub-clause (c). Government should take into consideration the circumstances under which these people are placed and therefore appropriate rules will have to be framed. I therefore hope that my Friend Mr. Goswami will see his way to withdraw his amendments.

Mr. SPEAKER : The question is that sub-clause (c) of clause 20 shall be deleted and that in sub-clause (d) of clause 20, after the words "forces of India" the "full stop" shall be deleted and the words "on duty during a state of war between this country and any other foreign country" shall be added thereafter.

The Motion was negatived.

The question is that clauses 20 and 21 do form part of the Bill.

The Motion was adopted.

Mr. A. S. KHONGPHAI : I am not going to move my amendment in clause 22.

Mr. SPEAKER : The question is that clause 22 do form part of the Bill.

The motion was adopted.

The question is that clause 23 do form part of the Bill.

The motion was adopted.

The amendments proposed to the Preamble have practically fallen through, and I rule them out of order.

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

The motion was adopted.

Rev. J. J. M. NICHOLS-ROY (Minister) : Sir, I beg to move that the Assam Liquor Prohibition Bill, 1952, as amended, be passed.

Mr. SPEAKER : Motion is that the Assam Liquor Prohibition Bill, 1952, as amended, be passed.

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

Mr. SPEAKER: I find that there are some Bills on which no amendments have been tabled. We can pass them on.

The Assam Forest (Amendment) Bill, 1952.

Shri RAMNATH DAS (Minister): Mr. Speaker, Sir, as there are no amendments, I beg to move that the Assam Forest (Amendment) Bill, 1952, be passed.

Mr. SPEAKER: Motion is that the Assam Forest (Amendment) Bill, 1952 be passed.

(The motion was put and adopted.)

The Assam Agricultural Income-Tax (Amendment) Bill, 1952.

Shri MOTIRAM BORA (Minister): Sir, as there are no amendments, I beg to move that the Assam Agricultural Income-tax (Amendment) Bill, 1952, be passed.

Mr. SPEAKER: Motion moved is that the Assam Agricultural Income-tax (Amendment) Bill, 1952 be passed.

(The motion was put and adopted.)

The Societies Registration (Assam Third Amendment) Bill, 1952

Shri MOTIRAM BORA (Minister): Sir, I beg to move that the Societies Registration (Assam Third Amendment) Bill, 1952, be passed.

Mr. SPEAKER: Motion moved is that the Societies Registration (Assam Third Amendment) Bill, 1952 be passed.

(The motion was put and adopted.)

The Assam Requisition and Control of Vehicles (Amendment) Bill, 1952.

Shri RAMNATH DAS (Minister): Sir, I beg to move that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1952 be passed.

Mr. SPEAKER: Motion moved is that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1952 be passed.

(The motion was put and adopted.)

Adjournment

The Assembly was then adjourned till 10 A. M. on Monday, the 15th September 1952.

SHILLONG :
The 13th December 1952.

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