



The Assembly met in the Assembly Chamber, Shillong at 1-30 P.M., on Friday, the 24th September, 1948.

P R E S E N T

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given.)

(Starred Question No. 24 standing in the name of Maulana Muhammad Mufazzul Hussain was not put and answered as the hon. Questioner was absent.)

Naharkatia Tea Estate

Srijut BHADRA KANTA GOGOI asked :

\*25. (a) Is it a fact that the Naharkatia Tea Estate has occupied a big plot of land of Dighalagaon Grazing ground in Naharkatia Circle, Dibrugarh Sub-division ?

(b) If so, what is the area by bighas ?

(c) Who gave them the occupancy right, when and why ?

\*26. (a) Are Government aware that Naharkatia is a rising town in Dibrugarh Subdivision ?

(b) Are Government aware, that the frequent and devastating floods of the Buridihing river since 1946 are causing great damage to this town by eroding the bank ?

(c) If so, do Government propose to take necessary steps to protect the town from the ravages of floods in future ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary) replied :

25. (a) & (b)—No, only a small plot covering an area of 6B. 3K. 15L.

(c)—The Commissioner in 1937 recognised occupancy right from 1919-20 on payment of premium and back revenue.

Srijut BHADRA KANTA GOGOI : 25 (a) আৰু (b) ৰ উত্তৰ গভৰ্ণমেণ্টে একেলগে দিছে। প্ৰথমতে কৈছে No, আৰু তাৰ পিছত কৈছে যে ৬ বিঘা ৩ কথা ১৫ লোচা। মাননীয় পাৰ্লামেন্টৰী চেফ্টাৰীক স্মিথ পাবোনে যে এই ৬/১৫ লোচা মাটিৰ কথা কৈছে, এইটো district বিপোর্ট নে আপোনালোকৰ বিপোর্ট ?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary): প্রশ্নটো পৰিষ্কাৰ হোৱা নাই। সেই কাৰণে পৰিষ্কাৰ কৰি কলে ভাল হয়।

**Srijut BHADRA KANTA GOGOI:** আপোনালোকে ৬৮১৫ লোচা মাটি দিয়া হৈছে বুলি কৈছে। মই এই প্ৰশ্নটো পঠিওৱাৰ আগতে চব-ডিপুটি কলেজিবৰ চাৰ্কেল অফিচলৈ গৈ নিজে চাই হে প্ৰশ্নটো পঠিয়াইছিলো। গভৰ্ণমেণ্টে যে এই ৬৮১৫ লোচা মাটিৰ কথা কৈছে, এই ৰিপোৰ্টটো কাৰ পৰা আনিছে?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary): আনি ডেপুটি কমিশ্যনাৰৰ যি ৰিপোৰ্ট পাইছো সেই মতে হে উত্তৰ দিছো।

**Srijut BHADRA KANTA GOGOI:** এই প্ৰশ্নটো দিয়াৰ আগতে মই নিজে সেই grazing ground লৈ গৈ তাত থিয় হৈ survey কৰাই দেখিছিলো যে মাটি ৫০ বিঘাবো বেছি হব। মই প্ৰশ্নত "why" বুলি শুধিছিলো কিন্তু তাৰ একো উত্তৰ দিয়া নাই। কিয় দিছিল?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary): এই মাটি ১৯৩৭ চনতে কমিশ্যনাৰ চাহাবে দিছিল। সেই মাটিখিনি ১৯১৯-২০ চনৰ পৰা বাগিচাৰ দখলত আছিল আৰু গভৰ্ণমেণ্টে সেই occupancy right স্বীকাৰ কৰি মাটি খিনি দি পূৰ্বৰ খাজানা আদায় কৰি লৈছিল।

**Srijut BHADRA KANTA GOGOI:** এই মাটি চাহ খেতি কৰিবলৈ দিছিল নে কি কৰিবলৈ দিছিল?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary): মাটিখিনি বাগিচাক দিয়া হৈছিল। কিন্তু কি কৰিবলৈ দিয়া হৈছিল, সেই প্ৰশ্ন ইয়াত নুঠে।

**Srijut BHADRA KANTA GOGOI:** মই কৈছো যে মাটি ৬৮১৫ লোচাৰ বেচি হব। এই বিষয়ে গভৰ্ণমেণ্টে কিবা enquiry কৰিব নে?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary): আপুনি যদি কিবা definite প্ৰমাণ দিব পাৰে তেন্তে সেই বিষয়ে enquiry কৰিব পৰা যাব।

**Srijut BHADRA KANTA GOGOI:** মই কোৱাটোৱেই definite প্ৰমাণ নহয় নে?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary): গভৰ্ণমেণ্টে এই ৰিপোৰ্ট আনিছে ডিপুটি কমিশ্যনাৰৰ পৰা আৰু আপুনি আনিছে চব-ডিপুটি কলেজিবৰ অফিচৰ পৰা।

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary) replied:

26. (a) & (b)—It may be so. This is a matter of opinion.

(c)—The mouth of the river Noadihing where there was a block has now been opened and 40 per cent. of the water from the Buridihing is now flowing down the Noadihing. Further measures will be taken this winter.

**Srijut BHADRA KANTA GOGOI:** প্রশ্ন ২৬ (৫) ত শুধিছিলো যে নাহৰকাটিয়া টাউন বানপানীৰ পৰা বন্ধা কৰিবৰ নিমিত্তে গভৰ্ণমেণ্ট কি ব্যৱস্থা কৰিছে? তেখেতে কৈছে যে নদিহিংগৰ মুখ খুলি দিয়া হৈছে আৰু শতকৰা ৪০ ভাগ পানী নদিহিংগে দি বৈ গৈছে। বুৰিদিহিংগৰ পানীয়ে নাহৰকাটিয়া টাউন প্ৰত্যেক বছৰে খহাব লাগিছে। মই জানিব খোজো নাহৰকাটিয়া টাউন বন্ধা কৰিবৰ কাৰণে কিবা ব্যৱস্থা কৰা হৈছে নে?

**Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary):** নাহৰকাটিয়া টাউন বন্ধা কৰিবৰ নিমিত্তে নদিহিংগৰ মুখ খুলি দিয়া হৈছে আৰু এতিয়া শতকৰা ৪০ ভাগ পানী নদিহিংগেদি ওলাই গৈছে। ইয়াৰ বাহিৰে যি ব্যৱস্থা কৰিব লাগে তাক কৰা হ'ব।

**Maulavi ABDUL HALIM:** Mr. Speaker, Sir, that the town of Naharkatiya is on the Buridihing river and the Buridihing is connected with Noadihing; so it seems that the hon. Parliamentary Secretary is correct in saying that.

### UNSTARRED QUESTIONS

(To which answers were laid on the table.)

