



Proceedings of the Fifth Session of the Second Assam Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M., on Thursday, the 23rd September, 1948.

P R E S E N T

The Hon'ble Mr. Lakshesvar Borooah, Speaker, in the Chair, seven Hon'ble Ministers and forty-seven Members.

QUESTIONS AND ANSWERS

(Starred Question No.23 standing in the name of Srijut Bhadra Kanta Gogoi was taken up after the Unstarred Questions were finished as the hon. Questioner was absent at the time of calling out the Question.)

UNSTARRED QUESTIONS

(To which answers were laid on the table.)

Ban on the Assam Tribune

Maulavi MAHAMMAD ROUFIQUE asked :

57. Will Government be pleased to state—

- (a) Whether it is a fact that the Assam Government have stopped subscribing the *Assam Tribune* for Government offices, and have withdrawn Government advertisements and Press Notes, etc., from it ?
- (b) If so, the reasons for taking such action against the only *English Daily* of the Province ?
- (c) Whether such action has been taken against any other journal of Assam ?
- (d) Whether Government are aware that no other Provincial Government in the Indian Union has taken against any newspaper such action as has been taken by the Assam Government against the *Assam Tribune* ?
- (e) Whether it is a fact that the Government of Assam have also approached the Central Government, the Assam Railways and Posts and Telegraphs Departments to stop their advertisements in that paper ?
- (f) Whether Government are aware that their action against the paper has caused widespread protest and indignation and popular resentment ?
- (g) Whether Government propose to withdraw the ban and restore the supply of Government advertisements and Press Notes, etc., to the *Assam Tribune* ?

The Hon'ble Maulana MAHOMED TAYYEBULLA replied :

57. (a)—Yes.

(b)—Government have been compelled to take this step on account of the sustained and malicious misrepresentation of Government and scurrilous attacks on certain Hon'ble Members of the Cabinet.

(c)—No.

(d)—Government have no information.

(e)—Government regret that they cannot disclose the contents of the communication with the Government of India on the subject without the permission of that Government.

(f)—Yes, Government are aware that a certain section of people has not been able to see eye to eye with Government's gesture of disapproval against the said paper's policy and conduct. But Government have also noticed that those people have been completely misinformed and misled in respect of the Government order.

(g)—Government may consider the question when the paper conforms to the principles of healthy and responsible journalism.

Maulavi MAHAMMAD ROUFIQUE: Regarding Question (b), Sir, will the Hon'ble Minister be pleased to state whether any steps were taken by the Government to refute the malicious misrepresentation of Government and scurrilous attacks on certain Hon'ble Ministers made in the paper ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: It is stated in the answer, Sir, that Government had been compelled to take steps by withdrawing the press privileges, and besides that no other step was taken.

Maulavi MAHAMMAD ROUFIQUE: Sir, my question has not been answered. My question is what action was taken to refute malicious misrepresentation of Government and scurrilous attacks on certain Hon'ble Ministers.

The Hon'ble Maulana MAHOMED TAYYEBULLA: I have said that no other step besides what I have stated in the answer was taken.

Maulavi MAHAMMAD ROUFIQUE: May I know why no step was taken through the Government Publicity Department ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: Government did not contemplate to take any step beyond what had already been taken.

Maulavi MAHAMMAD ROUFIQUE: Sir, is it not the duty of the Government to refute all these malicious misrepresentation through the Publicity Department ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: Government do not think so.

***Mr. HARENDRA NATH SARMA**: In reply to Question (e), Sir, Government has stated that they cannot disclose the contents of the communication with the Government of India on the subject without the permission of that

Government. But may I know the result of the communication made with the Postal and Telegraph Departments and the Railway authorities ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: Except with the Central Government, no other communication was made, Sir.

Maulavi MAHAMMAD ROUFIQUE: May I know from Government, Sir, whether there is one single paper wherein misrepresentation of facts and attacks on Government were not published in the Province as well as in whole of India ? Can one single paper be named ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: How can it be answered, Sir ?

Maulavi MAHAMMAD ROUFIQUE: In Question (d), Sir, it was asked : "Whether Government are aware that no other Provincial Government in the Indian Union has taken against any newspaper such action as has been taken by the Assam Government against the *Assam Tribune*", and the reply given is : "Government have no information". May I know from the Hon'ble Minister of Information whether it is not the duty of the Minister to keep this important information ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: I do not think Government should ask other Governments to give the information, as it was not thought to be necessary.

Maulavi MAHAMMAD ROUFIQUE: Sir, after receipt of the Question, did Government try to consult whether any such similar step was ever taken by any other Provinces ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: No, Sir, it was not considered necessary.

Maulavi MAHAMMAD ROUFIQUE: Sir, was it not an important matter to ask for information ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: It is a matter of opinion, Sir.

Maulavi MAHAMMAD ROUFIQUE: Sir, is the communication made with the Government of India confidential ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: Yes, Sir, it is confidential, not to be disclosed 'in the public interest'.

Maulavi MAHAMMAD ROUFIQUE: As regards Question (g), Sir, the reply is "Government may consider the question when the paper conform to the principles of healthy and responsible journalism". May I know from the Hon'ble Minister whether the Government has received a Resolution passed recently in a Press Advisory Board meeting requesting Government to withdraw the ban, and, if so, what action has been taken on it ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: In the Press Advisory Board, a Resolution was passed to the effect that for better relationship

between the Press and the Government, the ban on the paper be withdrawn; and a request was made.

Maulavi MAHAMMAD ROUFIQUE: May I know what action Government has proposed to take on that request?

The Hon'ble Maulana MAHOMED TAYYEBULLA: It is under consideration of the Government, Sir.

Mr. HARENDRA NATH SARMA: With reference to Question 57(f), Sir, may I know from Government whether any steps have been taken to clarify the position so that the minds of the public would be clear on this point?

The Hon'ble Maulana MAHOMED TAYYEBULLA: Yes, Sir, at the Press Conference held recently the Director of Publicity has made the position absolutely clear; and also in the Press Advisory Board which met on September 15, 1948.

Mr. HARENDRA NATH SARMA: Is it a fact, Sir, that in the first Press Conference of Journalists, it was unanimously decided that they have not approved of the action of the Publicity Officer?

The Hon'ble Maulana MAHOMED TAYYEBULLA: The hon. Member is referred to the answer given at Question No.57(f).

Director of Publicity, Assam

Maulavi MAHAMMAD ROUFIQUE asked:

58. Will Government be pleased to state—
- the name, nationality, and the qualifications of the Director of Publicity, Assam, his pay, and other emoluments?
 - What are the duties he has to perform as Director of Publicity?
 - Is it a part of his duty to refute unfounded and unreasonable criticism against Government published in newspapers?
 - Is propaganda work a part of his duties?
 - Is it a fact that he has been carrying on a propaganda in favour of exchange of Muslim population of Assam with Bengalee Hindu population of Pakistan?
 - If so, has this propaganda the approval of Government?
 - If not, do Government propose to take proper action against this officer?

The Hon'ble Maulavi MAHOMED TAYYEBULLA replied:

58. (a)—Name—Shri Suresh Chandra Bhattacharjee.
Nationality—Indian Union National (*bonafide* Assamese).
Qualifications—He read upto B. A. Standard under the care and guidance of the late Lokamanya Tilak and Dr. Sir Raghunath Paranjpye. He was on the editorial staff of the *Bombay Chronicle* and then the Chief Editor and subsequently proprietor of the *Rangoon Mail*. Before joining the Assam Government he was a Counter-propaganda Officer, Research and Reference Officer and Information Officer in the Government of India, Department of Information and Broadcasting.

Pay—Rs.1,000—50—1,200 for a period of 5 years. No other emoluments.

(b)—To initiate and implement measures to reorganise the Publicity Department which he has been doing for some months now in addition to guiding and directing routine publicity work through the Press, platforms, leaflets, pamphlets and other channels and media, of the various constructive policies, progress and achievements of the Government in the various departments.

(c)—Yes, it is normally one of the duties of his Department to refute such statements and correct such baseless or misleading facts and figures as are deemed to be affecting the Government and are against public interest.

(d)—Yes, generally speaking propaganda forms part of publicity.

(e)—No.

(f) & (g)—Do not arise.

Maulavi MAHAMMAD ROUFIQUE: With reference to Question No.58(a), is it a fact, Sir, that this gentleman was away from this Province for the last 25 years before he joined this job in Assam ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: Yes, Sir, he was away for long years ; but I do not know the number of years.

Maulavi MAHAMMAD ROUFIQUE: Is it a fact that, on account of this, he is not quite acquainted with the true feelings of the people in the Province ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: It is a matter of opinion, Sir.

***Mr. HARENDRA NATH SARMA:** Is it a fact that the services of the Director of Publicity have only been lent by the Central Government or whether his primary services were under the Central Government and drawn away from them ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: The answer has already been given in 58(a).

***Mr. HARENDRA NATH SARMA:** But I do not find that that reply meets my point, Sir.

The Hon'ble Maulana MAHOMED TAYYEBULLA: He has been appointed Director of Publicity ; and the required informations have been given in the reply.

Maulavi MAHAMMAD ROUFIQUE: Is it a fact that this gentleman never refuted baseless and incorrect statements that appeared in the Press ?

The Hon'ble Maulana MOHAMED TAYYEBULLA: That might be the view of the hon. Questioner, Sir.

Maulavi MAHAMMAD ROUFIQUE: I want to know whether it is a fact ?

The Hon'ble Maulana MAHOMED TAYYEBULLA: No, Sir, it is not a fact.

Maulavi MAHAMMAD ROUFIQUE: With reference to (e), may I know the Hon'ble Minister's reply "No" is based on what facts?

The Hon'ble Maulana MAHOMED TAYYEBULLA: The answer was based on facts, Sir.

***Srijut SARAT CHANDRA SINHA:** May we know, Sir, from the hon. Member (Maulavi Mahammad Roufique) whether he has any authenticated source of information in this connection?

Maulavi MAHAMMAD ROUFIQUE: If the Government give a guarantee that they will thoroughly enquire into the matter, I can give the source of information.

***Mr. HARENDRA NATH SARMA:** In answer to Question (a), it is stated that he is a *bonafide* Assamese—but may we know what language he speaks with his family?

The Hon'ble Maulana MAHOMED TAYYEBULLA: I cannot say, Sir.

Maulavi MAHAMMAD ROUFIQUE: Is it a fact that the present Director of Publicity does not know to make a correct speech in Assamese?

The Hon'ble Maulana MAHOMED TAYYEBULLA: It is not a fact, Sir.

Srijut S. Boruah, R. M. O., Dibrugarh Hospital

Srijut BHADRA KANTA GOGOI asked:

59. Will Government be pleased to state—

(a) How many motor cars have been registered in the name of Srijut S. Boruah, R. M. O., Dibrugarh Hospital, during the period from January 1946 to June 1948?

(b) How many of these have been registered in his wife's name?

The Hon'ble Srijut RAMNATH DAS replied:

59. (a) & (b)—Two jeeps and one car were registered in Srijut S. Boruah's name and one car in his wife's name.

Srijut BHADRA KANTA GOGOI: এই গাড়ীবিলাক তেখেতে কোন বছৰত কিনিছিল মাননীয় মন্ত্রী মহোদয়ৰ পৰা জানিব পাৰোনে?

The Hon'ble Srijut RAMNATH DAS: দুখন কিনিছিল ১৯৪৭ চনত, এখন কিনিছিল ১৯৪৮ চনত আৰু তেখেতৰ wife ৰ নামত এখন কিনিছিল ১৯৪৮ চনত।

Srijut BHADRA KANTA GOGOI: যি কেইখন গাড়ী কিনিছে আটাই কেইখন নতুননে?

The Hon'ble Srijut RAMNATH DAS: নতুননে পুৰণি মই কৰ নোৱাৰোঁ।

Srijut SARAT CHANDRA SINHA: গগৈ ডাঙৰীয়াই কৰ পাবেনে গাড়ী
কেখন নতুননে পুৰণি ?

Srijut BHADRA KANTA GOGOI: মোৰ বিশ্বাস দুখন পুৰণি, বাকী দুখন নতুন।

The Hon'ble Srijut RAMNATH DAS: সেইটো হব নোৱাৰে। নতুন গাড়ী
কিনিবলৈ permit লাগে। বোধহয় শ্ৰীযুত বৰুৱাক permit দিয়া হোৱা নাই।

Srijut BHADRA KANTA GOGOI: মই জানো যে তেখেতে হিন্দুস্থান গাড়ী
এখন লৈছে—সেই গাড়ীখন নতুন। আগৰ গাড়ী থকাতো কেনেকৈ নতুন গাড়ী
কিনিবলৈ permit পায় ?

The Hon'ble Srijut RAMNATH DAS: গতগমেণ্টে permit দিয়া নাই।

The Hon'ble the SPEAKER: নতুন গাড়ী কিনি মানুহে ৬ মাহৰ পিচত বেচিবও
পাবে। গতগমেণ্টে কৈছে যে নতুন permit দিয়া নাই।

Srijut SARAT CHANDRA SINHA: এই তিনিওখন গাড়ী চলি আছেনে ?

Srijut BHADRA KANTA GOGOI: সমানে চলি আছে ?

A Voice:—How could he get petrol ?

***Maulavi ABDUL HALIM:** May we know from the Hon'ble Minister
what is the pay of Sub-Assistant Surgeons ?

The Hon'ble Srijut RAMNATH DAS: The present pay of these officers
is from Rs.75 to Rs.175 per mensem.

***Maulavi ABDUL HALIM:** May we know from the Government how is
it possible for him with such pay to maintain these cars ?

The Hon'ble Srijut RAMNATH DAS: He is allowed private practice,
Sir.

Re-forestation of some areas in Tinkhow Mauza

Mr. P. M. SARWAN - asked :

60. Will Government be plased to state—

- (a) Whether Government have any proposal to re-forest some areas in
Tinkhow Mauza in Dibrugarh Subdivision ?
- (b) Whether these are non-cadastral or cadastral areas ?
- (c) Whether Government are aware that tea garden tribes and castes
are largely settled in the above areas for several years ?
- (d) Whether Government are aware of the feeling that any such pro-
posal to re-forest areas where tea garden tribes have permanently
settled will be considered by them as grossly discriminatory ?

*Speech not corrected.

- (e) Whether Government are aware that due to apprehension of re-forestation there is great uneasiness in the minds of tea garden tribes and castes in Assam?

The Hon'ble Srijut RUPNATH BRAHMA replied :

60. (a)—Yes, 3 areas (*viz.*, Bahoni, Mohkhowa and Garsingha) are being proposed to be constituted as Reserve Forests and preliminary notifications are being submitted to Government by the Divisional Forest Officer, Lakhimpur Division, through the Deputy Commissioner, Lakhimpur.

(b)—Non-cadastral areas.

(c)—It has been reported that there are no private lands or villages within the proposed areas but there are squatters only who are mostly Nepalis and *ex-garden* labourers who have been doing a great deal of damage to these Forest areas by indiscriminate felling.

(d) & (e)—The proposal has yet to be examined and enquired into before any final declaration is made to constitute these areas as Reserve Forests. As usual, preliminary notification will be published by Government inviting objections from persons who may have any grievances against such reservation. The tea-garden tribes and castes (if there be any such castes and tribes) will then be able to file or represent their cases before the Settlement Officer to be appointed by Government and their grievances, if any, will certainly be enquired into by him before any final decision is made.

Areas affected by recent flood in Goalpara District

Maulavi MD. NAZMAL HAQUE asked :

61. Will Government be pleased to state—

- (a) The areas affected by recent flood in the District of Goalpara, subdivision by subdivision, and the extent of damage caused?
- (b) The date and time when Government received reports of flood in the District of Goalpara?
- (c) The immediate steps taken by Government for the relief of the distressed people in the flood-affected localities of the Goalpara Subdivision and also of Dhubri Subdivision?
- (d) Whether Government grants for flood relief were meant for the distressed people of the flood-affected areas?
- (e) What relief measures were given to each locality in the Subdivision of Goalpara and when?
- (f) Whether Government are aware that relief has been granted to the following hill areas in the Goalpara Subdivision where there was no flood and the situation was not so acute as to demand relief—
- (i) Balijana area, Goalpara Police Station.
- (ii) Baida area of Amin No.6, Lakhimpur Police Station?
- (g) Whether gratuitous relief has reached the distressed people of the flood-affected area of the Goalpara Subdivision?
- (h) If not, why not?

Srijut MAHENDRA MOHAN CHAUDHURY replied :

61. (a)—There have been damages to the crops by the recent floods. The local officers have been asked to submit a detailed report showing the areas and

the extent of damage caused. From the general reports received, whitherto it is not possible to give any details.

(b)—The first report was received on the 6th June 1948.

(c)—Government immediately instructed the District Officer to spend money for relief wherever necessary in anticipation of Government sanction. Up till now Government sanctioned Rs.3,95,000 for gratuitous relief and loans in the Goalpara District alone.

(d) —Yes, and for nothing else.

(e)—Particulars are not available. Measures of relief given include gratuitous relief, agricultural loan, distribution of seeds and seedlings and sale of paddy at concession rates.

(f)—Government have no information.

(g)—Gratuitous relief is granted by Government for the really needy and distressed people wherever they are.

(h)—Does not arise.

Maulavi MD. NAZMAL HAQUE: With reference to (c), may I know from Government, what amount was allotted to be spent in the Subdivision of Goalpara for relief measures ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): The figure mentioned here is the amount placed at the disposal of the Deputy Commissioner, Goalpara to spend on relief works wherever necessary.