#### Release of personnel opted for Pakistan

**Maulavi MUHAMMAD ABUL KASHEM** asked:

71. Will Government be pleased to state—
- (a) Whether all the personnel who opted for Pakistan on or before the 14th August 1947 have been released?
  - (b) If not, why not?
  - (c) What are the terms and conditions of the services of such personnel?
  - (d) Whether it is a fact that such officers who have not yet been released would be treated to be on deputation here in this Dominion?
  - (e) Whether some of the released personnel have been re-employed?
  - (f) If so, why?
  - (g) Whether they are aware that many petty officers and menials who first opted for Pakistan and subsequently changed their option for this Dominion, have been released from here?
  - (h) Whether they are aware that many such persons have not got any appointment in Pakistan?
  - (i) If so, whether they propose to re-employ such persons who belong to this State?
  - (j) If so, whether their past services would also be counted?
  - (k) Whether it is a fact that the Government of Assam want that such retained personnel should make declaration foregoing the privileges to which they are entitled according to Inter-Dominion Agreement?
  - (l) Whether Government propose to give a guarantee that all these officers will be retained till retirement when they have made declaration as desired?

- (m) If so, whether their pensions will be paid by this Government ?  
 (n) Whether Government propose to take steps to negotiate with the Government of Pakistan through the Centre for re-employment of all released personnel of Assam who subsequently changed their option for the Indian Dominion ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

71. (a) & (b)—Yes, except a very few retained on administrative and other reasons.

(c)—As existed before they exercised their options in favour of Pakistan.

(d)—When retained on administrative grounds the officers on giving the declaration foregoing the privileges allowed by the Inter-Dominion Agreement will be allowed to retain the conditions of service they enjoyed before recording their option for Pakistan.

(e)—A very limited number was re-employed before May, 1948.

(f)—For certain reasons.

(g)—Yes. The Government have no reason to think that such cases are many.

(h)—Government have no information.

(i)—Government are not prepared to make a general case.

(j)—No.

(k)—Yes. The Inter-Dominion Agreement offers certain privileges to such persons.

(l)—Officers retained will enjoy the privileges of the services to which they belong.

(m)—Yes.

(n)—No.

**Maulavi MUHAMMAD ABUL KASHEM** : As the number of such cases is not many, is it not possible for the Government to re-employ them ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI** : If they are within the Indian Dominion their cases will be considered, not only so but previous experience will also be taken into consideration by the appointing authority, provided their loyalty is beyond question.

**Maulavi MUHAMMAD ABUL KASHEM** : Have Government then declared that persons with loyalty will be re-employed when there is vacancy in Assam ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI** : Yes.

**Srijut SARAT CHANDRA SINHA** : In reply to Question 71(b), it has been stated—"Yes, except a very few retained on administrative and other reasons". May I know from the Government whether those already retained have been retained on administrative reasons or for loyalty to the State ?

**\*The Hon'ble Srijut GOPINATH BARDOLOI** : It has already been stated that they have been retained on administrative reasons and the number is very few at present.

**Arrest of persons without warrant by Home Guards**

**Maulavi MUHAMMAD ABUL KASHEM** asked :

72. (a) Will Government be pleased to state whether they have authorised the Home Guards to arrest persons without warrant ?

(b) If so, will Government be pleased to state the nature of offences for which they can arrest persons without warrant ?

(c) Is it a fact that the Home Guards are independent of the Police ?

(d) If so, will Government be pleased to state how the work of both the Police and the Home Guards are co-ordinated ?

**The Hon'ble Srijut GOPINATH BARDOLOI** replied :

72. (a) & (b)—Members of the Home Guards have been given the powers of a Police Officer and as such can arrest a person without warrant for the offences mentioned in Section 54 of the Criminal Procedure Code.

(c) & (d)—Home Guards were constituted in order to supplement the Police. They are liable to be called to duty by the District Magistrates and will be under the general control of the latter. It is for the District Magistrate to co-ordinate the work of the Police and the Home Guards. The exact mode of co-ordination will differ in regard to different fields of action according to the nature of problem.

**Construction of a Provincial Hospital at Jorhat**

**Srijut HARINARAYAN BARUA** asked :

73. Will Government be pleased to state—

(a) What steps have been taken for the early materialisation of the proposal regarding the construction of a Provincial Hospital at Jorhat ?

(b) Why works have not been started as yet ?

**The Hon'ble Srijut RAMNATH DAS** replied :

73. (a)—Most of the land has been acquired and plans and estimates are being prepared by the Public Works Department.

(b)—Because plans and estimates are not yet ready.

**\*Srijut HARINARAYAN BARUA:** Plan আৰু estimate কেতিয়া তৈয়াৰ হব বুলি আশা কৰে ?

**The Hon'ble Srijut RAMNATH DAS:** আমি সোনকালে plan আৰু estimate দিবলৈ কৈছোঁ।

**\*Srijut HARINARAYAN BARUA:** কিমান দিনৰ মূৰত হব ?

**The Hon'ble Srijut RAMNATH DAS:** কেতিয়া হয় কব নেৰাবোঁ। কিন্তু আমি plan আৰু estimate সোনকালে দিবলৈ কৈছোঁ।

\*Srijut HARINARAYAN BARUA: এই বছৰ ভিতৰতে হব নে ?

The Hon'ble Srijut RAMNATH DAS : এই বছৰ ভিতৰতে হব বুলি আশা কৰিব পাৰি।

### Projects under the Drainage and Embankment Scheme

Srijut PURNA CHANDRA SARMA asked :

74. (a) Will Government be pleased to enumerate the projects under the Drainage and Embankment Scheme and state the financial commitments under those projects ?

(b) Will Government be pleased to state whether they have undertaken any work under the aforesaid scheme and if so, where ?

(c) Have Government undertaken any scheme for training of the Kallang river ?

(d) Are Government aware of the damages caused to some roads in the rural as well as urban areas of Nowgong by the Kallang river and if so, what steps have been taken to stop them ?

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

74. (a)—A list of schemes executed up to date and those proposed for execution in the near future is laid on the library Table. Costs as far as available have also been shown.

(b)—Reply to (a) above will give the full information.

(c)—A scheme for training the Kullang river has been ordered by Government and is under investigation.

(d)—Yes. The breach in the Kallang bund has been filled up and protection works from river erosion are being undertaken.

### Calcutta-Dhubri Air Service

Maulavi ABUAL MAJID ZIAOSH SHAMS asked :

75. (a) Is it a fact that representations have lately been made to Government for linking Dhubri by air with Calcutta ?

(b) Are Government aware that almost daily planes are flying near about Rupsi aerodrome near Dhubri while coming to and going from Gauhati ?

(c) Will Government be pleased to state what steps have been taken by Government on the aforesaid scheme ?

The Hon'ble Srijut RAMNATH DAS replied :

75. (a) & (b)—Yes.

(c)—The matter is under correspondence with the Company operating the Calcutta-Gauhati Air Service.

**Road communications affected by floods in Mankachar**

**Maulavi MUHAMMAD ABUL KASHEM** asked :

76. (a) Are Government aware that due to incessant rains and flood this year the people of Mankachar, South Salmara and Lakhipur have been very much affected ?

(b) Are Government aware that engagement of willing able-bodied persons as labour in the neighbouring area will be of great help in saving the lives of many starving people ?

(c) Do Government propose to move the Railway authorities to take up the construction of surveyed Railway line this year from Mahendraganj to Goalpara ?

**The Hon'ble Srijut RAMNATH DAS** replied :

76. (a)—Yes.

(b)—Yes. Government understand that many able-bodied persons are being employed at present in the construction of the Medhipara-Fulbari-Tura Road.

(c)—Availability of labour is not the only factor to be considered in construction of new Railway lines. There are other important factors like finance, etc. These are being examined by Government in their correspondence with the Railway Board.

**Maulavi MUHAMMAD ABUL KASHEM**: With regard to (c), may I know whether the Government is moving the Railway Authorities to take up the construction of Railway line from Mahendraganj to Goalpara ?

**\*The Hon'ble Srijut RAMNATH DAS**: I have already stated that we have made correspondance with the Railway Board regarding this line.

**Barkhetri Group of Mauzas in Gauhati Subdivision**

**Srijut GAURI KANTA TALUKDAR** asked :

77. Are Government aware—

(a) that the Barkhetri group of Mauzas together with parts of the Khetridharmapur and other neighbouring Mauzas in the Gauhati Subdivision are subjected to flood almost every year ;

(b) that the main food-crops upon which the people of these Mauzas depend are *Ahu* and *Bau* ;

(c) that these crops are badly damaged almost every year by flood ; and

(d) that Government have to spend a good deal of money in giving these people gratuitous relief which seldom relieve them substantially ?

78. (a) If the reply to the above question be in the affirmative, will Government be pleased to state whether they have devised any means for improving the condition of the people on a permanent basis ?

(b) If so, what are those steps ?

\*Speech not corrected.



- (c) With a view to help these unfortunate people to overcome the evil effects of floods and to supplement their meagre resources, do Government propose to open one or more Agricultural Farms in certain suitable localities within the flood-affected areas and to start growing various food-crops and money-crops suitable to the localities on the subsidence of flood and prior to floods, so as to educate the villagers in such cultivations and to induce them to take to growing of such crops ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied :

77. (a)—Yes.  
 (b)—Yes.  
 (c)—Yes.  
 (d)—Yes.
78. (a)—No. The flood that affects these areas is not easily controllable.  
 (b)—Does not arise.  
 (c)—Government will consider the suggestion.

### Registration of Consumers Co-operative Stores or Societies

**Maulavi MUHAMMAD ABUL KASHEM** asked :

79. (a) Will Government be pleased to state why Consumers Co-operative Stores or Societies are registered ?  
 (b) Is it a fact that the wholesale cloth dealers had to pay Rs. 1,000 as share to ensure supply of their allotted cloth quota from the Dhubri Cloth and Yarn Dealers Society ?  
 (c) Is it a fact that the Society has ceased to deal in cloth and yarn due to appointment of some other dealer in its place ?  
 (d) Is it a fact that the share-holders are not getting back their money in spite of repeated requests ?  
 (e) Do Government propose to come to the rescue of these share-holders ?  
 (f) Do Government propose to see that without further delay the amounts due to the share-holders are repaid to them ?

**The Hon'ble Srijut OMEO KUMAR DAS** replied :

79. (a)—The Consumers Co-operative Stores or Societies are registered in order to enable them to have the privileges provided under the Co-operative Societies Act, II of 1912.  
 (b)—The nominal value of a share is Rs. 100, but members were required to buy shares of the nominal value of Rs. 1,600 to ensure supply of a bale of cloth.  
 (c)—Yes.  
 (d)—So far Government have received one representation and this is being enquired into.  
 (e)—Yes, as far as circumstances permit.  
 (f)—Government have caused an enquiry to be made into the constitution, working and financial condition of the Society. Government will do the needful on receipt of the enquiry report.

**Maulavi MUHAMMAD ABUL KASHEM:** With regard to (f), may I know whether by this time Government have received any information as a result of their inquiry?

**\*The Hon'ble Srijut OMEO KUMAR DAS:** No, we have not received any information.

**Maulavi MUHAMMAD ABUL KASHEM:** Is it not a fact that if action cannot be taken promptly then there will be difficulty for Co-operative Organisation in Dhubri Sub-division for the distribution of cloth and yarn?

**\*The Hon'ble Srijut OMEO KUMAR DAS:** Yes, action is being taken.

### Export and slaughter of cattle within the Province

**Srijut GAURI KANTA TALUKDAR** asked:

80. Are Government aware—

- (a) that a large number of cattle are almost daily being sent to the Khasi and Jaintia Hills District for slaughter from the District of Kamrup;
- (b) that a considerable number amongst them are milch cows; and
- (c) that a very big number of them are below ten years of age?

81. If the reply to the above Question be in the affirmative, will Government be pleased to state—

- (a) Whether they are taking any steps to prevent such export of (i) milch cows and (ii) cattle below 10 years of age?
- (b) If not, whether Government propose to ban the export and slaughter of such cattle?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR** replied:

80. (a)—Yes. We could say weekly rather than daily to be exact.

(b)—There are cows amongst them, but they are usually dry cows.

(c)—It is possible.

81. (a)—No.

(b)—Government do not propose to put any ban on the export of cattle within the Province.

The question of restriction on the slaughter of cattle in the Province is still under consideration.

**Srijut GAURI KANTA TALUKDAR:** Do Government propose to enact some law to prevent slaughter of milch cows and cattle under 10 years of age?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR:** Government has no such legislation in contemplation.

**Srijut GAURI KANTA TALUKDAR:** Then what is the meaning of the reply to Question 81(b).—“The question of restriction on the slaughter of cattle in the Province is still under consideration”?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** No legislation is in contemplation. The matter is still under consideration but Government have not yet decided whether they will restrict slaughter by some legislation.

**Srijut GAURI KANTA TALUKDAR :** Then how do Government propose to restrict such slaughter without legislation ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** This is an All-India question. The Government of India is taking this matter into consideration and we have been waiting to see what they decide.

**Srijut GAURI KANTA TALUKDAR :** Are Government aware that the Government of Bombay has undertaken such a legislation ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** This Government have no such information.

**Srijut GAURI KANTA TALUKDAR :** Will Government be pleased to enquire from other Provinces whether they have decided to do anything in this matter ?

**The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR :** I think that can be done.

#### **Imperial Telegraph Training and Commercial Institute, Jorhat**

**Mr. P. M. SARWAN** asked :

82. (a) Are Government aware that the Government Aided Imperial Telegraph Training and Commercial Institute at Jorhat is doing very useful work in giving Vocational Training to youngmen for the last 18 years ?

(b) Are Government aware that during the last 18 years many youngmen having undergone courses of training in the above Institute have received employment ?

(c) Do Government propose to sanction necessary grant to this institution to expand and carry on the present work and erect proper building ?