Maulavi MD. NAZMAL HAQUE: Will Government take it from me that relief measures were extended to other places where there was no flood and was not confined only to those places which were actually affected by floods ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): That is a news to me, Sir. If that is the case, Government will enquire into the matter.

Maulavi MD. NAZMAL HAQUE: May I know from the Government whether immediately after receipt of these questions, Government have made any enquiry in the matter ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Yes, Sir, Government have made enquiries in the matter.

Maulavi MD. NAZMAL HAQUE: With regard to (f), will Government take it from me that gratuitous relief was granted to places like Balijana area in Goalpara Police Station and Baida in Lakhipur Police Station, which were not affected by floods, prior to relief being given to the distressed people of flood-affected areas ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): I have already replied, Sir, that if such things really happened Government will look into the matter.

Maulavi MD. NAZMAL HAQUE: With reference to (g), the answer given is that gratuitous relief is granted by Government for the really needy and distressed people wherever they are—may I know whether these people did actually get the relief ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): The implication of the answer given is that it was so, Sir.

Maulavi MD. NAZMAL HAQUE: Will Government take it from me that the amount reached the affected people only towards the latter part of August?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Government have no information, Sir.

Maulavi MD. NAZMAL HAQUE: Will Government take it from me that relief measures were carried out in the flood-affected areas towards the latter part of August and not in the month of June or July?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Government have no information, Sir.

Assam Pay Committee's Report

Dr. EMRAN HUSAIN CHAUDHURY asked:

62. (a) Will Government be pleased to state when the Assam Pay Committee's report will be made available to the public?

(b) Will Government be pleased to state whether a living wage as referred to in Article 34 of the Draft Constitution has been allowed to all Government employees?

(c) Will Government be pleased to lay on the table the details of the family budgets on which the recommendations of the Pay Committee are based?

The Hon'ble Srijut OMEO KUMAR DAS replied:

62. (a)—A reference is invited to the Press Communique issued on 20th May 1948 containing the recommendations of the Pay Committee with the scales of pay accepted by Government—*vide Assam Gazette Extraordinary* of the same date.

(b)—Yes, consistent with the resources of this Government.

(c)—The recommendations of the Committee were based on enquiries made by it. No family budget was included in the Report.

Dr. EMRAN HUSAIN CHAUDHURY: My question was "Will Government be pleased to state when the Assam Pay Committee's report will be made available to the public" and the Government reply is "A reference is invited to the Press Communique issued on 20th May 1948 containing the recommendations of the Pay Committee". Was a full report published there?

The Hon'ble Srijut OMEO KUMAR DAS: Yes.

Dr. EMRAN HUSAIN CHAUDHURY: Your reply is that only recommendations were published?

The Hon'ble Srijut OMEO KUMAR DAS: Yes, Sir, the recommendations were published.

Dr. EMRAN HUSAIN CHAUDHURY: Not the full report?

The Hon'ble Srijut OMEO KUMAR DAS: I have not been able to follow the hon. Member's question.

Dr. EMRAN HUSAIN CHAUDHURY: Do the recommendations constitute the full report of the Committee?

The Hon'ble Srijut OMEO KUMAR DAS: Yes Sir.

Dr. EMRAN HUSAIN CHAUDHURY: My second question was: "Will Government be pleased to state whether a living wage as referred to in Article 34 of the Draft Constitution has been allowed to all Government employees". The reply is "Yes, consistent with the resources of this Government". A living wage is fixed with special relation to the movement of prices and cost of living and has nothing to do with the resources of Government. Has such a wage been allowed to loyal Government employees? Did the Pay Committee take into consideration the prices of goods obtaining in the country at the time of framing their pay scales?

The Hon'ble Srijut OMEO KUMAR DAS: The main consideration which guided the Committee may be, as stated in the report, this: "In the absence of any accurate statistical data, the Committee had to be guided by the general evidence and by broad considerations in arriving at a decision in regard to the minimum emoluments to be fixed for a Government employee."

Dr. EMRAN HUSAIN CHAUDHURY: Did Government take into consideration any family budget?

The Hon'ble Srijut OMEO KUMAR DAS: It has already been replied that no family budget was included in the report.

Eviction of settlers in Lanka Mauza, Lamsakhal and in the Mikir Hills

Babu BIDYAPATI SINGHA asked:

63. Will Government be pleased to state—

- (a) How many families at Valukmari, Lamsakhal, Lanka and other places in Nowgong District were evicted from their holdings by the Local Authorities this year?
- (b) Whether it is a fact that in the rainy season the eviction was carried on by setting fire to the houses of the evictees?
- (c) Whether 250 Manipuri families who migrated from Cachar and 200 Gurkha families were among the evictees and their holdings were given to the Assamese settlers?
- (d) What are the reasons for taking such drastic measures in evicting the settlers?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): replied:
63. (a)—460 encroachers were evicted in Lanka Mauza and Lamsakhal and in the Mikir Hills.

(b)—The eviction was carried out in the months of May and June last but no house was set on fire.

(c)—Government have no information where the evictees migrated from. It is not a fact that their holdings were given to the Assamese.

(d)—Encroachers are liable to eviction under Settlement Rule 18 for illegally occupying Government lands.

Maulavi MAKABBIR ALI MAZUMDAR: May I know from the Government when the rainy season begins in Assam ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Later part of June.

Maulavi MAKABBIR ALI MAZUMDAR: May I know how this eviction was carried out ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): By removing the houses.

Maulavi MAKABBIR ALI MAZUMDAR: Forcibly or by pulling down the houses ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): As the word "eviction" implies, Sir.

***Dr. EMRAN HUSAIN CHAUDHURY:** With violence or without violence ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): With least violence,

Maulavi MAHAMMAD ROUFIQUE: What was the *modus operandi* adopted in removing these encroachers ?

(No reply)

Babu KHAGENDRA NATH SAMADDAR: Is it a fact that in village Valukmari most of the settlement holders have been evicted ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Patta-holders cannot be evicted: only the encroachers were evicted.

Babu KHAGENDRA NATH SAMADDAR: Will Government take it from me that most of the persons evicted there are settlement holders and they got settlement 7 or 8 years ago ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Government will enquire into that.

Babu KHAGENDRA NATH SAMADDAR: Is it a fact that no notice was given before the eviction ?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): I think due notice was given.

Babu KHAGENDRA NATH SAMADDAR: Will Government take it from me that no notice was served on the evicted persons: notice was served only after about a month of the actual eviction?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): The matter will be enquired into.

Babu KHAGENDRA NATH SAMADDAR: Will Government take action against those officers who have violated the rule?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): I have already stated that an enquiry will be made into the matter.

Maulavi MAKABBIR ALI MAZUMDAR: Will Government make some arrangements for settlement of these evicted people who have come from Cachar?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): As a matter of fact Government cannot take responsibility for the settlement of evicted persons.

Babu KHAGENDRA NATH SAMADDAR: Will Government please state whether these evicted persons of Valukmari petitioned to the Hon'ble Revenue Minister and the Hon'ble Revenue Minister sent the petition to the Deputy Commissioner, Nowgong and the Deputy Commissioner sent it to the same officer who is alleged to have evicted these persons?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): Government have no information.

Srijut PURNA CHANDRA SARMA: Do Government propose to compensate for the loss sustained by those patta-holders who have been evicted by having their houses destroyed?

Srijut MAHENDRAMOHAN CHOUDHURY (Parliamentary Secretary): If any patta holder has been evicted from the land, the matter will be surely enquired into.

Babu KHAGENDRA NATH SAMADDAR: Will Government please take the information to be correct that the particular officer who has evicted these persons is alleged to have threatened the people that their pattas will be cancelled if they file any complaint to the Government?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): It is a new question, Sir.

Bund over the Phulguri-Jan near Nalbari

Srijut GAURI KANTA TALUKDAR asked:

64. Will Government be pleased to state—

- (a) When the work of investigation in respect of irrigation scheme of raising a *buna* over the Phulguri-Jan near Nalbari in Kamrup District was first made?

- (b) When the survey work was first undertaken and when construction of the *bund* was first started ?
- (c) What will be the breadth and depth of the *jan* at the point where the *bund* was proposed to be raised ?
- (d) How many times the *bund* was constructed and on how many occasions the construction proved fruitless ?
- (e) Whether the *bund* has now been successfully constructed ?

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

64. (a)—On 12th July 1940.

(b)—The survey was undertaken in the cold weather of 1940 and the actual work had to be postponed till January 1944 due to diversion of Embankment and Drainage staff to Imphal for Military work on the India-Burma Road.

(c)—Breadth at top—60 ft. Depth at centre—16 ft. 5 inches.

(d)—The *bund* proper was constructed only once and has been standing well. Only the boulder pitching in the spill channel could not be completed in 1944 due to early flood in the area and non-availability of boulders owing to war conditions and the spill channel got damaged. Cement concrete 'Escape Weir' was subsequently made in 1945 but it failed. Stronger measures are proposed to be taken in the coming cold weather.

(e)—The construction is considered to be generally successful.

Scarcity of paddy and rice in Goalpara District

Maulavi ABUAL MAJID ZIAOSH SHAMS asked :

65. (a) Is it a fact that there has been almost a total failure of *Ahu* paddy and jute in the District of Goalpara this year ?

(b) Are Government aware that as a result of this failure of *Ahu* paddy there is scarcity of paddy and rice in many parts of Goalpara ?

(c) Is it a fact that in spite of this scarcity of paddy, milled rice from some of the Mills of Goalpara was diverted from Goalpara to other parts of Assam ?

(d) Is it a fact that in last June when the Hon'ble Supply Minister visited Dhubri protest was made to him against such diversion which was making rice further scarce there ?

(e) What was the total quantity of rice and paddy removed by authorities from Goalpara District to other parts of Assam in (i) June (ii) July and (iii) August 1948 ?

(f) Do Government propose to supply rice and paddy from other districts of Assam to Goalpara ?

The Hon'ble Srijut OMEO KUMAR DAS replied :

65. (a)—Considerable damage to the *Ahu* crop and jute, particularly in the low-lying areas of the Goalpara District has been reported.

(b)—Scarcity conditions from parts of the Goalpara District and other areas in the Province which were flooded have been reported.

(c)—Yes, some milled rice was moved outside the Goalpara District to meet the requirements of the totally deficit District of the Khasi and Jaintia Hills. The Goalpara District has been always on the whole a surplus district. This year due to two floods the position deteriorated. The Dhubri Subdivision of

the Goalpara District was declared a deficit area, *i.e.*, higher prices were allotted there. The action resulted in quite a considerable amount of paddy to flow into the Mills of Goalpara District from the Kamrup District. Some of the milled rice was bought from millers to meet the demands of the Khasi and Jaintia Hills.

(d) —Yes, such representation was made, but, as will be apparent from the reply to Question (e) only small quantities were moved to meet acute and very urgent demands of the Khasi and Jaintia Hills.

(e)—No paddy was removed from the Goalpara District to other districts in June, July and August 1948. The quantities of rice removed are furnished below :—

					Mds.
June	...	...	...	...	4,050
July	...	...	...	...	5,400
August	...	...	...	...	810

(f)—The Deputy Commissioner, Goalpara is purchasing and supplying rice and paddy from the surplus areas of the district to the deficit areas. Winter *Ushna* rice from Nowgong is also being supplied to Dhubri and the question of purchasing and supplying *Ahu* is receiving attention.

Damages to Jute and Paddy by floods in Goalpara District

Maulavi ABUAL MAJID ZIAOSH SHAMS asked :

66. (a) Are Government aware that there has been almost a total destruction of jute in Goalpara this year ?

(b) Are Government aware that this year there has been a total destruction of "Ahu" paddy in the South bank of Goalpara and a great destruction of the same has taken place in the North bank and that the prospects of "Bao Paddy" are not good in the South bank ?

(c) Are Government aware that Sali paddy (transplanted) does not grow in the South bank of Goalpara ?

(d) Are Government aware that more than 60 per cent. families in the South bank have no paddy to live upon and no money to buy anything ?

(e) What steps Government propose to take to save the lives of the people of the South bank ?

(f) Do Government propose to enquire and state whether some people of Dhubri and Bilashipara thanas also stand in need of help from Government ?

(g) Are Government aware that sufficient paddy is not available at present in the Goalpara District ?

The Hon'ble Maulavi ABDUL MATLIB MAJUMDAR replied :

66. (a) & (b)—Government is aware of the effect of the floods.

(c)—Yes.

(d) & (e)—Government have no such reports, but Government expect that in the apprehended condition the local officers will successfully tackle the problem and if necessary will seek Government help for proper solution.

(f)—Inquiries will be made.

(g)—Yes in parts which were flooded.

Maulavi MUHAMMAD ABUL KASHEM: Have Government asked the local officers on receipt of this question to enquire into the conditions of the people of the South bank at present and also to know from them whether there is any need for further help to the people of that area ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The answer will be found in replies (a) and (b). If any special condition arises it is expected that hon. Members will approach the Government and seek Government's help.

Maulavi MUHAMMAD ABUL KASHEM: May I know whether officers will be asked to report whether they require further help ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: The matter is already engaging the attention of the Government.

Maulavi MUHAMMAD ABUL KASHEM: With regard to (b), it will be noticed that there are no food-grains in many of the householders.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It cannot be expected that local officers will be sitting idle over this matter.

Road Communication in Garo Hills

Mr. MANIRAM MARAK asked :

67. (a) Are Government aware that the District of Garo Hills is the most backward in the Province in all respects mainly with regard to road communication ?

(b) Are Government aware that for want of good road communication the District of Garo Hills remains cut off from the rest of Assam during rainy season ?

(c) If so, do Government propose to expedite the road construction work of the district ?

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

67. (a)—This is a matter of opinion. But with regard to communication it is not the most backward in the Province.

(b)—Yes.

(c)—Yes. In fact Government are already going on with it.

***Mr. MANIRAM MARAK:** May I know when the Government propose to complete the road which is already taken up ?

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Government expect that this road that we have already started and on which work is going on very briskly may be made jeepable in the month of October and it is expected that it may be completed next year provided labour and materials are available.

Ban on the Assam Tribune

Srijut BEJOY CHANDRA SAIKIA asked :

68. (a) Is it a fact that the Director of Information and Publicity, Government of Assam, lately issued a circular to Heads of all Government Departments

in Assam asking them not to subscribe the Assam Tribune and stop sending advertisements and Press Note, etc., to it?

(b) If so, why?

(c) If the reply to Question 68 (a) is in the affirmative, will Government be pleased to state the authority or authorities competent to issue such a circular?

(d) Will Government be pleased to lay on the table a copy of the Circular order issued by the Director of Publicity referred to in Question (a) above and also a copy of the Press Note issued by the Publicity Department bearing on the Press Conference held by the Director of Publicity at Shillong in which he sought to justify the restrictive measures taken against the Assam Tribune?

(e) Is it a fact that in that Press Conference an unanimous request was made by the Press representatives that the restrictive measures taken against the Assam Tribune should be withdrawn?

(f) If so, will Government be pleased to state why there was no mention whatsoever of that unanimous request in the Press Note issued?

(g) Is it a fact that without any express authority from the Press representatives the Press Note stated that they were satisfied with the explanations of the Director of Publicity with regard to the action taken against the Assam Tribune?

(h) Will Government be pleased to state if there is any Press Advisory Board in Assam as in other Provinces?

(i) If so, will Government be pleased to state why the Press Advisory Board was not consulted before taking action against the Assam Tribune, the only English Daily of Assam?

(j) If not, why not?

The Hon'ble Maulana MAHOMED TAYYEBULLA replied:

68. (a) & (c)—Yes, with the authority and at the direction of the Government.

(b)—Government have been compelled to take this step on account of the sustained and malicious misrepresentation of Government and scurrilous attacks on certain Hon'ble Members of the Cabinet.

(d)—Government regret that a copy of the Circular, being a confidential document, cannot be placed on the table.

No Press Note was issued by the Publicity Department. An unofficial note bearing a short summary of the proceedings of the Press Conference referred to was issued. A copy of the note is given below:—

Dated Shillong the 8th July, 1948

UNOFFICIAL NOTE

(The Source of this Unofficial Note is not to be disclosed)

Mr. S. C. Bhattacharjee, Director of Information and Publicity, Assam, at a Press Conference yesterday here denied that Government of Assam had taken any action on the "Assam Tribune" an English Daily of Gauhati. He stated that the Government had only withdrawn certain privileges shown to the said paper in the supply of Press Notes, advertisement, etc. This steps, he emphasised, has been taken by the Government on account of the paper's persistently malicious attack on the Government and vilification of the Hon'ble Ministers.

In substantiating this charge and in answer to questions by the journalists present including the representative of the "Assam Tribune" who was specially invited, the Director read out extracts from a number of editorials of the paper during the past four months and emphasised Government were not in haste to take any step in the hope that the paper would realise the importance of a friendly relations between the Press and the Government in the new set up of things after freedom had been won. But the Director observed, this hope of the Government had not been fulfilled, and what was worse, the paper followed a definitely hostile attitude to the Government and in some cases, particularly in respect of the transfer of a Government Servant, the paper openly encouraged by its writing, the Government employees to be disloyal.

He regretted that the standard of journalism as the said paper was most unfortunate. He appealed to the Press men present to exercise their influence on the paper to correct itself and to play the real medium of Government activities, without however surrendering its right to be a real free Press. Government was convinced, S_j. Bhattacharjee continued that the paper in the name of liberty of press indulged in licence and imputed unworthy motives to Hon'ble Ministers in that it deliberately misrepresented their activities by various insinuations.