(d) Do Government propose to make land with a suitable site available for the convenience of constructing students' hostel as well as building for this institution ?

**Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary)** replied :

82. (a)—Yes, to a certain extent.

(b)—Government have no information.

(c) & (d)—There is no such proposal.

#### **Titabar Mihiram Saikia High English School**

**Srijut HARINARAYAN BARUA** asked :

83. (a) Will Government be pleased to state whether they propose to convert the Titabar Mihiram Saikia High English School into an Academic High English School ?

(b) If so, when ?

**Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary)** replied :

83. (a)—Government have no such proposal at present.

(b)—Does not arise.

\***Srijut HARINARAYAN BARUA** : গভৰ্ণমেণ্টে অনুগ্রহ কৰি আশ্বাস দিবনে যে তিতাবৰ হাইস্কুল খন একাডেমী হাইস্কুলত পৰিণত হব ?

**Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary)** : নতুনকৈ যেতিয়া একাডেমী হাইস্কুল লোৱা হব তেতিয়া আন স্কুলৰ লগতে তিতাবৰ হাইস্কুলৰ কথাও বিবেচনা কৰা হব ।

**Srijut DANDESWAR HAZARIKA** : মই প্রশ্নকাৰী বৰুৱা ডাঙৰীয়াৰ শুধিব পাবোনে যে তেখেতে তিতাবৰ হাইস্কুলত কি হিচাপে importance দিছে ? তেনেকুৱা important হাইস্কুল বহুতো আছে ।

\***Srijut HARINARAYAN BARUA** : এই স্কুলৰ importance সবন্ধে বোধ হয় তেখেতে ভালকৈ জানে ।

(*A voice* :—তেখেতৰ পৰা জানিব নোখোজোঁ—আপোনাৰ পৰাহে জানিব খোজোঁ ।)

#### Selenghat High English School

**Srijut HARINARAYAN BARUA** asked :

84. (a) Will Government be pleased to state what amount of grant-in-aid has been sanctioned for the Selenghat Aided High English School ?

(b) Do Government propose to increase the grant for the said school ?

(c) Do Government propose to open a Vocational Agricultural Training Class in the said school ?

(d) Is it a fact that there is a big plot of high (Grazing) land near the said school which belongs to Government ?

(e) Do Government propose to allot a portion of this for the said purpose ?

(f) If not, do Government propose to convert the said school to a rural Polytechnical School ?

**Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary)** replied :

84. (a)—A recurring grant-in-aid of Rs.75 per mensem.

(b)—An additional grant of Rs.60 per mensem has been sanctioned to entertain a science teacher during the current year.

(c)—There is no such contemplation.

(d)—Government have no information.

(e)—Does not arise.

(f)—There is no proposal.

**Dhemaji High English School and Sissi Borgaon Middle Vernacular School**

**Srijut BIJOY CHANDRA SAIKIA** asked :

85. (a) Are Government aware that the people of Dhemaji and Sissi Mouzas are educationally backward ?

(b) If so, do Government propose to take over the Dhemaji Middle English School and the Sissi Borgaon Middle Vernacular School as Government Schools ?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary) replied :

85. (a)—May be as many other backward areas in Assam.

(b)—Government will consider the possibility and desirability in taking over the Institutions in the light of the Institutions in similar backward areas in the Province.

**Meetings of the Text Book Committee**

**Dr. EMRAN HUSAIN CHAUDHURY** asked :

86. Will Government be pleased to state—

(a) The dates on which the meetings of the Text Book Committee were held during 1947 ?

(b) Who were the members present in those meetings ?

(c) What decisions were reached by them ?

(d) In view of the reorientation of text books following the achievement of independence, whether Government propose to take necessary steps so that the Text Book Committee meetings may be held every four months so as to expedite introduction of suitable text books in schools ?

**Srijut MAHENDRA MOHAN CHOUDHURY** (Parliamentary Secretary) replied :

86. (a)—There was no meeting of the Text Book Committee during 1947.

(b)—Does not arise.

(c)—Does not arise.

(d)—The formation of a committee to prepare a revised curriculum to meet the requirements of the new set up is under consideration of Government.

About more frequent meetings of the Central Text Book Committee—the matter may conveniently be discussed in the next sitting ; and Government will take into consideration the Committee's recommendation in coming to a decision in the matter.

**Dr. EMRAN HUSAIN CHAUDHURY**: My question is : "Will Government be pleased to state the dates on which the meetings of the Text Book Committee were held during 1947" and the reply given by my esteemed

Friend, Srijut Mahendra Mohan Choudhury (Parliamentary Secretary), is "There was no meeting of the Text Book Committee during 1947". I want him to reconcile the statement made by him on a similar question on 2nd April 1948 with the reply that has been given to me to-day. The question put by Srijut Purna Chandra Sarma in the last Budget Session was this: "Will Government be pleased to state (a) when the last meeting of the Text Book Committee was held; (b) how many meetings of the Text Book Committee were held during the last two years and the dates of their sittings".....

**The Hon'ble the SPEAKER:** Hon. Member is reading from what?

**Dr. EMRAN HUSAIN CHAUDHURY:** I am reading from the proceedings of the last Budget Session. To a question put by my Friend, Srijut Purna Chandra Sarma, the answer given by my esteemed Friend, Mr. Choudhury was that "three meetings were called during the period—one held on 11th and 12th December, 1946 and the two other meetings could not be held for want of quorum". The first meeting of the Text Book Committee was held on December 11th and 12th, 1946.....

**The Hon'ble the SPEAKER:** Your Question is with regard to 1947.

**Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary):** One meeting was held on 11th and 12th December 1946 and two meetings could not be held in 1947 for want of quorum.

**Dr. EMRAN HUSAIN CHAUDHURY:** Were the members of the Text Book Committee given notice regarding these meetings?

**The Hon'ble the SPEAKER:** The Question was whether a meeting was held in 1947 and the reply is in the negative.

**Dr. EMRAN HUSAIN CHAUDHURY:** All that I want is reconciliation of the two statements.

**The Hon'ble the SPEAKER:** Has not the hon. Member been able to understand that no meetings were held in 1947?

**Dr. EMRAN HUSAIN CHAUDHURY:** The Question of my Friend, Mr. Sarma, was how many meetings of the Text Book Committee were held during the last two years *i.e.* 1946 and 1947 and the dates of their sittings. The reply was that 3 meetings were called during the period—one held on 11th and 12th December 1946 and the two other meetings could not be held for want of quorum.

**The Hon'ble the SPEAKER:** In what year?

**Dr. EMRAN HUSAIN CHAUDHURY:** I think in 1947. Can Government assure the House if notice was given to the members of the Text Book Committee regarding those meetings?

**The Hon'ble the SPEAKER:** That Question does not arise and hence disallowed.

**Damages done to paddy by hail storm in Tingkhong and Jaipur Mouzas.**

**Srijut BHADRA KANTA GOGOI** asked :

87. (a) Will Government be pleased to state whether they have received any representation from the public of Tingkhong and Jaipur Mouzas, Dibrugarh regarding damages of Sali paddy by hail storm in the month of November, 1947 ?

(b) If so, what steps are being taken to give relief to the sufferers ?

**The Hon'ble Srijut BISHNURAM MEDHI** replied :

87 (a)—Yes, some representations were received by the District Officer from certain villagers.

(b)—The local officers made a field to field enquiry and recommended a remission of Rs.275-9-0 (land revenue Rs.255-11-0 and local rate Rs.19-14-0) which has been sanctioned by Government.

**Re: Bank Crisis**

**Maulavi AFAZUDDIN AHMED**: মাননীয় সভাপতি ডাঃবীয়া, মই এটা কথা শুনিব খোজোঁ। আজি অলপ দিন হৈছে হঠাৎ কিছুমান বেঙ্কৰ কাৰবাব বন্ধ হৈ গৈছে। এই কাৰণে depositor আৰু কাৰবাবী মানুহ বিলাকৰ মনত এটা nervousness ব ভাব আহি গৈছে। এই সম্বন্ধে গভৰ্ণমেণ্টৰ পৰা কিবা জানিব পাবোনে ?

**The Hon'ble Srijut GOPINATH BARDOLOI**: We have heard that there was a run on Nath Bank and some other Banks in Shillong, also on Pioneer Bank, Calcutta Commercial Bank and Mahaluxsmi Bank. I do not know anything definite about this: all that I know is from what I have read in the papers and from the statement that was made by Dr. B. C. Roy, Premier of West Bengal. I feel that my knowledge is as personal as any other Member's. In Calcutta there were runs on these and other banks also. I actually do not know what are those banks. But in regard to Nath Bank, this morning a paper was sent to me where I found that the Reserve Bank has undertaken cent per cent. liability of the Nath Bank. This is all my information.

**The Assam State Acquisition of Zamindaris Bill, 1948.**

**The Hon'ble the SPEAKER**: Yesterday the discussion on the Assam State Acquisition of Zamindaris Bill could not be finished. Let it be continued now.

**Maulavi MD. NAZMAL HAQUE**: (Continued) Mr. Speaker, Sir, much was already said yesterday on this matter. Now I wish to speak a few words on compensation, but at the same time I do not like to enter into details. In the second proviso of sub-clause (iii) of clause 6 (1) it is stated 'Provided further that the limit of 300 bighas shall apply again whenever the aforesaid large scale farming has ceased to exist, and the Government may, by notification, resume the excess without any compensation.' I may also read out the proviso under sub-clause (c) of clause 9(2) which runs thus, "Provided that the limit of 100 bighas may be relaxed in case of a 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. Provided that the limit of 100 bighas shall apply again whenever such large-scale farming ceases to exist, and the Government may by notification resume the land can be acquired from the land-holders without any compensation. Will it not be against the laws of equity that no cost or compensation will be paid for the land so acquired ?

Now, Sir, with the change of time and circumstances the land-tenure system in Assam is going to be changed. It is mainly with a view to bring in agrarian reforms which should be on provincial basis, and not on district basis. The Bill is going to take away the existing rights and interests of the Zamindars, intermediaries and also along with them the Permanency of the rights of the tenants or raiyats. As such all such interests should be given full opportunity to place their view points before the Select Committee. As there has been an apprehension in the minds of the public of my District as a result of some propaganda that the estates and the raiyats are going to lose their interests and rights in the land, I request Government to hold one sitting of the Committee at Goalpara and one at Dhubri so that the tenants and others may place their view points for the consideration of the Committee.

I offer my congratulations to the Government for bringing in this Bill with such a preamble as State Acquisition of Zamindaris Bill.

With these few words, Sir, I resume my seat.

**The Hon'ble Srijut RUPNATH BRAHMA:** Mr. Speaker, Sir, I feel that I should say something on this Bill as it vitally affects the people of my constituency in the District of Goalpara. Much has been said on the merits and demerits of the Bill by both sides of the House, and from the discussion it seems clear that there is no dispute over the main principles of the Bill, that is, about the abolition of the Zamindari system and compensation to be paid to the land-lords or land-holders. So far as the rights of the raiyats are concerned it has been stressed by some of the hon. Members that the raiyats should not be deprived of their existing rights which they enjoy under the Goalpara Tenancy Act. Rightly or wrongly there has been some agitation and strong apprehension in the minds of the people there that the rights and privileges which have been enjoyed so far by the raiyats under the Goalpara Tenancy Act are now going to be curtailed by this Bill. In view of this, Sir, I hope the hon. Members who will be in the Select Committee would closely scrutinise those rights and privileges and would give due consideration to see that they are not curtailed. If there be any defects in the clauses of the Bill I think it will be within the scope of the Committee to amend them and hon. Members will get opportunity to give due consideration to them. With this submission, Sir, I don't like to proceed further.

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir, after what has been already said by various hon. Members of this House I had no intention to take part in the debate, but, Sir, if I speak a few words now I do so with a view to remove some wrong impression that seems to have been created in the minds of many hon. Members. Probably the nomenclature of the Bill is responsible for such an impression. It seems that many hon. Members have thought that by this piece of legislation the rights and interests of only the Zamindars would be taken away and by the word "Zamindars" they visualise only the wealthy Zamindars having very big income, rolling in wealth, living in palatial buildings, and very often far away from their Zamindaris which are



left solely to be managed by their Managers or other officers. Besides that, impression has also gained ground that all Zamindars are Zamindars since the time of Permanent Settlement. But, Sir, if we look into the provisions of the Bill it will be seen that it will take away not only the rights and interests of the such big Zamindars whose number would not be, I think, more than a few dozen, but, it will also acquire the rights and interests of the all proprietors, tenure-holders and other rent receivers. Now if we scrutinise the matter a little further it will be found that in Goalpara there are only nine Zamindars who probably got their Zamindaris since the time of Permanent Settlement. But what is the number of other interests that is going to be acquired by this Bill? Though I have no personal knowledge of Goalpara, my information is that their number, including those of the tenure-holders and rent receivers, will not be less than 40 to 50 thousand and of these a few dozens have income of more than Rs. 5,000 per annum. And in the case of Karimganj the position is far worse. Here there would not be more than a dozen who have got annual income of over Rs. 5,000. In the present circumstances when cost of living is very high, even a sum of Rs. 5,000 annually is hardly sufficient for decent living of a big family. Now what is the total number of proprietors, tenure-holders and other rent receivers at Karimganj?