Regarding the "Jana-Gana-Mana" song *vis-a-vis* the opening ceremony of the All India Radio at Shillong and Gauhati, the Director drew the attention of the journalists to the Government efforts for making the National Anthem acceptable to the people of Assam in keeping with their sentiments. In this connection, he invited attention to the game of a few persons to disrespect their national leaders and also the filthy and condemnable language used by some papers against the leaders. He expressed the hope that the broadcasting institution would be utilised by the artists of Assam and the people.

Concluding the Director of Information and Publicity made a fervent appeal to the Pressmen to have a friendly relation with the Government. He also disclosed that the Assam Press Advisory Board would also be called sometime in September next.

After hearing the Director of Information and Publicity the journalists assured their full co-operation and requested him to convey to the Government their request for supply of Press Notes, etc., to the Assam Tribune. The Director assured them that their request will be duly conveyed to the Government.

(e)—A request was made by some of the Press Representatives at the Conference to restore the privileges to the paper.

(f)—The hon. Member will find in the unofficial note that mention was made of the request.

(g)—Press representatives at the Conference appeared to have been satisfied about the steps that Government had taken.

(h)—There was a Press Advisory Board in Assam which with the secession of Sylhet from India became ineffective. The Director of Information and Publicity convened a Press Conference in Shillong on 15th September 1948 to reconstitute the Board, and the needed steps have already been taken.

(i) & (j)—Do not arise.

Mr. HARENDRA NATH SARMA: May I know when this particular circular, which is characterised as confidential, could be sent to all and sundry, why Government cannot take the hon. Members of this House into confidence and lay a copy on the table?

The Hon'ble Maulana MAHOMED TAYYEBULLA: As I have already said that in the public interest, Government cannot place a confidential matter on the table.

***Maulavi ABDUL HALIM:** Is it the first instance in the history of Assam that such a strong measure has been taken against a local paper?

The Hon'ble Maulana MAHOMED TAYYEBULLA: No.

Mr. HARENDRA NATH SARMA: With regard to sub-question (e) it is said that a request was made by some of the Press representatives to restore the privileges to the paper. May I know the reason why it is said "some" and not "all" journalists?

The Hon'ble Maulana MAHOMED TAYYEBULLA: In the unofficial note it is so described upon information.

Mr. HARENDRA NATH SARMA: Why is it characterised as "some"?

The Hon'ble Maulana MAHOMED TAYYEBULLA: This is the information of the Government.

Mr. HARENDRA NATH SARMA: Is it a question of interpretation only?

The Hon'ble Maulana MAHOMED TAYYEBULLA: The hon. Member is entitled to hold any opinion he likes.

***Maulavi MAHAMMAD ROUFIQUE:** What steps are taken when there is a misrepresentation in the Government Press Report itself? It is once said that Government of Assam has taken no action on the Assam Tribune. In the next stage it is said that this Government has stopped sending advertisement to this paper. Is it not a contradiction?

The Hon'ble Maulana MAHOMED TAYYEBULLA: The step taken is no action under the law. It is withdrawal of certain privileges, which many other papers have not secured.

Mr. HARENDRA NATH SARMA: Am I correct in saying that it might as well be the case that the journalists were not all satisfied with the statements made by the Director of Publicity?

The Hon'ble Maulana MAHOMED TAYYEBULLA: It is a matter of opinion; and the information of the Government is what is given in the answer.

Public Health Dispensaries in the Province

Maulavi MAHAMMAD ROUFIQUE asked:

69. Will Government be pleased to state—

- (a) The number of Public Health Dispensaries in each District and Sub-division of Assam?
- (b) The amount of contribution paid by villagers to each of such Dispensaries?

The Hon'ble Srijut RAMNATH DAS replied :

69. (a)—1. Cachar District—				
Silchar Subdivision	...	...	...	1
Hailakandi Subdivision	...	...	...	1
Karimganj Subdivision	...	...	...	1
			Total	3
2. Kamrup District—				
Gauhati Subdivision	...	...	...	7
Barpeta Subdivision	...	...	...	3
			Total	10
3. Darrang District—				
Mangaldai Subdivision	...	...	...	5
			Total	5
4. Goalpara District—				
Goalpara Subdivision	...	...	...	3
Dhubri Subdivision	...	...	...	5
			Total	8
5. Nowgong District				19
			Total	19
6. Sibsagar District—				
Sibsagar Subdivision	...	...	...	7
Jorhat Subdivision	...	...	...	4
Golaghat Subdivision	...	...	...	10
				21
7. Lakhimpur District—				
North Lakhimpur Subdivision	...	...	...	4
			Total	4
8. Garo Hills District				5
			Total	5

Besides the above, five new Public Health Department Dispensaries, *viz.*, one in the Goalpara District and four in the Lakhimpur District have recently been sanctioned by Government.

(b)—Kamrup District—No public donation received for any dispensary except the houses for the Dispensary and staff at Hekera which were provided by the public free.

Nowgong District—

	Rs.	a.	p.
1. Lanka Dispensary	2,729	5	6
2. Samaguri Dispensary	2,200	0	0
3. Monoha Dispensary	1,400	0	0
4. Dengaon Dispensary	1,000	0	0
5. Mikirbheta Dispensary	2,009	6	0
6. Ambagan Dispensary	4,000	0	0
7. Jajari Dispensary	2,000	0	0
8. Alveti Dispensary	3,000	0	0
Total	18,338	11	6

Sibsagar District—No donation received from the public except the houses for the Dispensaries and staff at Patsako, Dhemaji-Desangpani and Maduri Gohain-gaon which were provided by the public free.

Lakhimpur District—1. The houses for the Dispensary and staff at Panigaon are being provided by the public free.

2. The extra expenditure besides the Government sanction of Rs.4,000 incurred in connection with the construction of the Public Health Department Dispensary building and staff quarters at Dholepure has been met by the public.

Maulavi MAKABBIR ALI MAZUMDAR: Cachar heads the list but has the lowest number of dispensaries. May I know the reason, Sir?

The Hon'ble Srijut RAMNATH DAS: These are Public Health Dispensaries. Dispensaries are generally given in those places where the number of Kala-azar cases demand them.

Maulavi MAKABBIR ALI MAZUMDAR: May I know whether there is a persistent demand from the people of Cachar for opening of more Public Health Dispensaries in Cachar?

The Hon'ble Srijut RAMNATH DAS: The demand is based on the figure supplied by the Medical Officer of the Kala-Azar cases prevailing.

Maulavi MAKABBIR ALI MAZUMDAR: May I know whether any enquiry was made as regards (b)?

The Hon'ble Srijut RAMNATH DAS: Whenever we get representation, we generally send the representation to the local officers for enquiry and report.

Maulavi MAKABBIR ALI MAZUMDAR: Is it not a fact that the Civil Surgeon recommended for some more Public Health Dispensaries?

The Hon'ble Srijut RAMNATH DAS: I think it is not the duty of the Civil Surgeon to recommend for any Public Health Dispensary.

Maulavi MAKABBIR ALI MAZUMDAR: Has any representation received from the Local Board?

The Hon'ble Srijut RAMNATH DAS: Whenever we received any representation from any source we generally get them enquired into by the local officer.

***Maulavi MAHAMMAD ROUFIQUE:** Why more donation was received from the people of Nowgong ?

The Hon'ble Srijut RAMNATH DAS: The donations that were received in Nowgong District were voluntary donations.

Srijut PURNA CHANDRA SARMA: Why did the people want to pay for putting a dispensary near about their village ?

The Hon'ble Srijut RAMNATH DAS: Government do not think that this contribution should be refused.

Srijut PURNA CHANDRA SARMA: Do Government mean that if contributions were not received from them the dispensaries would not be established ?

The Hon'ble Srijut RAMNATH DAS: It is not a fact.

Srijut PURNA CHANDRA SARMA: Is it not a fact that Nowgong and Sibsagar are worst sufferers ?

The Hon'ble Srijut RAMNATH DAS: Yes, Sir.

***Maulavi MUHAMMAD ABUL KASHEM:** Are Government prepared to start new dispensaries in the Goalpara District if the public come up with contribution ?

The Hon'ble Srijut RAMNATH DAS: Dispensaries are started on the consideration of Kala-Azar cases.

Small Industries of Assam

Srijut PURNA CHANDRA SARMA asked :

70. (a) Will Government be pleased to give a list of small Industries in Assam excepting Tea, Rice Mills and Oil Mills ?

(b) Do Government propose to encourage private enterprise by indigent people by way of granting loans of subsidies and expert advice for small Industries like Fisheries, Canning, Tanneries, Soap Making, Match Factories, Manufacturing of Potteries, Asbestos and the like, Saw Mills, Boat building, Motor Workshops, Perfumeries, Toy-making and Pharmaceutical works ?

(c) If not, do Government intend to take up any of these industries themselves and, if so, what are they ?

Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary) replied :

70. (a)—It is not clear what the hon. Member means by the term "Small Industries". However a list of Cottage Industries, small scale Industries and medium sized Industries is placed below.

List of Small Industries

Fisheries, Fruit Canning, Tannery (Vegetable tanning) Saw Mills, Boat Building, Chemical and Pharmaceutical Works, Printing Presses, Hosiery, Gins

*Speech not corrected.

and Presses, Coach Building and Car Repairing Workshops, Bell-Metal Works, Brass Works, Ivory Works, Iron Industry, Soap Industry, Manufacture of Steel Trunk, Umbrella, Shoe and Leather Suit Case Factory, Carpentry Workshops, Cane and Basket Industry, Bamboo mat-making, Sital-Pati made of Cane, Pottery Industry, Paper-making, Slate Factory, Bee-keeping, Hides, Japi Industry, Hengul Haital Works, Tailoring, Rubber Stamp-making.

(b)—Government are encouraging private enterprises of industrial undertakings by granting industrial loans, providing training facilities, granting of subsidies, and also expert advice wherever and as far possible. Government however is not satisfied with what has been possible to do in this respect until now and are considering what more can be done in this respect.

(c)— Does not arise.

***Maulavi MAHAMMAD ROUFIQUE:** May I know whether these industries have been included in the programme of industrial development of the Province ?

***Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary):** Will you please repeat the question ?

***Maulavi MAHAMMAD ROUFIQUE:** My question is whether these small industries have been included in the plan for industrial development of the Province ?

***Srijut BIMALAPROSAD CHALIHA (Parliamentary Secretary):** As a matter of fact, we have been trying to develop all these industries. Actually, Sir, so far cottage industries are concerned, it will appear from the list given that the number of such industries in our Province at present is very few, and it may be that we will have to popularise many more industries. While introducing new industries various considerations have to be made. I can cite one example, say, cottage tanning. I do not personally think that this can be made very popular in our Province for want of a suitable class of people who will take to this easily. As a matter of fact, Sir, we have been thinking of doing our best in the development plans for developing all these industries which are given in the list by providing training facilities, so that artisans can be scientifically trained, by arranging supply of sufficient raw materials required for the purpose and also by organising marketing. That is our plan.

Srijut BHADRA KANTA GOGOI: মাননীয় সভাপতি মহোদয়, মই পলমটকৈ অহাৰ কাৰণে মোৰ Starred Question টো শুধিব নোৱাৰিলো। গতিকে সেই Question টো শুধিবলৈ অনুমতি বিচাৰিলো।

The Hon'ble the SPEAKER: The hon. Member should always come in time. He is very late.

(After a pause)

Without creating any precedent I allow the hon. Member to put his Question.

STARRED QUESTIONS

(To which oral answers were given)

Employees under the Indian Owned Tea Companies

Srijut BHADRA KANTA GOGOI asked :

*23. (a) Are Government aware that many of the Indian Owned Tea Companies are not giving pay and allowances to the staff and the labourers according to the Indian Tea Association scale ?

(b) If so, do Government propose to enact necessary Law to compel these Tea companies to make payment at the Indian Tea Association scale ?

The Hon'ble Srijut OMEO KUMAR DAS replied :

23. (a)—Yes. Pay scales of some gardens forming members of the Assam Tea Planters Association do not compare favourably with those of Indian Tea Association. In the Tripartite Conference held on the 9th July 1948, a Sub-Committee was formed with representatives of Indian Tea Association, Assam Tea Planters' Association and Assam Bengal Indian Tea Planters' Association, Labour and Government to enquire into this matter and submit recommendations. Necessary action will be taken on the receipt of the recommendations of the Sub-Committee.

(b)—The policy of Government at the moment is to persuade the Indian Owned Tea Industry to grant fair scales of pay and necessary amenities.

Srijut BHADRA KANTA GOGOI: বাগান বিলাকত যাতে সোনকালে নিয়ম মতে pay scale দিয়া হয় তাৰ কিবা ব্যৱস্থা গভণ মেন্টে কৰিছেনে ?

The Hon'ble Srijut OMEO KUMAR DAS: উত্তৰত কোৱা হৈছে যে এই সম্বন্ধে এটা Sub-committee গঠন কৰা হৈছে। সেই Sub-committee বোধ কৰে। অহা অক্টোবৰ মাহৰ ৫ কি ৬ তাৰিখে ৰহিব।

Maulavi ABDUL HALIM: I think my hon. Friend Mr. Gogoi means only the Indian-owned Tea companies, not Proprietary gardens. I want to know from him which he means.

Srijut BHADRA KANTA GOGOI: যি বিলাক বাগান আগৰ ভাৰতীয় মানুহৰ হাতত আছে সেই বিলাকৰ কথাকেই কৈছে।

Maulavi ABDUL HALIM: Here it is mentioned "Indian Owned Tea Companies", not "Proprietary gardens".

Mr. HARENDRA NATH SARMA: Are Government aware that the tea gardens which go to comprise the Assam Tea Planters' Association, to which the Hon'ble Minister has referred, and for the matter of that, all associations of Indian planters, are invariably small gardens which cannot be expected to conform overnight to the scales of pay which are given by the bigger gardens ?

The Hon'ble Srijut OMEO KUMAR DAS: It may be so, but this question will be considered by the Sub-Committee.

Raja AJIT NARAYAN DEB of SIDLI: The question relates to enactment of necessary law. May I know whether Government propose to enact any such law?

The Hon'ble Srijut OMEO KUMAR DAS: I have already replied, Sir, that the policy of Government at the moment is to persuade the Indian Owned Tea companies to grant fair scales of pay and necessary amenities.

The Assam Famine Relief and Insurance Fund Bill, 1948

The Hon'ble the SPEAKER: We come to item No.16 of the agenda, viz., consideration of the Assam Famine Relief and Insurance Fund Bill, 1948, clause by clause. There are seven amendments. The first amendment to clause 4 stands in the name of Maulavi Md. Abul Kashem.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that in the last line of clause 4, for the words "the sum of" the words "not less than" be substituted.

Sir, in clause 4 there is provision for a contribution of one lakh of rupees annually from the provincial revenues. Sir, our duty now is to see what we can spare at this stage. The Hon'ble Finance Minister thought that he would be in a position to spare a lakh of rupees as contribution to the Flood Relief Fund. But a time may come when the future legislators may allot more than a lakh of rupees annually in order to raise the Fund to any amount they like according to the circumstances then prevailing. If this Bill is passed as it is, the result will be that we will curtail the liberty of our future legislators because once this Bill is passed into an Act they will have no authority to pay more than a lakh of rupees. All the hon. Members of this House know, Sir, that this year the flood has affected almost five districts of the Province; there were also other calamities in Majuli and South Salmara thanas due to erosion of certain areas. As these are almost annual occurrences in our Province it will not be judicious to allot a fixed sum of one lakh of rupees for every year. It should be left to our future legislators to determine what amount should be contributed each year according to the circumstances prevailing. So, I request the Hon'ble Minister and hon. Members of this House to accept my Amendment and not to pin down our future legislators from exercising their right in increasing the amount, if they think necessary. With these few words, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That in the last line of clause 4, for the words 'the sum of' the words 'not less than' be substituted".

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I have no objection to accept the Amendment.

The Hon'ble the SPEAKER: Then there is no necessity of a debate. I put the question.

The question is:
"That in the last line of clause 4, for the words 'the sum of' the words, not less than' be substituted."

The question was adopted.

The Hon'ble Srijut OMEO KUMAR DAS: With regard to the next Amendment, Sir, I think hon. Maulavi Muhammad Abul Kashem's Amendment should be taken. He intends to delete the second paragraph.

The Hon'ble the SPEAKER: Order, order.

The question is :

"That clauses 1-4 of the Bill, as amended, stand part of the Bill."

The question was adopted.

What does the Hon'ble Minister want to say ?

The Hon'ble Srijut OMEO KUMAR DAS: I have to point out that Maulavi Muhammad Abul Kashem's Amendment should be taken up first, because his Amendment is that the proviso after the clause is to be deleted.

Babu KAMINI KUMAR SEN: I think the Hon'ble Minister should move first.

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to move that in the third line of clause 5, after the word "earthquake" a "comma" and the words "fire, cyclone" be added.

Sir, in the Preamble of the Bill the words, "fire, cyclone" have already been mentioned, and it is a printing mistake, Sir, not to mention them in the clause also. So, I have to bring in this Amendment to include these two words in the clause.

The Hon'ble the SPEAKER: Amendment moved :

"That in the third line of clause 5, after the word 'earthquake' a 'comma' and the words 'fire, cyclone' be added."

(After a pause)

The question is :

"That in the third line of clause 5, after the word 'earthquake' a 'comma' and the words 'fire, cyclone' be added"

The question was adopted.

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I beg to move that the proviso after clause 5, be deleted.

Sir, in the Bill it has been said that when twenty lakhs of rupees will be exceeded, the excess amount will be utilised on protective irrigation works and other works for the prevention of famine or flood. The idea of giving relief to famine stricken and flood affected people is very good and every body should appreciate it. But, Sir, the amount of twenty lakhs of rupees is not at all sufficient to cope with one year's famine and flood distress. So, instead of committing anything to the effect that the excess will be utilised on protective irrigation works and other works for the prevention of famine or flood, it will be better to leave it at the discretion of Government to utilise the amount according to circumstances. Further, if the provision is retained, it will mean that the fund will never be raised above twenty lakhs of rupees, and it will be inconvenient on the part of Government to fulfil the desired object with which this Bill has been introduced. Moreover, Sir, we have got the Irrigation Department and we have provided enough of money to be spent for the purpose of irrigation and Government have taken many measures for the improvement of the condition of the cultivating class especially in the flood affected areas. Then, we have also got the assurance from Government that they would find out some means to help the people of the flood affected areas and give ideas and instructions to the people on improved methods of cultivation even in places which may not be affected by floods. If Government do not act otherwise, this will also serve the purpose of protective and preventive work. I therefore request the Hon'ble Minister and also the hon. Members of

the House not to limit this amount and to leave it to the discretion of Government either to increase or diminish it according to circumstances. With these words I commend my Amendment to the acceptance of the House.

The Hon'ble the SPEAKER : Amendment moved :
 "That the proviso after clause 5, be deleted."

The Hon'ble Srijut OMEO KUMAR DAS : Mr. Speaker, Sir, I cannot accept the Amendment moved by my hon. Friend Maulavi Muhammad Abul Kashem. If it is accepted, it will mean that Government would be bound down to incur expenditure only for relief purposes, but in the proviso it is stated that the excess fund will be utilised on protective irrigation works and other works for prevention of famine or flood. The other point raised by the Mover that Government may not raise the fund up to twenty lakhs of rupees is not correct. Government will allot the amount as suggested in the Bill every year. The object is to build up a fund. With these words, Sir, I oppose the Amendment.

The Hon'ble the SPEAKER : The question is :
 "That the proviso after clause 5, be deleted."
 The question was lost.

Maulavi Saiyid MUHAMMAD SAADULLA : Mr. Speaker, Sir, I want to speak a few words with regard to clause 6, although I have not submitted any amendment. I think the House will have no difficulty in accepting what I suggest in regard to clause 6. This clause says "The Provincial Government shall, from time to time, invest or reinvest in its own securities all amounts and the interest accrued thereon to the credit of the Fund". The idea is good that if the money is not required, it should be invested so that there should be a proper return. But the investment is limited by "its own securities" *i.e.*, the securities of the Province of Assam. So far as I know, this Province has floated no loan and thus got no securities to offer to the public. They have only treasury bills which are short term loans on very small interests. Investment in Assam Treasury bills will yield little by way of interest. I, therefore, request the hon. House as well as the Government to delete the words "its own securities" and in their place substitute the words "Government securities".

The Hon'ble the SPEAKER : What Government has to say as regards the Amendment moved by the Leader of the Opposition ?

The Hon'ble Srijut OMEO KUMAR DAS : I have no objection to accept this Amendment.

The Hon'ble Srijut GOPINATH BARDOLOI : I am afraid, Sir, the Amendment has already been accepted. I thought that the wordings—"its own securities" perfectly correct, which includes securities in which Government is interested, which may include the securities of the Government of India.

Maulavi Saiyid MUHAMMAD SAADULLA : My point is that the words 'its own' should be replaced by 'Government' which is wide enough to include both the Central and the Provincial Governments securities.

The Hon'ble Srijut GOPINATH BARDOLOI : Sir, we have proposals of initiating securities under contemplation in reference to many things which is proposed to be taken up by Government.

Babu KAMINI KUMAR SEN: Sir, that the Assam Government securities also will not be barred if 'its own' is substituted by 'Government'.

The Hon'ble Srijut GOPINATH BARDOLOI: That is what I was meaning all the while.

The Hon'ble the SPEAKER: Amendment moved:

That in the second line of clause 6, for the words 'its own' the word 'Government' be substituted.

The Hon'ble Minister has already accepted this Amendment.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, if the substitution of the words 'its own' by the word 'Government' is accepted there might arise some vagueness because the word 'Government' may mean this Government or other Provincial or Central Governments also.

Maulavi Saiyid MUHAMMAD SAADULLA: It won't be in vague. The term Government securities are well known throughout the money market. Therefore there will be no vagueness.

The Hon'ble the SPEAKER: Then I am putting it as a question. The question is:

"That in the second line two of clause 6, for the words 'its own' the word 'Government' be substituted".

The question was adopted.

The Hon'ble the SPEAKER: The question is:

"That clauses 5 and 6 of the Bill as amended, stand part of the Bill."

The question was adopted.

The Hon'ble the SPEAKER: Clause 7, Maulavi Muhammad Abul Kashem to move.

Maulavi MAHAMMAD ABUL KASHEM: Sir, I beg to move that sub-clause (2) of clause 7, be deleted.

It is clear, Sir, that the object of my moving this Amendment is not to limit the amount to ten lakhs because when the amount will come down upto ten lakhs then the Government will be able to meet the needs. I think, Sir, this amount of limiting it to ten lakhs is insufficient. As amended in clause 5, Government has already taken 20 lakhs as minimum. Here also it should be 20 lakhs or more and the Government should see that it does not come to less than 20 lakhs. So by my Amendment I want that instead of limiting the amount this sub-clause be deleted and the Government should see that never the fund comes down to 20 lakhs which would be the maximum fixed under the proviso of clause 5. I have nothing more to say but only to impress on the Government to see whether this amount is adequate to meet the demands of different districts in future years in case flood occurs as it occurred this year.

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

The Hon'ble the SPEAKER: Amendment moved:

"That sub-clause(2) of clause 7, be deleted."

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I am sorry, I cannot accept this Amendment moved by my hon. Friend, Mr. Abul Kashem. The Amendment defeats the purpose for which he is moving the Amendment. If he wanted to have that fund not to be depleted below 20 lakhs then he could have brought up an amendment stating that the words 'ten lakhs' be substituted by '20 lakhs'. But he has not done so and instead he has brought up this Amendment for deletion of the whole clause and the deletion of the whole clause will mean nullification of the purpose for which the Bill has been brought before the House. The purpose of the Bill is to build up a fund which can be utilised in times of emergency like flood, cyclone and other natural calamities. As such, Sir, I cannot accept the Amendment moved by my hon. Friend Mr. Abul Kashem. I have to request him to withdraw this Amendment. It is certainly not his purpose to replenish the fund whenever the balance falls short.

Maulavi MUHAMMAD ABUL KASHEM: Sir, I beg leave of the House to withdraw this Amendment.

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

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

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to move—

(1) That in the second line of sub-clause (2) of clause 7, for the word "shows" the word "show" be substituted. (It is only a grammatical mistake.)

(2) That in the second and third lines of sub-clause (2) of clause 7, for the words "falls short of ten lakhs of rupees" the words "has reached a total of ten lakhs of rupees, and if in respect of any year thereafter the balance falls short of that amount" be substituted.

(3) That in the last line of sub-clause (2) of clause 7, for the word "of" the words "not exceeding" be substituted.

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

The Hon'ble the SPEAKER: Amendments moved:

"(1) That in the second line of sub-clause (2) of clause 7, for the word 'shows' the word 'show' be substituted.

(2) That in second and third lines of sub-clause (2) of clause 7, for the words 'falls short of ten lakhs of rupees' the words 'has reached a total of ten lakhs of rupees, and if in respect of any year thereafter the balance falls short of that amount' be substituted.

(3) That in the last line of sub-clause (2) of clause 7, for the word 'of' the words 'not exceeding' be substituted."

(After a pause)

The Hon'ble the SPEAKER: I now put as a question.

The question is:

"(1) That in the second line of sub-clause (2) of clause 7, for the word "shows" the word "show" be substituted.

(2) That in the second and third lines of sub-clause (2) of clause 7, for the words 'falls short of ten lakhs of rupees' the words 'has reached a total of

ten lakhs of rupees, and if in respect of any year thereafter the balance falls short of that amount' be substituted.

(3) That in the last line of sub-clause (2) of clause 7, for the word 'of' the words 'not exceeding' be substituted."

The question was adopted.

The next amendment standing in the name of Maulavi Muhammad Roufique may now be moved.

^ Maulavi MUHAMMAD ROUFIQUE: Mr. Speaker, Sir, I beg to move:

That after clause 7 the following new clause be inserted as clause 8 and the existing clause 8 be re-numbered as clause 9:—

"8. The Assam Famine Relief and Insurance Fund shall be operated by the Provincial Government with the help of a Committee to be called 'The Assam Famine Relief Advisory Board' consisting of the Hon'ble Finance Minister and Secretary to the Government of Assam in the Finance Department as Chairman and Secretary respectively of the Board and seven members of which three to be elected by the Assam Legislative Assembly and four members to be nominated by the Government preferably from flood-affected districts of the Province."

Sir, at the outset I should like to congratulate the Government for bringing in this piece of legislation. It is indeed very unfortunate that for some years past natural calamities have been regularly visiting the Province of Assam. During the last few years millions of people have been subjected to untold suffering and crops and properties worth millions of rupees have been destroyed by these natural calamities. When such calamities come they come all on a sudden and they come without warning. Therefore, Sir, it is really in the fitness of things that Government should be in readiness to face such situations and for that a plan has been envisaged in this Bill. Now my Amendment only means to complete that plan. The purpose of the Bill is to raise a fund under the auspices of the Government with Government contribution. This is the main object of this Bill. This fund will not be made up by Government contribution alone. In clause 3 it is said "On the commencement of this Act, the Provincial Government shall establish in and for the Province of Assam a Fund called the 'Assam Famine Relief and Insurance Fund'.

The fund shall consist of:—

- (i) the contribution by the Provincial Government under section 4;
- (ii) any contribution by the Government of India;
- (iii) such other sums as the Provincial Government may transfer from the unspent balance of the budget provision of any year under section 4, and
- (iv) donations, if any, by the public or by any institution or association for the purposes mentioned in section 5."

Therefore, Sir, this Fund will be made up by contribution from the Provincial and Central Governments and also by contributions from individuals, private associations and organisations. In view of this it will be meet and proper if the Government take the public into confidence which will be very conducive for better management of the Fund. My whole purpose of moving this Amendment is that Government should take some representatives of people into their confidence for assistance and advice to face situations created by floods and other natural calamities. We have seen, Sir, that whenever such a situation arises the Hon'ble Finance Minister is the only person to take

the responsibility of giving relief to different districts after visiting them personally. Whenever there is any flood hundreds of telegrams come to the Hon'ble Ministers to see conditions themselves and to take steps accordingly by giving gratuitous relief. The Finance Minister cannot alone divide himself to visit all the affected districts or localities at a time. When he goes to visit one locality the other localities cannot wait and that means that other localities are very likely to be neglected.

Therefore, Sir, it will be a great help to the Government itself to have a committee to consult before hand to meet such situations.

Now in the last part of my Amendment I have stated the number of representatives who will be needed, as three to be elected by the Assam Legislative Assembly and four members to be nominated by Government preferably from flood-affected districts of the Province. I have purposely given these words "preferably from flood-affected districts" etc., because the object of this Bill is not only to give relief to flood affected people but also to people afflicted by some other natural calamities such as cyclones, fire, etc., that is why I have put in these words. My reason for giving preference to flood affected districts is that of all the natural calamities that befall us, flood is the most regular and most merciless, as has been our experience during the last few years when floods were very regular, as our true friend it comes.

I have put the word "preferably" and it is not incumbent on the Government that all representatives should be elected from flood-affected districts, they had been given full discretion to select any gentleman from any other district. My Amendment does not go against the principle of the Bill, it does not harm the object of the Bill, on the other hand, by this Amendment I want to help Government in giving effect to the provision of this Bill and achieve the object underlying this Bill. With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble the SPEAKER: Amendment moved:

"That after clause 7, the following new clause be inserted as clause 8 and the existing clause 8 be renumbered as clause 9:—

"8. The Assam Famine Relief and Insurance Fund shall be operated by the Provincial Government with the help of a Committee to be called 'the Assam Famine Relief Advisory Board' consisting of the Hon'ble Finance Minister and Secretary to the Government of Assam in the Finance Department as Chairman and Secretary respectively of the Board and seven members of which three to be elected by the Assam Legislative Assembly and four members to be nominated by the Government preferably from flood-affected districts of the Province'."

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I have full sympathy with the hon. Mover of this Amendment, but I am sorry to state that I cannot agree to accept the Amendment which he has moved. Acceptance of this Amendment would defeat the purpose for which he has moved his Amendment. I think my hon. Friend intends speedy action when these natural calamities visit any part of our Province. Immediate action will be held up if we have to call up a meeting of an Advisory Board. This will mean delay. For management of funds in flood-affected areas in districts and subdivisions, the District and Subdivisional Officers always form non-official committees to advise them in the matter. Peoples' representatives are always called to help in the management of the funds allotted by Government for incurring expenditures for relief of the people.

With these words, Sir, I have to request my hon. Friend, Maulavi Muhammad Roufique to withdraw his Amendment because, as I have stated, it will only mean delay which is certainly not his intention.

Maulavi MUHAMMAD ROUFIQUE: I beg leave of the House, Sir, to withdraw my Amendment.

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

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

The Hon'ble the SPEAKER: The question now is:
"That clause 7 of the Bill as amended, stands part of the Bill".
The question was adopted.

The Hon'ble the SPEAKER: Clause 8.

The Hon'ble Srijut OMEO KUMAR DAS: I beg to move, Sir, that in the first line of clause 8, the "comma" after the word "may" be deleted.

The Hon'ble the SPEAKER: Amendment moved:
"That in the first line of clause 8, the 'comma' after the word 'may' be deleted".

(After a pause)

The Hon'ble the SPEAKER: The question is:
"That in the first line of clause 8, the 'comma' after the word 'may' be deleted".
The question was adopted.

The Hon'ble the SPEAKER: The question is:
"That clause 8 of the Bill, as amended, stands part of the Bill".
The question was adopted.

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

The Hon'ble Srijut OMEO KUMAR DAS: I beg to move, Sir, that the Assam Famine Relief and Insurance, Bill, 1948, as amended, be passed.

The Hon'ble the SPEAKER: Motion moved:
"That the Assam Famine Relief and Insurance Bill, 1948, as amended, be passed".

(After a pause)

The Hon'ble the SPEAKER: As no hon. Member is taking part I am putting the question.

The question is:
"That the Assam Famine Relief and Insurance Fund Bill, 1948 be passed".
The question was adopted.

The Assam State Acquisition of Zamindaris Bill, 1948

The Hon'ble the SPEAKER: Which of the two remaining items—the Assam State Acquisition of Zamindaris Bill, 1948, or the Assam Primary Education Rules, are the Government ready to move today ?

***The Hon'ble Srijut GOPINATH BARDOLOI:** I have requested Mr. Mahendramohan Choudhury, Parliamentary Secretary, to move the Assam State Acquisition of Zamindaris Bill, 1948, and in course of the debate I may also give my views.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): I beg to introduce the Assam State Acquisition of Zamindaris Bill, 1948 and to move that the Bill be referred to a Select Committee.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I rise on a point of order. By this Bill, Government wants to withdraw certain interests and acquire title from the holders of land. Therefore the Bill attracts the provisions of section 299 of the Government of India Act. Section 299, sub-section (3) reads thus "No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor."

There is nothing in the wording of the Bill as has been placed before the House to show that the Governor has given his previous sanction to the introduction of this Bill. In all such Bills in the past, *e. g.*, the Sylhet and Goalpara Tenancy Acts, the words "that the previous sanction of the Governor" was obtained are embodied in the Bill itself. There is a departure in this case and nothing has been mentioned about obtaining sanction even in the speech of the Mover. That this is important will be evident from the rules of this House, rule 54 of our Assembly Rules as revised recently says, "If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved save with previous sanction, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor and the notice shall not be placed on the List of Business unless the Governor has indicated to the Speaker that the previous sanction required has been granted".

I do not know whether you, Mr. Speaker, have received any communication from His Excellency the Governor that previous sanction has been granted for the introduction of this Bill. If you have not received such communication from the Governor, sub-rule (3) of section 54 provides that you will have to refer this to the Governor. The sub-rule reads "Nothing in this rule shall be deemed to preclude the authority which would have power to grant previous sanction if it were necessary, from communicating to the Speaker his decision that a Bill or amendment in respect of which no reference has been made, is a Bill or amendment which cannot be introduced or moved save with his previous sanction, and, if such communication is made, the Speaker shall not allow the Bill to be introduced or the amendment to be moved until the necessary previous sanction has been granted".

There is absolutely no doubt that section 299 is attracted. I may mention, Sir, that there is slight difference in the wording of section 299 after the adaptation in 1947. After adaptation, the words "in the discretion of the Governor" has been omitted. Therefore it may be argued on behalf of the Government that as the Ministry has moved the Bill, intimation of previous sanction by Governor is not necessary. This argument may be advanced by the Ministry and by doing so they lend themselves to the charge of being contradictory in action. We have received notice of the resolution by the same hon. Parliamentary Secretary who has moved for the introduction of the Zamindari Abolition Bill about forming a National Cadet Corps. His Resolution there is headed "on the recommendation of His Excellency the Governor I beg to move". If the Governor's sanction is necessary for moving a Resolution I submit that it is necessary in this Bill also. I submit that if no intimation that previous sanction has been given by His Excellency has been received by you and as we have heard nothing from the Mover, it is clear that the introduction cannot be allowed.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Sanction of His Excellency under section 299 of the Government of India Act has been obtained and also the message required by rule 54 has been obtained. It is not obligatory to move that, Sir.