I tried to get the names and number of the proprietors from the local Tahsil Office, but I was told that Government have no records to show the names and number of the Zamindars or proprietors, much less to indicate the description of their respective properties, but they told me that from the Chalans by which revenue is deposited it can be said that the number would be roughly 75 to 80 thousand. If that be the number of the proprietors then what will be the number of other interests such as the tenure-holders and other rent receiving interests? It will also be another few thousands. So taking these two districts, namely Goalpara and Cachar—of course I mean Karimganj,—I think, even on a conservative estimate the number of the Zamindars having an income of more than five thousand rupees would not exceed four or five dozens, whereas the number of persons that will be affected by this Bill would be nearly about a lakh. By this one lakh, Sir, I mean a lakh of families. If we take their dependents into calculation, it seems, Sir, that about a million people will be affected by this legislation and of these one million people overwhelming majority have got an income varying from fifty rupees to few hundred rupees and as such they can hardly make their two ends meet. Most of them cannot afford to maintain any officer or to incur any expenses for collection of their rents. These people again are not Zamindars from the time of the Permanent Settlement. 99.9 per cent. of these people purchased their lands at full market value as land was so long considered as one of the safest forms of investment. So, Sir, I think when we consider this Bill this back ground should not be lost sight of merely because of the fact that the Bill is named as the "State Acquisition of the Zamin-daris Bill", as Zamindars in the real sense of the term would not be more than a few dozens, although about a lakh of families would be affected by this legislation. These petty land-lords or rather peasant proprietors whose interests are being acquired could not get any enhancement of their rent for the last 15 years, though the price of all essential commodities and wages of all forms of labour have risen by more than 300 per cent. It is therefore only fair that this hon. House would give their sympathetic consideration to the cases of these unfortunate people and I hope, the Select Committee would favourably consider their case in assessing the rate of compensation.

In this connection, Sir, I cannot help referring to the point raised in this House by the hon. Leader of the Opposition about preparation of records

of rights. From what I have said it will be clear to every one in this House that out of this one lakh of families affected, not even few hundred will be able to produce any papers worth the name. Most of them have got no papers at all and under such circumstances, I do not know how this Bill could be given effect to without a complete record of rights. The Government also have got no papers even for the Lakhiraj Estates. The other day the following Question was put in this House: "Will Government be pleased to state the total number of Lakhiraj Estates in Karimganj Sub-division and the total area covered by them?" The reply given was that: "the number of estates is 65 and the area is approximately 375 acres. These are not accurate figures as the boundary has not been demarcated". If, even with regard to Lakhiraj Estates the Government position is like this, what can be expected of these petty landlords, 99 per cent. of whom have no officer to maintain a regular set up collection papers. Under the circumstances, Sir, I don't know how Government propose to give effect to clause 3 of this Bill which runs as follows:—"3(1)—The Provincial Government may, from time to time, by notification declare that the estate or tenure of a proprietor or tenureholder specified in the notification shall stand transferred to and vest in the Crown free from all encumbrances". Without any reliable papers I don't know, Sir, how this notification will be prepared when the name or number of such proprietors, much less the description of their property, is not known. It is also not understood how the gross and net income of such petty landlords would be determined and how their respective compensation would be calculated. The Bill requires that in determining the gross income average of 15 years income would have to be taken. But how to get collection papers of 15 years from persons who had no collection papers at all?

There is no record of rights either at Goalpara or at Karimganj. But the position is far better in Bengal. In Bengal there is record of rights for almost every district, but this record of rights is not up to date. So in the report of the Flood Commission they have recommended that "revision of record of rights is an essential preliminary to a scheme of State acquisition". I will read the extract from their Report where this recommendation has been made. I refer to clause 103 at page 46, which runs thus:—"103. Revision of Record of rights essential—Although the loan to be raised in order to pay compensation in cash may strain the financial resources of the Province, we may point out that it would not be necessary to raise the entire amount at the same time. The revision of the record of rights would be an essential preliminary to a scheme of State acquisition and it would therefore be possible to raise the loan by instalments of perhaps 4 crores, as the work in each district was completed, and the compensation assessed". In accordance to this recommendation, the Bill for abolition of Zamindari that has recently been introduced in the East Bengal Assembly provides in the second chapter the procedure for preparation of record of rights. After the preparation of record of rights Compensation Assessment Roll would be prepared and after that roll is finally adopted and published notification for vesting of the estates will issue. I think, Sir, that this is the correct procedure which should have been followed here also. Of course in the Bihar Bill from which most of the provisions of the present Bill have been taken, there is no provision for preparation of the record of rights, but, Sir, it appears from proviso to clause 6 of that Bill that there is already a record of rights there and as such fresh preparation of such record was not considered necessary. This is the proviso to clause 6 of the Bihar Bill:—

"Provided that nothing contained in this sub-section shall entitle a proprietor or tenure holder to retain possession of any land recorded a Chaukidari, Chakran, or *goraiti* Jagir or *mafigoraiti* in the record of rights".

It is thus clear that both in Bihar and in Bengal preparation of a complete record of rights have been considered to be an essential preliminary to State acquisition. I therefore hope that the Select Committee would make this important provision in the Bill. Otherwise, I am afraid, it will not be possible to give effect to this legislation.

Before I conclude I like to say a word with regard to the encumbered estates because nothing has been said by the previous speakers regarding this. In the Bill, encumbered estates have been dealt with in clause 13. It is well known to hon. Members that most of the big estates are more or less encumbered. It is also not unknown that due to such indebtedness many such estates try to come under the Court of Wards. Now the loans that were given to these estates must have been advanced on the basis of the market value of their property. But the compensation now proposed to be given would not, I think, exceed even one-fourth of the market value of such property. It is therefore obvious that the compensation they would get would be much less than the loan advanced and as such most of them will have to be dealt with according to the proviso (c) to clause 13 (6). It says: "Where the claim allowed exceeds the amount of compensation payable by more than 20 per cent. of the compensation money, the whole amount of compensation shall be paid to the creditor and the proprietor, tenure-holder or the co-sharer shall be paid nothing". That is to say most of them would get absolutely no compensation. If that is so, what would be the fate of these unfortunate owners of encumbered estates? I will cite one typical instance, which affects even the Assam Government. I refer to the case of Dewan Manikchand Estate. The gross income of that estate is about Rs.1,30,000. After making all the deductions according to the provisions of this Bill I do not think the net income will be more than Rs.75,000. In clause 13(1), sub-clause (g) it is stated that where the Net Income exceeds Rs.50,000 but does not exceed Rs.1,00,000, the total compensation payable will be four times such Net Income. So this estate can at best expect to get compensation upto three lakhs of rupees. But the Government of Assam guaranteed a debenture against this estate for rupees 12 lakhs in 1945. I think Rs.50,000 has got to be paid as interest annually. Now if that estate gets only 3 lakhs as compensation who is going to pay the balance of nine lakhs of rupees? Here in this case not only the owner of the estate would get nothing, but the Government would also suffer a loss of about 9 lakhs, if not more. So these cases deserve special consideration and I hope the Select Committee will give due consideration to these cases along with the cases of small landlords about whom I pleaded before.

We are thankful to the Government for the assurance that has been given by the Parliamentary Secretary in his opening speech that they would give a fair deal to all interests affected and I hope we would get a tangible proof of such assurance in the Select Committee. With this hope and with these few words, Sir, I support the Motion.

**Maulavi MUHAMMAD ABUL KASHEM:** Mr. Speaker, Sir, I will not repeat the points already stated and I will not take much time of the House. First of all I take the opportunity to congratulate the author of this Bill, and also the Parliamentary Secretary who introduced the Bill so far as the title of the Bill is concerned. While I saw this Bill at first I thought of it very lightly that only the Zamindari is going to be abolished. But when I began to study the preamble I found there were "certain other estates in the District of Goalpara" and I thought that I should give serious consideration to this. When I reached the stage up to clause 3 I was practically frightened; when I reached clause 9 tears rolled down my eyes. I found that the Bill is not for the abolition

of Zamindary alone but also for curtailment of the rights and privileges of the tenants and tenure-holders of Goalpara and Cachar Districts.

Before I deal with this question, Sir, first of all I want to say to the Government that the list of permanently-settled estates as has been made is not correct, because they have mentioned only of one estate in the Garo Hills where there are more than one estate. There is an estate called Lakhiraj Pirpal Bakhlai. They pay 12 per cent. as local rate. The Government of Assam pays 75 per cent. of the total collection from Zamindaris of Mechpara and Karaibari. Let them first rectify this before the Committee meets.

I must say that this Bill may be compared with a sweet scented rose plant underneath which there is a poisonous snake and any one going to pluck the rose will be simply taken to his grave. This Bill is coloured like that. Here in this Bill we find that the tenants have been affected in many ways. I will give a list of these afterwards. First of all let me say about Lakhiraj Estate.

There is an Act for the protection of shrines in other parts of Assam. The author of the Bill belongs to Hajo where there are shrines, both for the Hindus and the Muslims; these are managed by Committees and the income derived is spent for beneficial purposes. The people of Goalpara and Cachar (Karimganj side) should not be deprived of these privileges. They should also be treated equally.

Sir, if you kindly allow me to speak out what is working in our minds on this Bill, I can finish my speech within a few minutes. The thing is that we are not getting justice from the Government in land settlement matters. Sir, you remember fully well that in the year 1946 in September, while an Adjournment Motion was brought before the House for discussion regarding the deplorable condition of the people of the Dhubri South Bank, especially those of South Salmara, whose houses were eroded, the Government assured us that they would enquire into the matter. The Hon'ble Premier was kind enough to take a sympathetic view of it and as a result one thousand *bighas* of land were sanctioned from the *char* land of the Garo Hills for these people and applications were invited. But, ultimately, Sir, an order from the Secretary, Revenue Department, has been issued cancelling that order, and those people are now practically homeless and suffering untold miseries. This year, Sir, the same thing has happened and whenever I go to Government for redress, they say that for the sake of tribal interest they cannot see to the interest of these people. May I ask, Sir, what is their fault?

**The Hon'ble the SPEAKER:** What is the relevancy?

**Maulavi MUHAMMAD ABUL KASHEM:** The relevancy is there, Sir, that we are not getting justice from the land settlement policy and if the present Bill is passed we shall be nowhere.

**The Hon'ble the SPEAKER:** This is only an apprehension.

**Maulavi MUHAMMAD ABUL KASHEM:** Yes, Sir, but this is a real apprehension. Land is not given to them for tribal interest, but, Sir, these people have got a much better claim than the tribals. This portion of the Garo Hills was originally a part of the Goalpara District, and in 1874, while Assam was formed into a separate Province, Garo Hills were made a separate District and this portion of the Goalpara District was tagged to that. That is why these people are suffering, Sir. Moreover, if you go into the history you will find that the tribal people of the Garo Hills, even the Garos themselves,

came later than these people of that area of the Goalpara District. Still, Sir, for no reason we are treated like cats and dogs and do not receive due consideration at the hands of Government..... (Voices:—How is it relevant to this Bill, Sir?) Quite relevant. I am pointing out that we are not getting justice from Government in respect of land settlement and if this Bill is passed our position will be worse.

Moreover, Sir, I want to bring to your notice one salient feature. Very recently the Deputy Commissioner of the Garo Hills has issued notice to the people of the Goalpara District, who have periodic *pattas* and are, as such, treated as land-holders, for showing cause why their *pattas* should not be cancelled. Why? Because they have given their land on *adhi* system to the people of the Goalpara District. This is their fault. The people of that portion of the Goalpara District have not got sufficient land, and it was the duty of Government to provide them with land, but instead of doing that, they have prevented the *adhiars* from getting land even on *adhi* system by serving notices on land-holders and *Pattadars* who gave their land on *adhi* system to these people. Although in other parts of Assam we are making provision for the protection of the *adhiars*..... (A voice:—Why have you got so excited?) I am not excited; I am only speaking loudly so that every one may hear (Interruptions). No amount of interruption will disturb me. I would request you, Sir, to consider this. That while in other parts of Assam we are making provision for protecting the interests of the *adhiars*, in another part of the same Province and under the administration of the same Government the *adhiars* are not only given any protection but have..... (Voices:—How are all these relevant to the Bill, Sir?)

**The Hon'ble the SPEAKER:** The land settlement policy is something quite different from the enactment before the House.

**Maulavi MUHAMMAD ABUL KASHEM:** My point is, Sir, that even if we are given the facilities of periodic *pattas* under this Bill we are not sure that we will be able to retain them. (A Voice:—He is criticising the land settlement policy, Sir).

**Maulavi Saiyid MUHAMMAD SAADULLA:** I think, Sir, what my hon. Friend means to say is this: even at present in spite of the fact that some of the local people have got periodic *pattas*, by executive order from the Deputy Commissioner, Garo Hills, that right is being cancelled because they let out their land on *adhi* system. After this Bill is passed all these people will come under the *raiyatwari* system of the Government, and in that case they will be far more subject to similar executive orders. That is his point.

**Maulavi MUHAMMAD ABUL KASHEM:** Though my Friends are impatient I must say “চুন খেয়ে মুখ পুড়িলে, দই দেখে ভয় করে”  
(A voice:—We don't understand Bengali.)

**Maulavi MUHAMMAD ABUL KASHEM:** You do, but if I translate it into Assamese it will mean “চুন খাই মুখ পুৰিলে দই দেখি ভয় লাগে”।

(A voice:—But this is real *dai*).

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, from the manner in which we are being treated, we apprehend that if this Bill is passed we shall be nowhere. My hon. Friend, Mr. Sarat Chandra Sinha, said that there was no cause for any fear. He said that he belongs to an agriculturist family and is one of the poorest of the poor. Even taking all his statements to be true, I say, Sir, that I also belong to the cultivating class, and I know that there are real reasons for fear, especially, Sir, when we find in clause 9 that the tenants will be given settlement subject to restrictions imposed by this Government. What sort of restrictions will be imposed has still been kept in the dark.