The Hon'ble the SPEAKER: It is generally presumed that when such Government Bills are introduced sanction as referred to by the Hon'ble Leader of the Opposition is obtained from His Excellency the Governor. I think it has been made clear that sanction has been obtained and therefore I hold that there is no objection to move the Bill as the Parliamentary Secretary has done. I think it is redundant to mention that while moving.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): On the recommendation of His Excellency the Governor of Assam, I beg to introduce.....

Babu KAMINI KUMAR SEN: I don't think Sir, that that is the proper form. The fact that previous sanction of His Excellency has been obtained may be mentioned in the Preamble.

Maulavi Saiyid MUHAMMAD SAADULLA: May I point out, Sir, that in other Bills, the usual phraseology applied is this "Whereas the previous sanction of the Governor has been obtained....."? I read from the Goalpara Tenancy Act, 1943. I remember the same phraseology was used in case of Sylhet Tenancy Act and other tenancy legislations.

Babu KAMINI KUMAR SEN: I think that can be included in the Preamble later on.

The Hon'ble the SPEAKER: Is there any difference between "recommendation" and "sanction" ?

Babu KAMINI KUMAR SEN: Yes, Sir, there is.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: What is necessary is only to have the words printed that "sanction of the Governor has been obtained". But that is not obligatory under the Rules, and it cannot, therefore, be said that this Motion is out of order.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Shall I move it again in that form, Sir ?

The Hon'ble the SPEAKER: Yes, for the edification of the House.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): After receiving the sanction of His Excellency the Governor of Assam, I beg, Sir, to introduce the Assam State Acquisition of Zamindaris Bill, 1948, and to move that the Bill be referred to a Select Committee.

***Maulavi MUHAMMAD ABUL KASHEM:** Is the reference to the Select Committee to be made with the sanction of His Excellency ?

The Hon'ble the SPEAKER: No, he moved two separate Motions.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, this Bill was to be piloted by Hon'ble Shrijut Bishnuram Medhi, Revenue Minister. But as he is now lying ill, the responsibilities have devolved on me to introduce this Bill in its introductory stage before this august House to-day. It is a great pride for me that I have been entrusted by my Leader to take the credit of introducing this Bill which is so long and widely talked about. It envisages the close of an old chapter of the history and promises a new one. The Bill contemplates to remove one of the last relics of medieval Feudalism. It is mainly to do away with Zamindaris and other intermediaries with adequate compensation and settle lands with full heritable and transferable rights with the actual tillers of the soil. I have very little to say when I go to describe the evil effect of the system as every hon. Member of this House is fully aware of it. The absentee landlordism which is a direct offshoot of this system has created a class of irresponsible landlords which has stood on the way of growth and development of the raiyats who are actually owners of the land and who pay land revenue only to feed the whims of these landlords. The system may receive encouragement in a dependent India but with our attainment of Independence the system has lost all its support from the people and the Government in pursuance of that will of the people have come forward with this piece of legislation.

Permanently-settled estates in Assam are confined to the districts of Goalpara, Garo Hills and the Karimganj subdivision of the Cachar District. In Goalpara there are 19 such estates, in Garo Hills 1 and in the Karimganj the number after separation of Sylhet is estimated to be 11. In Goalpara for an area of 15 lakhs and odd acres Government receive as revenue only Rs.11,411, *i.e.*, $1\frac{1}{3}$ pies per acre, in Garo Hills for 428 acres Rs. 12, *i.e.* 3 pies per acre, and in Karimganj for an area of $1\frac{1}{2}$ lakh acres only Rs. 20,197, *i.e.*, 2 annas per acre. The revenue Government receive from these estates does not come up even to one per cent. of what their Zamindars receive from their first intermediary not to speak of the tenants. This has deprived the raiyats from their legitimate benefits and has rendered land revenue almost entirely inelastic for about a century and a half depriving Government at the same time of the benefit of higher prices of crops, increase in the value of land, extension of cultivation or growth of towns.

In Goalpara out of the 19 permanently-settled estates, according to the Assam Land and Revenue Manual, there are at least ten in regard to some of which there is doubt as to how they came to be permanently settled at all; the rest are estates originally held revenue-free on non-valid titles.

In old Sylhet again (of which Karimganj was a part) many of the peasant proprietors were later on converted to what are called proprietors under the Land and Revenue Regulation, *i.e.*, they had their revenue fixed in perpetuity.....

The Hon'ble the SPEAKER: Order, order. The hon. Member should state the names of the members of the Select Committee.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): I shall do it at the end of my speech, Sir.

The Hon'ble the SPEAKER: What's the harm in giving the names now, if they are ready?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): The Select Committee will consist of the following members:

- (1) The Hon'ble Minister of Revenue,
- (2) Srijut Siddhinath Sarma,
- (3) Srijut Mahendra Mohan Choudhury (Parliamentary Secretary)
- (4) Srijut Sarat Chandra Sinha,
- (5) Srijut Hareswar Das,
- (6) Srijut Santosh Kumar Barua,
- (7) Raja Ajit Narayan Dev of Sidli,
- (8) Srijut Motiram Bora,
- (9) Babu Kamini Kumar Sen,
- (10) Srijut Manisankar Basumatari,
- (11) Saiyid Md. Saadulla, and,
- (12) Muhammad Abul Kashem.

Five will form a quorum and the Committee is to submit its report by the 15th January, 1949.

Now, Sir, Government have not hitherto disputed the proprietary rights of these Zamindars. But the Zamindari system has long outlived its usefulness. In 1940, the Bengal Land Revenue Commission (popularly known as the Floud Commission) came to the conclusion that "this system is no longer suitable to the conditions of the present time, and that it has developed so many defects that it has ceased to serve any national interest". Among other defects, they mentioned that it has resulted in inequalities of assessment, it has deprived the Government of the close contact with rural conditions, it has imposed an iron frame-work which has had the effect of stifling the enterprise and initiative of all classes concerned. It has permitted the creation of a number of parasite intermediaries between the Zamindar and the actual cultivator. It has led to an immense volume of harassing and expensive litigations and so on. And they concluded that no half measures would satisfactorily remedy its defects and that the policy should be to bring the actual tillers of the soil into the position of tenants holding directly under the Government.

The Famine Enquiry Commission practically came to the same conclusion and the Indian National Congress in its last election manifesto committed itself to abolish this outworn system. Bihar stole a march over other provinces and passed the abolition of Zamindari Bill about six months ago. Madras has its Bill on the legislative anvil. West Bengal is going to introduce it shortly. Our neighbouring State of East Bengal has gone ahead with her scheme of abolition of this medieval anachronism. Assam also has not lagged

too far behind. The Assam Provincial Congress Committee about a year ago adopted a resolution to take immediate steps to abolish the Zamindari system. In February last Government issued a questionnaire on the subject and almost every reply was for abolition of this system. Since then Government have been receiving hundreds of resolutions and petitions every day urging them to take immediate measures for removal of this canker on the body social. Government convened a meeting of representatives of Zamindars and Raiyats on the 30th June, 1948 and the present draft of the Bill was discussed in that meeting and the clauses thereunder were unanimously accepted. The Zamindars' interests were represented by the Raja of Sidli. Meanwhile reports have been pouring in all that the Zamindars oblivious to this duty to the nation are destroying the national wealth like forest assets by indiscriminate deforestation and that they are settling lands with non-nationals on mass scale in an unimaginable haste and hurry without any plan or method, simply with a view to raising their figure of gross income for the purpose of calculation of their compensation. Government could not wait any longer and under the pressure of public opinion have decided to introduce the Assam State Acquisition of Zamindaris Bill in this Session.

The Bill by its very nature extends to the permanently settled areas of Goalpara, Garo Hills and Cachar. It also extends to the Lakheraj estates within the boundaries of such permanently settled estate, because to leave the proprietors of such Lakheraj estates within their boundaries (now freed from Zamindari yoke) to merrily go on as ever fleecing the poor raiyats would not only be inconsistent with the spirit of the Bill, but will be iniquitous to the adjacent Zamindars and to the raiyats of the Lakheraj estate. The Bill also touches the Bijni and Sidli Duars, because though there are some uncertainty about their real status it is beyond doubt that the Rajas if not anything else are rent receivers pure and simple.

In a legislation of this kind there are three main questions—
(1) rights and interests of which classes of intermediaries should be abolished,
(2) what should be the nature of the land tenure that would follow the abolition of Zamindari (3) what compensation should be paid.

Let me take them one by one.

1. The Bill contemplates (if necessary by stages) abolition of all intermediaries standing between the State and the tillers of the soil. As soon as notification is published under clause 3 in the prescribed manner all rights of the proprietors and tenure holders (tenure holder has a special meaning akin to rent receiver) named therein will vest in the Crown free from all encumbrances. To enumerate some of these rights they are (i) interests in land with its sub-soil and mines and minerals, (ii) interest in fisheries, (iii) interests in hats, bazars, ferries together with the right to realise tolls from them, (iv) interests in buildings used primarily as office or *cutchery*, (v) right to realise rent, royalty or cess, fees and tolls and so on. The clause has been so framed as to enable the real cultivator to bring in direct touch with the State. The proprietors and tenure holders, however will be allowed to retain possession of their homestead land and buildings and private lands (known as Nij Jote or Khamar) retention of private lands being subject to a maximum of 300 bighas.

As regards question (2) the Floud Commission had long ago recommended that the permanent settlement and the Zamindari system should be replaced

by a Rayatwari system by the abolition of all the superior interests above the actual cultivators. The Madras Bill has given effect to this recommendation. The Assam Bill also wants to convert the Zamindari estates into Rayatwari ones. It has therefore provided in clause 9 (2) giving the status of land holder to a peasant who has been in possession for ten years or more and of settlement holder when the possession is for a lesser period. This does not however prevent the latter from getting a periodic Patta after conversion to raiyatwari areas has been completed if the land is otherwise fit to be made periodic under the land Revenue Regulation. This periodic Patta will confer permanent heritable and transferable rights. Only in case of transfer of land from a cultivator to non-cultivator, the previous permission of the Deputy Commissioner will be necessary. It has been made much of by the interested parties and false and malicious propaganda have been unleashed by this so called friends of the tenants to mislead them to opposing this Bill on the ground that the Bill has sought to restrict their rights of transfer. But be it noted that such statutory and beneficial restrictions (if restrictions can they be called at all) are intended solely for the protection of the cultivators and are found in periodic leases of all the temporarily settled districts of Assam even since 1910 and are not a peculiar feature of the post-Zamindari raiyatwari settlement of Goalpara and Cachar. Surely a popular Government cannot allow the resurrection of the parasitic Zamindar system, once it has been acquired at such a high cost to the State coffer. There is another provision namely clause 9 (2) (iii) (b) which is as follows:—"That the land or any part of the land included in a lease may, at any time, be taken away by the Provincial Government without any compensation except cost of improvement effected on the land and cost of removal of houses and buildings whenever it is deemed necessary for the purpose of co-operative farming or consolidation of holdings or any other agrarian reforms approved by the Provincial Government.

Provided that the lease holder shall have a right to become a member of any society formed for the purpose of co-operative farming, consolidation of holdings or any other agrarian reforms approved by the Provincial Government for the benefit of such lease-holder. In case any of such lease-holders does not derive any benefit under the scheme so approved, he shall be entitled to such reasonable compensation as Government may by rules prescribe."

This provision has been misinterpreted to the poor raiyats by the interested parties. The All-India Congress Agrarian Reforms Committee have repeatedly declared that the future of Indian cultivators lies in co-operative and large scale farming. The Bill therefore seeks to provide for encouragement to the formation of such co-operative farming societies among the cultivators in their own lands for their own benefit. If he desires himself of this opportunity to take the benefit, he will be entitled to full and reasonable compensation for any land taken away from him. Even now under the land Acquisition Act, Government have been acquiring lands of an individual on fair compensation for the benefit of a larger whole. This provision seeks for nothing else.

Some people have tried to make the provision about the limitation of the maximum area one can hold. In the temporarily settled areas, the present Government policy is to give no new settlement of more than 30 bighas to an individual. It has been estimated that that area is the economic holding in Assam. The experts of other Provinces have opined that the maximum that a man should be allowed to hold in any circumstances should

not exceed three times the economic holding. The provision to limit the maximum area to 100 bighas in clause 9 (2) (c) has been made to give effect to this statutory principle, otherwise Zamindari in other guises will emerge. But there is the provision to relax this limit in case of co-operative society formed for the purpose of large scale farming or consolidation of holdings or in case of individuals taking up large scale cultivation by mechanical appliances.

(3) The third and to many, most important question is in regard to compensation. In this, our Bill follows the principle laid down in the Bihar Bill. In a legislation of this kind, the principle of market value (which is one extreme) cannot be followed. In the other extreme are the demands that no compensation should be paid at all, considering the history and back ground of the permanent settlement and the Lakheraj and the "Acknowledged Estates". We have in this Bill proposed to avoid both the extremes and have followed the golden mean of "compensation of net income". Although the Flood Commission had recommended capitalisation of the net income at a flat rate a slab system worked in inverse ratio to the size of the net income seems to be more equitable and most of the replies to our questionnaire approved this method. This has therefore been adopted and provision has been made accordingly in clause 13.

Adjournment

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

After Lunch

The Hon'ble the SPEAKER: Srijut Mahendra Mohan Choudhury to continue his speech.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Mr. Speaker, Sir, the religious and charitable institutions will in lieu of compensation receive annuities in perpetuity equal to such net incomes adequate for the purpose of carrying out the object of such trust.

To remove hardship in payment of compensation, provision has been made in clause 20 for payment of *ad-interim* compensation even before the final compensation statement has been prepared. The mode of payment has been described in clauses 20 and 21. Let me quote the relevant clause here—"After the date of vesting and before the final publication of the compensation statement, *ad-interim* payment to the outgoing proprietor or tenure holder of an estate or a tenure vesting in the Crown may be made as follows:

(1) The Compensation Officer shall calculate the probable amount of compensation which shall be finally payable.

(2) Two per centum of such probable compensation shall be paid *ad-interim* to each proprietor or tenure holder in cash or in the manner prescribed every year, until such time as the compensation statement has been finally published."

In order to avoid adding fuel to the inflationary flames, provision has been made for payments in bonds if the amount of compensation exceed a prescribed amount.

The Statement of Objects and Reasons has explained the reasons for introduction of the Bill. Our new found freedom will come to nought if we cannot free the poor raiyats from the yoke of Zamindary system and

place the raiyats of these areas on the same status with their brethren in the temporarily settled areas.

I believe, every hon. Member of this House will be one with me that Zamindaris must go. Then the question arises how best we can abolish it without causing little or no dislocation on the social, economic and political life of the country. This Bill has been drafted keeping this end in view. I, of course, admit that there may be some provisions in the Bill which may require some improvement. Government do not propose to hurry this Bill through. The Bill is going to be referred to a Select Committee comprising of representatives of all classes and interests. All classes and interests will be given ample opportunities to place their view points and to submit representations to this Committee and the Committee will surely take them into consideration. If found necessary the entire Committee or a Sub-Committee formed in this behalf may move from place to place to hear people locally.

These measures have been proposed as I have already pointed out to give all facilities to all interests and classes to have their say before the Bill takes the final shape and becomes an Act. I can assure the House on behalf of the Government that Government will do their best to see that least dislocation is caused in the economic, social and political life of the society. Hon. Members, I am sure, cannot but appreciate this good intention of the Government and, I hope, the hon. Members of all groups and parties and with them the public outside will render their best co-operation in doing away with this outworn symbol of medievalism. To the Zamindars and other Tenure-holders, I want only to say that they must have faith in the Government. This Government is their Government also and as such they should not apprehend any injustice in their hands. If they can inculcate this faith in them they will find all their apprehensions to be baseless. The Raiyats also should not be apprehensive of any ill treatment. This Government cannot but be vigilant always to safeguard their interests. Congress represents the mass and this Government is constituted by the representatives of the Congress; therefore, they will always find in them the best watch-guards of their interests.

With these words, Sir, I conclude.

The Hon'ble the SPEAKER : Motion moved :

“That the Assam State Acquisition of Zamindaris Bill, 1948, be referred to a Select Committee consisting of the following Members:—

- (1) The Hon'ble Minister of Revenue,
- (2) Srijut Siddhinath Sarma,
- (3) „ Mahendra Mohan Choudhury (Parliamentary Secretary),
- (4) „ Sarat Chandra Sinha,
- (5) „ Hareswar Das,
- (6) „ Santosh Kumar Barua,
- (7) Raja Ajit Narayan Deb of Sidli,
- (8) Srijut Motiram Bora,
- (9) Babu Kamini Kumar Sen,
- (10) Srijut Manisankar Basumatari,
- (11) Maulavi Saiyid Muhammad Saadulla, and
- (12) Maulavi Muhammad Abul Kashem.

Five Members will form a quorum and the Select Committee is to submit its Report by the 15th January, 1949.”

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I congratulate the hon. Parliamentary Secretary for his long and informative speech. But I am sorry that I am compelled to condemn his lack of courtesy in the strongest term. While reading out the names of the proposed Select Committee when he read out the names of the Members of the Congress Party he prefixed against each of the name with the title of "Srijut" but when he read the names of myself as well as of Mr. Abul Kashem he did not add anything. He read out my name as pure and unprefixed "Saiyid Muhammad Saadulla". But I am surprised to hear that when you, the Hon'ble Speaker, read out the names you prefixed the word 'Maulavi' to our names.

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): Sir, I regret the omission.

Maulavi Saiyid MUHAMMAD SAADULLA: Sir, I find that my name has been proposed to the Select Committee, but the time for submitting the Report has been fixed as the 15th of January, 1949. Probably, it will not be possible for me to attend the Select Committee meetings, for hon. Members know that the Constituent Assembly will commence its Session from the 4th of November, 1948 for passing the Draft Constitution, in the writing of which I had some hand. I have been requested by the Members of the Drafting Committee to be present during the Session and I think I ought to remain there. Probably, the months of November and December will be required for finishing that business and therefore I will not be in a position to attend the meetings of the Select Committee, during those months. I, therefore, submit that in place of myself, unless the date of submission of the Report is extended to 15th of February, the name of Dr. Emran Husain Chaudhury be substituted.

Now, I come to the main purpose of this debate. Under rule 60 of our Legislative Assembly Rules, we can at this stage discuss in broad outline the principles of the Bill without going into long details.

I was amused at the eloquence of my Friend, hon. Srijut Mahendra Mohan Choudhury, that in the name of Congress they are out to give relief to the masses, that their campaign is to give relief to the common man or the cultivator. I would show that by this Bill they have negatived their object. In my opinion, some of the provisions of this Assam State Acquisition of Zamindaris Bill, 1948 will hard-hit the raiyats and under-raiyats who can ill afford to put up with any difficulty. The Bill can literally be described as the extinguishment of the rights, interests and privileges enjoyed now by the raiyats and under-raiyats of the permanently settled areas. I find from the Bill that the word "under-raiyat" has been mentioned in the definition (ze) of clause 2. But nowhere else throughout other clauses of the Bill there is any connection of the "under-raiyat" with the other provisions in the Bill. Now, the raiyats, the actual cultivators, and the under-raiyats who are also actual cultivators, will be greatly adversely affected by different clauses of this Bill. Under clauses 4 and 9 of the Bill the provision is that with the publication of notification of resting the Zamindari Estates in the Crown all the interests of the proprietors and tenure-holders and even the rights of raiyats will vest absolutely in the Crown and such vesting will be free from all encumbrances. This means that whatever rights the raiyats and under-raiyats now enjoy, under the Sylhet and Goalpara Tenancy Acts, will be extinguished. This has been made very clear in clause 9(1)(i) wherein it is said "The raiyats shall be given the status of a settlement holder as defined in the Assam Land and Revenue Regulation, 1886, subject to any restrictions which Government may by rules prescribe". Now, let us see how these raiyats will be affected. As the lands

will vest in the Crown the cultivators or the raiyats shall have to take new settlement under the Assam Land and Revenue Regulation of 1886. Those rights, valuable rights, enjoyed under the Goalpara and Sylhet Tenancy Acts will not be available to them. For example, the Hon'ble Parliamentary Secretary has said, there will be no deprivation of the powers of transfer under the new conditions except one, and that is, no cultivator will be able to transfer his land or his right to possess his land to a non-cultivator. I am at one with that principle. But, as the hon. Members of this House are aware, if annual Patta is issued, such annual Patta lands cannot be transferred to any one under the Assam Land and Revenue Regulation. Then these raiyats and under-raiyats who now possess rights of sub-letting will have to forego them when they will come under the Assam Land and Revenue Regulation.

Then there is a vital question of enhancement of rent. Under the present law the raiyats are immune from the enhancement unless there be some improvement in the fertility of the land, a thing which is very difficult to prove. And even this limited right of enhancement is further restricted by the provision that the enhancement cannot be more than 2 annas in the rupee. Whereas in the Assam Land and Revenue Regulation they will be subject to a flat rate irrespective of all other considerations. Then I find, Sir, that under the new provisions these poor men, the common mass as described by the Hon'ble Mover, will be deprived of getting any compensation if Government chose to take their lands under sub-clauses (ii) and (iii) of clause 9(2). Then again the sub-clause (b) is that "That the land or any part of the land included in a lease may, at any time, be taken away by the Provincial Government without any compensation except cost of improvement effected on the land and cost of removal of houses and buildings ...". Sir, although Government says that with an idea of improving the lot of the mass or raiyats they are going to form co-operative farming societies and so forth, the poor raiyats will get absolutely no compensation for the lands of which they will be deprived. Under the present law they have got the right to get and claim compensation. Again under the proviso to sub-clause (2)(i) of clause 9 certain categories of under-raiyats will not get settlement even under the Assam Land and Revenue Regulation, for it is provided that "no raiyat shall be given the status of a land-holder as defined in the aforesaid Regulation unless, prior to the date of notification under section 3, he has held the land continuously as a raiyat for a period of not less than ten years". All these raiyats and under-raiyats who have been holding lands either directly from the Zamindars or proprietors or from the middle-men tenure-holders though they have occupancy rights but had not had ten years occupation of the lands, will be deprived of their rights to get settlement under the Assam Land and Revenue Regulation. Under the Goalpara Tenancy Act the under-raiyat can acquire occupancy rights and then claim compensation in case of requisition. But under the present proposed law no such provision is made. Then again, Sir, under the Goalpara Tenancy Act, the raiyats and under-raiyats cannot be ejected. But these people, when they will come under the Land and Revenue Regulation and the Assam Tenancy Act of 1935, will be liable to be ejected under certain contingencies. From all these provisions it is abundantly clear that the provisions of the Bill are far from improving the condition, privileges and the concessions which the raiyats have so far enjoyed and thus they will be very adversely affected.

I can point out other similar defects so far as the poorer people, the actual cultivators are concerned. I have stated enough to throw sufficient light before the House by quoting chapter-and-verse that this Bill will mean extinguishing every possible concession, rights and privileges that the raiyats and under-raiyats and common mass enjoy under the present law.

Sir, I hold no brief either for the Zamindars or for the middlemen or for the tenure-holders, but it is with a view to place

before the House certain things which show that this class of people, however unwanted by the present trend of opinion are not fairly treated. Provisions in the Bill and the procedure proposed are all topsyturvy. My hon. Friend, the Parliamentary Secretary, Mr. Choudhury, quoted the Floud Commission's Report in supporting his case. I think the Assam Government would have done well to follow the line of procedure that that Commission had recommended in their Report. That Commission consisted of experts the like of which Assam cannot produce. That Commission recommended that the first preliminary to any idea of acquiring the Zamindar's interest is that there must be a complete and up to date record-of-rights, but I find, Sir, that the procedure has been reversed here. First the Zamindar be ousted on a mere publication of a notification and that the property vest in the Deputy Commissioner ; it is after that that the procedure recommended by the Floud Commission will start. Now, it is notorious that both in Goalpara as well as in Karimganj subdivision we possess no record-of-rights. The question of preparing a record-of-rights for the permanently settled districts of Goalpara and Sylhet was mooted as early as 1926 in the then Council. Government though admitting that it is essentially necessary to have a record-of-rights, could not afford the money which will be required to have the proper record-of-rights after a thorough survey and examination of owner's claim. I remember, Sir, at one time Zamindars were asked to give a contribution when Government also would contribute something, as these records-of-rights would be to the benefit of the Zamindars and the proprietors themselves, but the landlords were not agreeable to make any contribution towards the costs and so the subject was dropped.

I remember, Sir, and I think, I will be borne out by my hon. Friend, Mr. Kamini Kumar Sen, who is himself a Zamindar and I think he is the best qualified man in this House to speak about the conditions in Karimganj subdivision—that there is no end to the claiming of proprietorship in some form or other to land in Sylhet district and the number of such claimants will not consist of hundreds only but will go up to tens of thousands. The condition in Goalpara is a little better and as has been mentioned by my hon. Friend, the Mover, there are only 19 Zamindars in Goalpara, but so far as the proprietors are concerned there will be no difficulty to prove their claims, but as regards other grades of rent-receivers due to sub-inefeudation of tenancy, *e. g.*, the Jotedars, the under-Jotedars, the tenure-holders and the under-tenure holders and various different grades of tenancy rights in Goalpara, how is the poor Deputy Commissioner who will take charge of the estates and have ultimately to pay compensation, to find out who is the real owner who should receive the compensation however meagre it may be ? That will be an extremely difficult task and it will cause immense hardship to very many parties.

The Hon. Parliamentary Secretary with some show of pride mentioned that he has provided to allow interim compensation before the final compensation statement could be prepared. I was surprised that he was not ashamed to mention the figure. The amount of the interim compensation comes to the magnificent sum of 2 per cent! Then Sir, what is the procedure about compensation statement ? It is provided in the provision of the sections here that as soon as the Deputy Commissioner takes charge of the estate, all necessary papers of the seized estate shall have to be handed over to him. Yet the Zamindar has been given the doubtful remedy of filing an appeal before the District Judge and the High Court if he is not satisfied with the compensation statement. How can this man file an appeal when he has got no document with him, all documents having been taken over by the Government. Sir, as I have said, I hold no brief for the Zamindars, they will be able to take care of themselves ; they are educated, they are rich

and two of their representatives adorn the Treasury Benches and therefore are presumed to accept the creed of the Congress which has just been placed before this House by the Parliamentary Secretary, they will know how to conduct themselves in this debate or in the course of discussion. But I find certain things which are repugnant to the principle of justice, equity and fair play. Even at the time of giving compensation, various deductions have been claimed and curiously enough there is a clause here, where it says that apart from the factors which have been stated in the body of the Bill on which the income of an estate would be calculated and the deductions will be made, certain provisions have been left to be framed under the Rules. That is an unheard of principle—that is not submitting to the scrutiny of the House all the factors which will be taken into consideration at the time of arriving at the gross income and also to find out what actual deductions will be made to arrive at the net income. I will make no mention of the quantum of compensation which is being proposed and as I have said I have no concern and I hold no brief for the Zamindars. But in the deductions you will find that they are charged too much. For example, the deductions for collection charges have been fixed in clause 12 at $12\frac{1}{2}$ per cent to $17\frac{1}{2}$ per cent. Under the present law *i. e.* the Court of Wards Manual, deductions for such purposes is limited to only 10 per cent. Even under the Assam Agricultural Income-tax Act deduction for collection charges is up to 15 per cent, but here the deductions will go upto $17\frac{1}{2}$ per cent. Then again there are deductions for the cost of beneficiary works. Now almost in every estate there are estate-managed schools, dispensaries and so forth. These bring no revenue to the Zamindars; rather it is a species of deduction from their net income. But the Government makes the proposal that as Government will be compelled to keep on these institutions for the benefit of the common men, they will deduct from $8\frac{1}{2}$ per cent. to $12\frac{1}{2}$ per cent. for this class of beneficiary institutions. I think that it will be the height of injustice if any deduction is made on this score. Likewise is the case of deductions for income-tax and agricultural income-tax. Now it is common knowledge that at the time of arriving at the net income, the Income-tax Department do not deduct from the previous year's income the amount of income-tax that has been paid, but here we find that the Government is going to deduct even those for the purpose of arriving at a net revenue.

Then, Sir, the question of compensation. The hon. Mover says that in order to stop inflatory tendencies they propose to give compensation of only 50 per cent. in cash and 50 per cent. probably in bonds which they will issue and for the bonds the interest provided is only $2\frac{1}{2}$ per cent. In my opinion this is another piece of hard luck upon the Zamindars and tenure-holders. These people will be uprooted from their century old standard of living, they will be thrown out to the winds with some compensation. In my opinion this compensation is not adequate or even equivalent to what has been provided in other provinces where similar Bills have been introduced or passed. Mention has been made of the Bihar Bill which has been converted into an Act and of the Madras and United Provinces Bills. But I can assure the hon. Members that the rate of compensation in Assam and in those provinces differs.

This piece of legislation which will revolutionise not only the social life of a large class of people, but I claim that the entire people living in those areas will be adversely affected with their rights and privileges greatly curtailed, as I have already mentioned. I claim that these people must get some kind of relief. Give them some compensation at the earliest possible date so that they can start life anew. You give them 50 per cent in cash and 50 per cent. in bonds. Well, hon. Members will be able to get better returns in interest by

keeping their money in fixed deposit with Banks and in some other commercial and other enterprises. But you won't allow that.

Sir, another curious feature of this legislation is that they have introduced this Bill with all these defective provisions and the House is being committed to its principles and now they want to gather public opinion, for I heard the Parliamentary Secretary to say that the Select Committee will be free to move from place to place to gather public opinion and take evidence of parties interested. Even in the Goalpara Tenancy legislation the previous Government took people into their confidence and placed a Special Officer in the locality who investigated and consulted the local opinion. I remember when the first Tenancy Act was passed, Mr. Laine (afterwards Sir Abraham Laine) spent full one year in Goalpara District—understanding all different grades of tenancy and tenancy rights and then convened a conference of people interested and put his proposal in the form of a legislation. Here although this measure is one of the most revolutionary in character, not a single Zemindar or tenure-holder has been consulted so far.

Sir, in the name of humanitarian policy, in the name of justice and fair play, I request the Government to follow the procedure that was laid by the Flood Commission, that is first start a record of rights which will give you an idea of the enormity of the task that you have undertaken, then survey and finally have all the data before you pass this Bill and give compensation. How much the top class, *i. e.*: the Zemindars and tenure-holders will be benefited, it is for them to say, but I firmly believe it is the common men, the masses, the raiyats and under-raiyats who will suffer most by this piece of legislation.

Srijut SANTOSH KUMAR BARUA: Mr. Speaker, Sir, this is an important piece of legislation which is going to be enacted and a few words on point of facts with regard to this Bill I believe will not be out of place.

In the programme of Congress for Economic Development of the country reform in the agricultural economy finds an important place. A change in the agricultural economy needs a change in the existing land system on a progressive and uniform basis. This reform is admittedly intended primarily for creating condition for increasing the agricultural wealth of the country as well as for improving the condition of the peasantry. So the Congress Election Manifesto, 1946, stated amongst other things that "the reform of the land system which is so urgently needed in India, involves the removing of the intermediaries between the peasant and the State. The right of such intermediaries should therefore be acquired on payment of equitable compensation". In conformity with this policy, our Government has brought forward this Bill which contemplates abolition of Permanently Settled Estates together with certain other estates as well as tenures included in those estates now existing in that part of Assam which is comprised of the district of Goalpara and parts of Garo Hills and Cachar with the manifest purpose of bringing the Government in direct contact with the tillers of the soil by removing the intermediaries in these areas. Need for a change in the land system is evidently for the need of agricultural reform and in the interest of rural economy.

The change is certainly radical which the Bill proposes to bring about in the land system of these areas, which existed for ages because the change is wholesale affecting the interest not only of the Zamindars but the majority of the population. I can speak with some authority about my district—I mean the district of Goalpara, where the number of intermediaries from Zamindar graded down to the lowest tenure-holder is not small. If the change cannot

be co-ordinated with a practical and forward plan for accommodating these large body of tenure-holders in the scheme of rural economy, then I am afraid, it will have a disastrous effect. It will upset the whole social and economic system which has grown and stabilized during these long years. According to the feeling now prevailing, Zamindars do stand condemned. So they will have to go. There is a feeling low all over the country—some kind of misapprehension about them that the Zamindars as a class are inimical to the interest of the country, though it would be unfair to deny that their liberal contribution to various public charities and their acts of benevolence were responsible in an abundant measure for religious, cultural, and educational advancement not only of the district but far beyond it. But they would go not because of the inelasticity of revenue which the system is alleged to have permitted but because political forces are against them. As a matter of fact it is not correct to say that as a result of Permanent Settlement land revenue remained static at a surprisingly low level, thereby depriving the Government of a fair share of rental realized by the Zamindars. Land Revenue is of course fixed at a very low figure. But besides land revenue which is not the only kind of State demand on the income of the Zamindars from land, they have to pay Local Rates, Agricultural Income Tax, Central Income Tax as revenues which run upto a considerable amount in proportion to the rental realised by them apart from a large share of revenue from Stamps, Court Fees etc, which the Government derives indirectly. So inelasticity of revenue which is only a popular belief is not there and scope for making it further elastic always remains.

Sir, one may not feel much concerned with the fate of this group of big landlords, I mean Zamindars, who however form a small minority in the society. But the abolition of the Zamindari system means not only the elimination of Zamindars but the whole body of tenure-holders, under-tenure-holders, rent-receiving-raiyats, till we go down to the actual cultivator of the soil.

(At this stage the Hon'ble Speaker vacated the chair and the Deputy Speaker occupied it)

One cannot but feel really concerned with the fate of the large number of these tenure-holders who form the bulk of the population of the district. They will be rendered landless and with it naturally they will be deprived of the ways of earning their livelihood to which they have been accustomed for generations. They will go off from their land with a modest pittance far below the income they were getting out of it. They will be out of their occupation with their families to be maintained and children to be educated at a time when country is passing through an unstable economic condition. They will be only thrown into desperation and distress. Of course they will get compensation. But the compensation is not enough to assure their income at all. The assessment of compensation cannot be said to have been made on an equitable basis. They do not get the full value of the land they are dispossessed of but only a small portion of it and even what they will get is likely to be spread over some years in small annual instalments which cannot be sufficient to keep them on, neither it can be invested for a profitable return.

It is true that Permanent Settlement encouraged sub-infeudation and brought into existence a body of rent-receivers between the Zamindar and the tenant. But sub-infeudation is not necessarily an evil. It does not mean that the cultivator has to pay a high rate of rent but rather the burden of rent has been evenly distributed amongst the different classes of tenantry on account of which there has been a wide disbursement of wealth, derived from agricultural land amongst the different ranks and classes of the society, thereby contributing to its general prosperity. Moreover it has given an interest in land to many of

the middle class who have built up its social and economic structure and who in fact form the backbone of the society. It is they who pioneered in developing political consciousness amongst the masses. They are the people who gave lead, guidance and help for agricultural, educational and cultural progress in villages. To drive them out of the land will undoubtedly result in serious consequences. Not only that, they will be thrown out of their means of livelihood, but that the villages will be deprived of their services which are mostly needed now in all sphere of rural development activities. The agriculture itself will suffer a serious set-back, because with their disappearance, it will be left entirely in the hands of the tillers of the soil whose incompetence due to illiteracy and want of sufficient money, needs no comment. So these are the problems. They are serious problems and cannot be brushed aside lightly. Rather they require serious consideration. Extermination of the middle class which will result in the abolition of private landlordism will injure social well being. What I say is true for the whole of the Province and not only for my district and hon. Members will be able to realise the seriousness of the situation in all its aspects if they like to examine the problem in its true perspective.

Madam, it is not understood why this piece of legislation is intended for a small part of the Province and not for the whole of it. The Bill proposes to acquire (1) the permanently settled areas, (2) the Lakhiraj estates within the boundary of permanently settled estates and (3) the acknowledged estates in Bijni and Sidli Duars. Now there are 174 Lakhiraj Estates in all in the Assam Valley districts. Out of these, only 40 in the Goalpara district are sought to be abolished, leaving aside 134 such Lakhiraj Estates covering an area of 85, 059 acres in the other districts of the Assam Valley. Then there are six pies Lakhiraj Estates, the holders of which pay revenue at the rate of 6 pies per Bigha of land under cultivation only. Then there are Nisfi-Khiraj Estates, the revenue of which is payable at half the rate. These estates are also just like Zamindary estates existing in other parts of Assam.

As regards acknowledged estates, they are held on periodic lease like similar estates in the temporarily-settled districts of Assam which are not included within the scope of the Bill. When reform is needed then that reform should be for the whole of the Province and not for a part of it. So, it appears that this Bill has failed to evolve a uniform policy with regard to land system throughout the Province, though it is considered essential to get rid of the middlemen and intermediaries so that Government can be brought into direct touch with raiyats in the interest of the peasantry and agriculture and for the general interest of the Province at large. There is sub-infeudation in varying degrees creating middlemen and intermediaries in the temporarily-settled areas under the Government. There are landlords and under them raiyats and under-raiyats and there is an Act called "Assam Tenancy Act, 1935" to regulate the relations of landlord and tenant in the temporarily-settled districts of Province of Assam. So, there is no denying of the fact that there are middlemen and intermediaries between the Government and the actual cultivators both in the Zamindary area as well as in the temporarily-settled area. Private landlordism exist all over Assam and the ground for their elimination in one part of the Province applies equally to the other part. As a matter of fact, I should say, raiyats and under-raiyats in the permanently-settled area are better situated than those of the Government Khas Mahal. It is undeniable that they enjoy the largest measure of rights and privileges. Practically they are the proprietors of their land barring the obligation of paying their rent which also they are in no hurry to pay as it becomes due and which very often mounts up to arrear for three years, occasionally more in times of distress and get time-barred. Also Sun-Set Law is not in operation. Even the rent they have to pay is very much lower than that in Khas Mahal.

I don't think I would be wrong if I say that rent payable by the raiyat in the permanently-settled area of this district is the lowest in India. Further, Madam, it cannot be said that the economic condition of the peasants in Khas Mahal is better than those in the permanently-settled areas nor the agriculture in a more thriving condition.

But, Madam, the crux of the whole problem is whether under the existing order of the society a system can be set up by which the State will come in direct relation with the actual tiller of the soil and there will be no intermediaries to intervene. The answer to this question is a definite "No". Because, it is neither possible to prevent fragmentation of holding on account of sale, partition and law of succession, nor it is possible to abolish sub-letting in agriculture either on cash rent or on share of produce. Further elimination of middlemen does not ensure that raiyats will always cultivate themselves. It is not the case even now. If sub-letting cannot be prevented then the idea of having a direct relation between the Government and the actual cultivator will ever remain at a distance as it is now and can never be successfully carried through. The present class of rent-receivers may go but they will go only to be replaced by another class in no time. Flood Commission also could not come to a solution of this problem. On this question, the report states, "even if the State becomes the sole landlord, all the existing cultivators cannot be expected to remain cultivators forever and even if their under-tenants become the direct tenants of the Government, in course of time some of them also will cease to be the actual tillers of the soil and convert themselves into rent-receivers".

Further, Madam, it appears that the raiyats whose interest Congress is pledged to look into are also going to suffer by the piece of proposed legislation. In the Bill it is provided that all rights and interest in land of all persons including the cultivator of the soil will cease to exist. All land will go into the Khas possession of the Government and even the cultivator will have to take settlement of the piece of land he used to cultivate, from the Government afresh on absolutely new terms and conditions. The rate of rent will be fixed by the Government without having any reference or relation to what he paid for the land before. The Assam Land and Revenue Regulation or the Assam Land Revenue Re-Assessment Act will be in operation according to which the rent at new settlement shall be equal to 1/10th of the annual gross produce of the land and necessarily a cultivator will be subjected to the payment of a much higher rate of rent than he is used to pay specially in the areas where the rate of rent prevailing is 0-2-6, 0-3-0 or 0-4-0 annas per Bigha. He not only loses other valuable rights which he acquired by agitation and fight against odds during these long periods but on acquisition he does not get any compensation. Moreover, after taking settlement, he forfeits the right of having any compensation if he has to surrender his lands again for the improvement of agriculture. Further, in the Bill the under-raiyats who are mostly cultivators, hold the most unfortunate position. They possess the right of occupancy just like raiyats and tenure-holders under the Goalpara Tenancy Act, but they do not know what fate they are going to have with regard to their land. There is no mention of under-raiyat in the whole Bill except in the clause dealing with definition. Over and above these, there will be other restrictions which will be provided for in the rules to be made under this Act. This provision of making rules gives rather a very wide power to the Government. One feels justified in apprehending that he will be further subjected to measures of taxation in the nature of full rack-rent for the liquidation of the loan necessitated by the State purchase, because there being no intermediary, the full brunt will fall on the cultivators themselves. Hint to this effect is sufficiently there when it is said that Government have been deprived of the benefit of higher prices of crop. Government might have been deprived of this benefit, but in this connection it

may be said that so long due to various restrictions imposed on landlords by the Goalpara Tenancy Act, benefit of low rent and high price of crop has been exclusively shared by the ralyats and cultivators.

I have already stated that in the scheme of State purchase assessment of compensation has not been done on an equitable basis because it seems that no consideration has been made to give even the minimum purchase value for the land to be acquired even of the normal time. Further, it is not known why rate of compensation has been fixed on a graded scale on the basis of income varying with expropriated landlords though the land bears equal value irrespective of quantitative factor determining the income of the landlords in a varying degree. Various deductions have been provided for to arrive at the net income from the gross income including charges on management and for beneficial works by the landlord at a very high rate estimated on gross rental and having no relation to facts. After making all these deductions in the manner as prescribed, it appears that very little will be left as a margin to give a fair price as compensation for this compulsory acquisition.

In the scheme of compensation, I find that small landlords will again be hit hard. An example might show their unfortunate position. Suppose a small tenure-holder has a gross rental demand of Rs.1,200.

	Rs.
He has to pay as rent to the Zemindar	600
So the following deductions have to made from the gross income of Rs. 1,200.	
Gross income ...	1,200
1. Rent payable to his immediate superior landlord ...	600
2. Cost of management at 12 per cent.	150
3. Cost of beneficial works at 8 per cent.	96
4. Chowkidari tax	4
Total ...	850

So, in all Rs.850 will have to be deducted from Rs.1,200, the gross income, to find out the net income, which will be Rs.350. So, his poor annual income of Rs.600 is reduced to Rs.350, *i.e.*, by more than 41 per cent. For a man with an income of Rs.600, it is too much if he has got to pay Rs.150 for the cost of realising this amount and Rs.96 for charity. Small tenure-holders like this, in fact, do not maintain a staff for the management of their estates. Now, calculated at the rate of 10 times his net annual income, the compensation will come up to Rs.3,500. Though apparently it is 10 times as provided for, he will get less than 6 times his actual income. In most cases he is in arrear of his rent due to his superior landlord for three years in the average. In that case rent for three years amounting to Rs.1,800 with interest will be deducted leaving Rs.1,700 only as payable to the tenure-holder. If this is not paid in cash but in bonds, you can easily visualise the most distressing situation he will be put in. The result will be that he will have to remain satisfied with an annual income of Rs.600 reduced to a small sum of Rs.45 only. As for Zemindars, they are not going to get any thing under the scheme, because after making allowances for all the various deductions, the net income to form the basis of compensation will dwindle down to almost nothing. Further no provision has been made for payment of compensation with regard to Khash land and Agricultural land which a landlord will have to surrender under the scheme.

These are the facts which I am placing before the House—facts which are inseparably connected with the scheme for the abolition of the Zemindary system. These are some of the criticisms which we are facing in our constituency. These criticisms are not without weight. The Dhubri District Congress Committee, after full consideration of the Bill, also adopted a resolution requesting the Government to appoint a Committee of experts to examine the full implications of the Bill with reference to local conditions as the Bill in its present form is likely to injure the interest of the raiyats and cultivating tenants. As this piece of legislation is going to affect the interest of a very large number of people, the Bill undoubtedly possesses considerable importance and I do hope that the hon. Members, having due regard for the seriousness of the social and economic effect of the proposed legislation and the local conditions prevailing in these areas, will give their full and careful consideration in giving a final shape to this Bill.

Srijut NILMANI PHOOKAN: Madam, I would have opposed the abolition of Zemindary system, had it been for the benefit of both the Zemindars and the tenants. But it has ruined both of them. So, sooner it is abolished, the better it is for all concerned. I do not go into the details of the Zemindary system in the Goalpara district. It is just like the same thing as the Zemindary system in Bengal. This system has been obtaining in the Goalpara district since when it was in Bengal. It was then annexed to Assam and then to Bengal and then again it formed part of the Province of Assam. At that time the administrators—I mean the exploiting Britishers—never thought of anything except ruling over the country and tried to get as much as possible out of the country. It might be said that the British administrators were very lenient towards the Zemindars who were asked to pay a nominal rent of say—Rs.12,000 or something like that for the land they occupied, whereas in other places which were under the direct tenancy they realised two lakhs of rupees in place of Rs.12,000. In those days they were very kind to the Zemindars who were particularly on border land. That might have been for diplomacy or for Imperial reasons. These Zemindars created a class of middlemen without giving much thought to what they will do with their land. The result was that the real tillers of the soil have been smashed and a great load has been put by the Zemindars on the back of innumerable sorts of intermediaries, Pattadars and landlords. The distinguished Leader of the Opposition has said that this Bill will really mean extinction of the rights of the tenants, etc. But I should say “No”. It will be extinction of their slavery (Hear, hear). He was talking of the Goalpara Tenancy Act and said that the Goalpara Tenancy Act also would go along with the abolition of the Zemindary system and, in fact, it has been twisted in such a way that the ignorant and illiterate cultivators have been tutored to say that along with the Zemindars they would also be nowhere and be given a good-bye. But my hon. Friend should know that with the abolition of the Goalpara “Prajashatta Ain” the cultivators will be given the “Malikana” right.

Then, ‘no compensation will be given to the raiyats’ is the fear of my hon. Friend on the Opposition—I mean the Leader of the Opposition.

Maulavi Saiyid MUHAMMAD SAADULLA: Quote chapte —and—verse.

Srijut NILMANI PHOOKAN: But whatever it might be, if a compensation is not given to the intermediaries, this might be thrashed out properly at the Committee stage when it will be taken into consideration. I do not think that the moment this Zemindary Bill comes into force, the tenants

will all be ousted from the Goalpara district. It has already been said that those raiyats who have been occupying the land in whatever capacity for ten years, will not be disturbed. This, I think, is an equitable and sufficient safeguard for the *bonafide* cultivators. Of course, it might work some hardship on those servants of the middlemen, who have been brought in recently under some pretext or who have been there on some capacity or other, to be ousted from the land. But justice and fair play will never be denied to anyone.

Then, the hon. Leader of the Opposition spoke about the extinguishment of the prevailing rights of the raiyats. What is the prevailing rights of the raiyats under the Zemindary System, of course, I am ignorant of law. But I do know that the raiyats suffer from many disabilities which the law pretends to protect them from. If the Zemindars are not fairly treated, as the hon. Leader of the Opposition says, we will have to think of that. Certainly, I believe, the Bill contemplates compensation to them. The hon. Parliamentary Secretary has already said that without going into the extremes, the golden mean will have to be followed.

I say that along with the abolition of the Zemindary system, the culture of the Zemindars, their position in the society, I do not think, will ever go, they will still be there in the heart of society as cultured people who will also contribute to the onward march of the country towards the higher and higher goals. Because they will be bereft of Zemindary that will not bring them down to the lowest strata of society. I cannot contemplate that. If they are respectable people, it is not for holding a large piece of land at a nominal rental but because as they have said that they have built charitable hospitals, schools, tanks and rendered their help in various other ways in which they have spent much, but they have spent this from which source? Because they have been fortunate enough to get land at a concessional rate in payment of revenue by which means they have acquired 2 or 3 lakhs every year, they have spent for this charitable purposes from this to benefit the tenants. I am sure, they have spent very reasonably and honestly, and for that reason, we cannot say that they have given from their own pocket. If they say that they have spent from their own pocket, I may say that they have not been able to utilise all that is necessary to have been spent in the best interest of the raiyats. Unfortunately, the Zemindars, of course, I do not mean any slur on them, have been made to live their lives in such a way by our foreign masters that they have been made, I should say, mis fit to the society in which they live, while the phrase "land-lordism" should not come at all. They have their palaces in counterpart in Simla, Bombay and other places. Then, they have not managed things better. Their estates came to be administered by the Court of Wards. This very fact shows that they have not been able to manage their Zemindaries properly in order to be able to be worthy of their wealth. The result is neither they were benefited by the Zemindaries, nor the profit came to the coffer of the State or to the people. When that was the state of affairs, I think, the Zemindars themselves will now feel that it is high time that they they should give up their Zemindary and relieve themselves of the burden which is already on their shoulder which they.....

Dr. EMRAN HUSAINCHAUDHURY: It is not a burden.

Srijut NILMANI PHOOKAN: Mr. Chaudhury is not a Zemindar, like myself. So how can he feel it? Therefore, it will not be doing injustice to the Zemindars themselves, rather, it will be a great relief to them if the Zemindary system goes.

Then there was a reference to the Zemindars going to file their suits in the High Court. I am not a lawyer but I heard the hon. Leader of the Opposition saying that the documents and other papers of the Zemindars will be taken from them and even if they go to the High Court they cannot get them. I think, some sort of inventory should be given to them. I do not see any reason why Government should not give them the documents to help them in their cases.

The hon. Leader of the Opposition has also said that the Zemindars have established charitable dispensaries, Schools and Colleges (*A voice*: Not Colleges) and for those charitable works he asks whether they will not be given compensation. I do not see any reason why any compensation should at all be given for these voluntary works, but if they demand for such compensation, I should say that if they have established these things, they have done so with the profit they have earned during the last 70 years. If we calculate a formula, a Zemindar began paying Rs.12 to 14 thousand annually for the last 70 years, thus they have deprived the Government of 2 lakhs and more, of rental value every year which comes to roughly about 1 crore and fifty lakhs out of that they must have saved at least 50 lakhs. If they now say that they have not been able to save a farthing, am I responsible for their expensive mode of living?

Madam, the hon. Leader of the Opposition, who is an ardent advocate for the Zemindars has stated about the income-tax, agricultural income-tax and other taxes paid by them to the Government. May I ask him whether an ordinary tenant who cannot get more than two morsels a day even has not been taxed? Did these people not pay even under penury? They have to pay local rate, land revenue, sales tax and what not? If a Zemindar paying one anna for a rupee as land revenue can complain of agricultural income-tax, income-tax and such other taxes, they should remember the plight of an ordinary man and they should also remember the concession in revenue they have enjoyed so long at the cost of others.

My Friend, the Leader of the Opposition said about the 'uprooted Zemindars'. Anybody who has watched their mode of living must have been struck with pain of their extra vagant way of life. I am sure, the Hon'ble Premier will bear me out. He, I am sure, cannot bear the sight on account of the comparison with the living of the poor tenants. I am certain, they will be able to stand on their own legs after the abolition of the Zemindary and by such a legislation I do not see that this class of people who are in a much better position culturally and socially in Goalpara will be washed away. They will lead their lives in a different sphere. It is high time that they should think of not living in palaces with their Barkandas and officers terrorising the poor tenants. Now, where their place will be? Naturally they will be in the heart of the people where their position is quite secure. I do not think, they will be totally uprooted and I can assure my Friend opposite that they will be there like any leader of the society who leads the country now. I do not know whether my hon. Friend from Gauripur is opposing or supporting the Bill. At any rate, I agree with him on one point that they gave religious, cultural and other benefits to the people so far. Nobody can deny that. It is the Zemindars of Goalpara District who were the patrons of our culture, but due to the degradation under the foreign yoke they wanted to do away with that culture. Now having come to their senses they feel that it is the land where for thousands of years a culture was built up to which they never contributed so long and they have now become penitent. I need not repeat what my hon. Friend from Goalpara

has said because it is a replica of what the hon. Leader of the Opposition has said. But, the same reply to him as well. One thing he was talking about was about the compensation which is contemplated in the Bill. This will neither enable them to enter into any profitable job nor will it bring them any immediate benefit. I am not a businessman nor have I any profitable job in my hand. So, I cannot enter into its details. But one thing I can say is that it will be a profitable job for them if they can identify themselves with the people and enter into their hearts and gain their respect. If they can have a place in the hearts of the people and command their respect their Zemindary throne cannot be higher than that.

I do not want to enter into details about the provision in respect of compensation to the cultivators. I have not gone through that portion of the provision as yet in details (*laughter*). It is not a question of laughing. I can tell you that I am not a man to dance at the tune of others. I am not a new Member here. I have got intelligence enough to know the distinction between the landlord and tenants without going into any clause of any enactment. I know the land belongs to the people absolutely. Because the British Government did not accept that theory that the land actually belongs to the people and not to the exploiters, they had to go away from here. Similarly the Zemindar class should realise this fact that it is the tiller of the soil to whom the land belongs. State means it is the people and if any State does not identify with the people that State will also go. So, the State is quite identical with the people. If we really speak of democracy and if we have democratic form of Government it cannot be otherwise. It must be so. What I feel is that, though I have not scrutinized the provisions in details, I do feel that this Bill will do away with the Zemindars as a class. Where you want the land to go? Should it go into the heart of Brahmaputra or to Rangpur on the other side? It will be there where it is now. The land will be utilised by the actual tiller of the soil who have been cultivating or tilling the land generation by generation. No Government will be so irresponsible or unwise not to understand it. If the Government do not protect the rights and privileges of the people, the cultivating class, those people will also not protect such a Government. So, there should be no misgiving about this. The land-lords as a class will never go to benefit the tiller of the soil, however sweet words they might pour into their ears. Land-lords and tenants cannot go together. If the tenant is to advance, the land-lord is to recede, but if the land-lord advances, the tenant cannot. So we are to chose between the two: whether the democratic Government will support the views of the land-lord or supprot that of the masses. Therefore, Madam, it is the duty of the Government to protect the rights of the common masses against the Zemindars. At this moment if there are any defects in the Bill certainly such defects must be remedied and this can be done in the Select Committee.....

***Maulavi MUHAMMAD ABUL KASHEM:** Where is the assurance, Madam, from the Government side about removal of defects?

Srijut NILMANI PHOOKAN: When I do not interrupt any hon. Member how can the hon. Member interrupt me? I want a ruling from the Chair, Madam (*laughter and disturbances*).

*Speech not corrected.

Now, Madam, if the land-lords go, there will remain only the tenants, the cultivators. Of course it may be said that the Zemindars have created rights over Zemindaries and so they have powers to bring in two or three intermediaries. As for myself I cannot tolerate any intermediaries between the land-lords and the tillers of the soil. The land belongs to the States or to those who till it for his own benefit and not for his exploitation. (A voice. It is Communism) So, Madam, this is not Communism.

I do not believe in Communism, I do not believe that the Communists will do good to my country. I have spoken from hundreds of platforms that they are no friends of India. But I am thinking in terms of the principles for which Mahatma Gandhi lived, worked and gave his life..... (Maulavi Muhammad Roufique: He was a Socialist under the garb of the Congress.) (Laughter) No, I am speaking of the socialism of the Prophet of Islam which he preached and practised in his own life. So I say, the land should be given to the tenants and the Zemindars should go. The tenants and the Zemindars cannot go together. But I am sure my Zemindar Friends here will have their own place in that social hierarchy which they have already possessed, but in a different sphere. It is the only thing that I feel that the tenants must have the land—the real tenants who have been utilising the land for 10, 12 or 20 years, they should not be disturbed and they must be allowed that land should be settled with them.

With these few words, Madam, I support this move on the part of the Government.

Srijut SARAT CHANDRA SINHA: Madam, I rise to support this Bill and congratulate the Government for having introduced it in this House. I think it is not proper at this stage and under the new order of things to raise any objection to the propriety of the abolition of Zemindary system, that this system should go is a settled fact. And, this Bill provides for the abolition of this system. Certain criticisms have, however, been levelled against this Bill. I refer to the criticism against clause 9. In clause 9, it has been stated—"The *raiya*ts shall be given the status of a settlement holder as defined in the Assam Land and Revenue Regulation, 1886, subject to any restrictions which Government may by rules prescribed. Provided that no *raiya*t shall be given the status of a land-holder as defined in the aforesaid Regulation unless, prior to the date of notification under section 3, he has held the land continuously as a *raiya*t for a period of not less than ten years". Now, the intention of this clause is to give the status of landholders to those who occupied the land for ten years, and it is obvious that by this clause the rights and interests of the *bonafide raiya*ts in this respect will by no means be crippled. So, Madam, I fail to understand how the hon. Leader of the Opposition could say that the Bill is not to abolish the Zemindary system but to abolish the rights of the *raiya*ts. Then again in clause 9 (2) (b) it is clearly provided, "That the land or any part of the land included in the lease may, at any time, be taken away by the Provincial Government without any compensation except cost of improvement affected on the land and cost of removal of houses and buildings whenever it is deemed necessary for the purpose of co-operative farming or consolidation of holdings or any other agrarian reforms approved by the Provincial Government." Though this clause states that no compensation will be paid, yet, in the proviso it has been provided "that he shall be entitled to such reasonable compensation as Government may by rules prescribe". If he is entitled to become a member of the co-operative farming society or a consolidated farm, I think he should not claim compensation,

because his loss will be compensated by his membership in the farm. When he derives no benefit from the farm, he shall get reasonable compensation. It is obvious that the contention of the hon. Leader of the Opposition in this respect does not hold good. Then, it has been said that the rent will be increased. Now, in reply to that, I refer to clause 8, sub-clause (5) (a) in which it is provided, "that the land revenue realisable from the *raiyat* shall not exceed the rent which was payable by such *raiyat* to the proprietor or the tenure holder as the case may be, immediately before the date of publication of notification under section 3.....". This may be temporary. The complete acquisition of the estates will however take sometime and during this period the *raiyats* will never suffer any enhancement of rent. So, Madam, it is abundantly clear that the Bill provides for the improvement of the conditions of the *raiyats*. In this respect, Madras and Bihar have gone much ahead of us, we lag behind. This is nothing, but usual, as ours is a land of 'lahe—lahe'.

Madam, you will agree with me, while I say that the Zemindary system does not confer any benefit either on the tenants or on the *raiyats* or, even on the State. Therefore this system must go. If we have decided that it should go, should there be any dilatory tactics to retain it? It has also been said by some persons with vested interest that the Zemindary system gives more rights and interests to the *raiyats*, but if it is so, Madam, I would request you and the hon. Members of the House to look to the *raiyats* under the Zemindars in the Goalpara district—they are backward, illiterate and ignorant.

These people form almost 90 per cent. of the population of the district. And, Madam, Goalpara is one of the most backward districts in Assam; the reason why the district is backward may be traced only to the existence of the system of permanent settlement under the Zemindars. If you find any educated man in any of the Government services or any person taking up any enterprise or any business of commerce and trade, you will find that almost all of them come from these classes—Zemindars and tenure-holders. The Zemindars and tenure holders are the intelligentsia of the district. But you will seldom find any from the peasantry who are always neglected, being backward and illiterate. Had this system been for the benefit of the *raiyats*, the *raiyats* of Goalpara district could have been more in an advanced position than other *raiyats* of the other districts in Assam. As to the Zemindars, I should like to point out that the most outstanding feature about them is that they have left the rein of administration at the hands of a few non-Assamese people specially, the men from a foreign State. Now, these non-Assamese officers of Zemindars have been actually guiding and controlling the land policy of the Zemindars. Almost all of them come from Dacca, Barisal, Faridpur and Mymensingh. They have no real interest either in the improvement of the land or of the society or of the conditions of the *raiyats*. Their main business is to extract money from the tenants and to settle lands with outsiders. I can cite many instances, but for want of time I do not like to cite examples. The *raiyats* cannot be happy under the Zemindars. They are at the tender mercy of these non-Assamese administrators. The administration of the estates of the Zemindars are in the hands of the foreign officers, except in Mechpara which is under Court of Wards and Bijni which was under Court of Wards for some years. These are the grievances of the tenants but no remedy has been found. From all these facts, it is abundantly clear that if we want to do anything for these backward, illiterate and ignorant tenants and cultivators, such a Bill is the only remedy.

It has been said that the Bill has been opposed by the *raiya*s because their rights will be extinguished. Madam, I come from a poor cultivator family. I believe I belong to the poorest class of the cultivators. As for myself I find that I shall be safe and my rights and interests will be safeguarded if this Bill is passed into an Act. Madam, it has been found that some persons with vested interests are moving amongst the tenants and trying to create some agitation against this Bill not for the benefit of the *raiya*s, but to safeguard their vested interests. It is, therefore, clear that the sooner the Zamindari goes, the better for us.

Madam, with these few words I do support this Bill.

Maulavi Md. NAZMAL HAQUE: Madam, I beg leave to make certain observations on some of the general principles underlying the provisions of the Bill. Let me at the very outset make it clear that the Bill aims at certain land reforms of a drastic and far-reaching character affecting the destinies of about a million people. As such there is no denying the fact that as a piece of legislation it is of a momentous character—deserving of the most serious consideration of the House. But those who have studied the provisions of the Bill carefully and dispassionately will be one with me in saying that never before such a hasty, imperfect and discriminatory piece of legislation has been brought before this House.

It is a patent fact that abolition of intermediaries in land is not an issue peculiar to Assam alone but it is an All-India issue and legislative measures are on the anvil in various provinces in the Indian Dominion. I cannot therefore oppose the accepted principle of abolition of all rent receiving interests including Zamindars so long action is taken on the proper lines. It therefore follows that any legislative measures brought to achieve the desired object should be based on justice and fairplay and must at any rate safeguard, if not improve upon, the existing rights of the peasantry whom it is the professed policy of the Congress to serve.

Let me now, Madam, comment upon the basic principle of the Bill from the standpoint of the Congress itself. The guiding principle in this matter has been clearly enunciated in the Congress election manifesto issued in the last general election of 1946. It runs as follows, "The reform of the land system which is so urgently needed in India involves the removal of intermediaries between the peasant and the State. The rights of such intermediaries should, therefore, be acquired on payment of equitable compensation". Let me once again repeat here that the declared pledge of the Congress is to remove all intermediaries wherever they may be found to exist. The desired legislation should therefore be made applicable to all such areas in the Province of Assam where there are intermediaries of any kind. But this Bill is intended to be enforced in the Permanently Settled Areas of Goalpara, some parts of Garo Hills and Karimganj subdivision of the Cachar District. Should we therefore understand that intermediaries do not exist in any appreciable number in the rest of Assam? Before I proceed to cite certain facts and figures to draw a comparative picture of the extent of tenancy in the areas covered by this Bill and that existing in the rest of Assam I cannot help drawing attention of the House to some misleading observations appearing in the "Statement of Objects and Reasons" of the Bill. It will be pertinent to quote the last sentence of paragraph 3 which runs as follows, "For these reasons, Government consider it essential to get rid of the middlemen and intermediaries and to bring Government into direct touch with *raiya*s as in *raiya*-wari areas prevailing in the rest of Assam and have decided to abolish the existing

outmoded Zamindari system and to replace it by a raiyatwari system analogous to that existing in the rest of the Province”.

(At this stage the Hon'ble Speaker occupied the chair and Deputy Speaker vacated it)

The above statement gives the impression that intermediaries do not exist in the rest of Assam. I shall try to show, Sir, by facts and figures that this is a gross misrepresentation of some essential facts. The total area covered by Lakhiraj and Nisf-khiraj estate in the rest of Assam is about 3,25,000 acres which are in their entirety under tenancy. In addition the total area under tenancy in Kheraj estates will be 4 to 5 lakhs acres approximately bringing the total of tenancy areas to the tune of 8 lakhs acres. This excludes Cachar for which figures could not be obtained. Now the total area of the permanently settled portion of the Goalpara District together with 40 Lakhiraj estates is about 16 lakhs acres including extensive forests, rivers, Beels and unsettled waste lands. The actual area under tenancy, though accurate figures are not available, will not exceed 10 lakhs acres representing about 60 per cent. of the total area. It is therefore clear that in the rest of Assam excluding Cachar just as extensive a tenancy area exists as in Goalpara itself. Why not then another Bill is introduced to make it applicable in the rest of Assam in conformity with the solemn Congress pledge! I make bold to say, Sir, so long as this Bill is confined to a small portion of the Province the solemn Congress pledge will stand unredeemed. That is why I characterise the Bill as discriminatory and invidious and as such opposed to the fundamental rights of citizens.

Then again such an important piece of legislation should have been based upon a thorough and comprehensive investigation—carried out through some kind of soundly constituted Land Reforms Committee as done in other Provinces.

But unfortunately the Government have not thought it fit to consult public opinion, at least the representatives of the tenantry affected and is trying to rush the measure in such a haste. I must remind the House that legislation is a sacred responsibility not to be taken so light-heartedly, particularly in a matter affecting the vital rights of millions. The very manner in which the Bill has been drafted betrays a sad lack of due thought and deliberation as well as insight and real knowledge of the problems involved. If it is the genuine interest of the Government to serve the interests of the peasantry they should have been much more cautious and judicious in drafting the Bill and not to do it in this most hap-hazard and half-hearted manner.

Now, Sir, before I conclude I should like to dwell upon the principles of the provisions touching the rights of the raiyats. These are to be found in clause 9 of the Bill. This clause far from enlarging the rights of the raiyats fixes the maximum limit of settlement to 100 bighas and takes away the excess over 100 bighas without compensation though the tenants concerned might have acquired occupancy right on it. There is also a provision to take away land without compensation for the purpose of co-operative farming and other measures of land reforms approved by Government. Do such drastic provisions exist in the rest of Assam? If not, why do the Government propose to thrust such unwelcome reforms on a part of the Province only by legislation? In this connection, Sir, let me revert to the Congress election manifesto again. It says, “While individual farming or peasant proprietorship should continue, progressive agriculture as well as the creation of new social values and incentives require some system of co-operative farming suited to Indian conditions. Any such change can, however, be made only with the goodwill and agreement of the peasantry concerned”. But what do we find in the Bill? Neither goodwill nor agreement but coercion and force against all democratic principles.

Now, Sir, hon. Mr. Sinha and hon. Mr. Phookan said that the land is for the tenants. May I ask them why then a limit of 10 years has been imposed

upon attaining the status of a land-holder? These people have been enjoying the land for several years. Why should not all of them, who are in occupation and possession of land, be regarded as land-holders under the Assam Land and Revenue Regulation? But here only those who have been in continuous possession for ten years will be given the status of a land-holder and the others will be given one or two years' lease as Government will like. Sir, there are provisions in the Assam Land and Revenue Regulation that at the first instance a man may be granted periodic lease on satisfaction of certain conditions and annual leases may be converted into periodic leases. Why, then, Sir, these people who have been enjoying the land permanently will not be granted status of land-holders?

Then, Sir, we can split this Bill into five parts. The first is "Definition, the second is vesting of tenures in the Crown, the third is interim arrangement, the fourth is compensation and the fifth is settlement operation with a view to effecting raiyatwari settlement". There is an anomaly in the matter of management of the estate during the interim period. It is provided that the estates will be administered by a manager under the Court of Wards Act, provisions of the Goalpara Tenancy Act mentioned in the Bill and also according to rules framed by Government. There is no definite or well-defined laws to govern the land tenure for the time being. It is up to Government to do whatever they like because they have the power of framing rules. Then, Sir, there is also the provision that the "Deputy Commissioner may, with previous sanction of the Provincial Government, refuse to recognise any new settlement, lease or transfer effected after the 1st day of January, 1946, in respect of any lands or buildings, etc." This clause applies to both permanent and temporary raiyats as well as new-comers. If the intention of Government is to remove the new-comers this clause should be applicable only to them. Why should unnecessary harassment be imposed on the permanent occupiers, who will have to go to the Deputy Commissioners and prove that they have come long ago and got permanent occupancy of the land? Why should not this clause be amended so as to make it applicable only in case of new-comers keeping the permanent occupiers' right in tact?

Then, Sir, under clause 9(2) (i) we find, "The *raiya*t shall be given the status of a settlement-holder as defined in the Assam Land and Revenue Regulation, 1886, subject to any restrictions which Government may by rules prescribe". Now, Sir, the Zamindari system is going to be abolished and the land tenure system is going to be changed as in the temporarily-settled areas. I should like to ask why should not the advantages given by the Assam Land and Revenue Regulation and the Assam Land Revenue Re-assessment Act be applicable to the newly created temporarily-settled areas? Instead there is the rule-making power of Government. That means to say, they are going beyond the Assam Land and Revenue Regulation and the Assam Land Revenue Re-assessment Act.

Then, Sir, if the intention of the Government is to do good to the tillers, I request that at the time of remodelling the Bill in the Select Committee they must look to the interest of the tillers of the soil. There is some misapprehension in the minds of the tenants, as Mr. Sinha just now said. It may be partly true; but there are reasons too.

Tenants getting land for one year or two years, may be removed from the land after that period. This cannot be conceived in the case of those who have been enjoying permanent settlement so long. This has created a misapprehension in the minds of the people who have been in possession of land for a long time. This misapprehension should be removed.....

(At this stage the clock struck 3 P. M.)

The Hon'ble the SPEAKER: Order, order.

Is it the sense of the House to sit after 3 P. M. ?

The Hon'ble Srijut GOPINATH BARDOLOI: We have no objection.

The Hon'ble the SPEAKER: How long will the hon. Member take to finish his speech ?

Maulavi Md. NAZMAL HAQUE: I will finish, Sir, in a few minutes.

The Hon'ble the SPEAKER: Is it the sense of the House to sit longer than 3. P. M. ?

(*Voices:* No, No.)

Adjournment

The Assembly was then adjourned till 1-30 P. M. on Friday, the 24th September, 1948.

SHILLONG:

A. K. BARUA,

The 18th November, 1948.

Secretary, Legislative Assembly, Assam.

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