There is a reasonable fear that such tenants shall not remain there; and for giving periodic *patta* or the status of land-holder, Government have made a provision for issuing periodic *patta* only to those who have been in possession of the land for 10 years. But, Sir, how can this be applicable in the Goalpara District? In the Goalpara District as soon as a man purchases a land, he continues to be in possession of the land until for arrears of revenue or by transfer of property he is removed from it. Here, Sir, according to the pledge given by the author of the Bill and also by the Parliamentary Secretary same kind of *raiayatwari* system will be introduced here. Even according to rule 8 of the Assam Land Settlement Regulation a man who purchases a land from a periodic *patta*-holder, he becomes the holder of the periodic *patta* on the very day of such purchase. So, from the date of purchase he becomes the master of the land. Why this should not be made applicable in the case of the people of Goalpara and why should there be a restriction of 10 years? Should anyone possessing land be denied the right of land-holdership as defined in the Assam Land and Revenue Regulation, 1886?

**The Hon'ble the SPEAKER:** The hon. Member is proposed to be on the Select Committee and he will get opportunity to speak on these points.

**Maulavi MUHAMMAD ABUL KASHEM:** Sir, my request to the House and also to the hon. Members is that they should take into consideration these most salient points while submitting their reports and also the point of the Hon'ble Mr. Brahma who has already said that the rights of tenants should be maintained by the Crown. Then, Sir, the provision for fixation of the maximum limit of land that a proprietor or tenure-holder should possess should not also remain there.

Then, as for the statement regarding graded compensation for intermediaries, as was said yesterday by my hon. Friend, Mr. S. K. Barua, it seems hardly justifiable, because when land is purchased at wholesale rate, it is obtained at a cheap rate, but while it is in retail rate, the rate becomes higher. So, he is not right in saying that the intermediaries should be given a flat rate of compensation. Government have provided compensation to all Zamindars irrespective of their questionable and unquestionable rights. According to Floud Commission's finding there are four kinds of Zamindars—Firstly those who are independent chiefs and paid tribute to Moguls, secondly those who possessed lands and subsequently paid tributes to the Moguls, thirdly those who were mere collectors, fourthly those who were merely big farmers. The Commission recommends compensation only to two first kinds of Zamindars. They agree that the third grade of Zamindars have got some claims. The Commission emphatically denies any compensation to the 4th class of Zamindars. Government should take this into consideration and the Select Committee members should see whether we can get rid of 50 per cent. of compensation

now fixed by Government. The hon. Parliamentary Secretary has said that 50 per cent. of landlords have disputed rights. We must ask the Zamindars to prove whether they were landlords or collectors. If they cannot prove it, then we will recommend no such compensation for them. Of course, I support him when he says that they should get compensation for waste land. He has also said that there is also Government income from other sources, *i. e.*, stamp and other things, but the people had to pay additional taxes. About the Lakhiraj estates, he said that these estates should remain there without assessment, but all such estates except those which are for religious purposes will and must be assessed. As regards deduction for collection by petty proprietors, I support his view in this that some petty *jotdars* and tenure-holders do not actually employ collectors. These should be given consideration by the Select Committee.

As for Mr. Phookan's proposal that the tillers of the soil should have possession of land and that they will not be thrown into the Brahmaputra, we welcome it. We want that our people are not thrown into the Brahmaputra or their land is not made grazing reserve or other reserves. Let the tillers of the soil have possession of the land till some more reforms come in. He further said that the British Government did not recognise these things, but I say that they and the present Government do not. Because according to the Floud Commission's report "the Zamindar enjoyed his estate subject to and limited by the rights and interests of the raiyats". So, the raiyats' rights were there and the Zamindars' rights were subjected to curtailment by the rights of the tenants. So, there were rights of the raiyats and they wanted to make provision for further rights. Therefore, I say that my hon. Friend should now go back to the Britishers.....

**\*Srijut NILMANI PHOOKAN:** The present Government want to give a fight to them.

**\*Srijut SARAT CHANDRA SINHA:** The British Government made the Zamindars the proprietors of the land, while this Bill makes the raiyats the proprietors of the land.

**Maulavi MUHAMMAD ABUL KASHEM:** Then we have nothing to say, we want that only and nothing more.

As for compensation for *Khas* land of the proprietors and tenure-holders, its valuation should be different as the Zamindars had to pay very small amount while tenure-holders have to pay more money for *Khas* land.

My Friend Mr. Sen's objection for inability of the Government to immediately acquire the Zamindari, I say, Sir, that there is a *via-media*. There is, of course, clear recommendation from the Floud Commission that the revision of the record-of-rights is an essential preliminary for State acquisition. Taking this data, Sir, we may at once declare all the properties of the Zamindars excepting private land to be acquired by the State and after declaring that we may pause for a while and appoint our Managers for managing that area as is done in the case of the Court of Wards till the record-of-rights are not prepared.

**\*Babu KAMINI KUMAR SEN:** On a point of information, Sir, what is the definition of Zamindar?

\*Speech not corrected.

**Maulavi MUHAMMAD ABUL KASHEM:** Zamindar is the person who directly possesses land under Government.

**\*Babu KAMINI KUMAR SEN:** Even if a man possesses land to the extent of one Bigha, will he be considered as a Zamindar?

**Maulavi MUHAMMAD ABUL KASHEM:** I have already made provision for such a person. His lands shall be "private lands" and shall not be acquired by the State.

As a Court of Wards Manager, the Manager will manage the estate as it is and he will arrange preparation of the record-of-rights and as soon as the record-of-rights for the whole of Assam will be available, some reform will be introduced when we may also do away with the intermediaries in Goalpara District along with intermediaries in Kamrup and other districts. If we eliminate intermediary only in Goalpara District, it will be surely an injustice. I think, Kamrup District has been exempted from the operation of this because there are some owners there who are Hon'ble Ministers and hon. Members of this House and who possess large areas of land. (Dr. Emran Husain Chaudhury: Who are the Ministers and Members? Can you name some?) Yes, I know, that the author of this Bill has got enough of land and my Friend, Mr. Beliram Das, has got also above 100 *bighas* of land. So, Sir, along with the abolition of intermediaries in Goalpara District intermediaries of all the districts in Assam must go at a time.

With these words, I would request the Hon'ble Minister and also the Members of the Select Committee that they do not take recourse to the dilatory tactics and recommend to the House for immediate acquisition of the rights of the Zamindars without affecting the rights of the tenants—Zamindari must be abolished for increased income to the State though not directly for the interest of the tenants—State shall try to spend this additional income for the benefit of the tenants of the Districts of Goalpara and Cachar from which this will be derived.

With these words, I resume my seat.

**Srijut DANDESWAR HAZARIKA:** On a point of information, Sir, is there no time limit for every hon. Member?

**The Hon'ble the SPEAKER:** No, but I hope the hon. Members will not repeat the things already stated.

**Mr. J. S. HARDMAN:** Mr. Speaker, Sir, the Assam State Acquisition of Zamindaris Bill is perhaps the most important piece of legislation which has been placed before this House since the attainment of Independence and possibly since the assumption of office by the present Ministry. That it is the most controversial measure is evident from the widely divergent views which have already been expressed on the floor of this House. Though it might be regarded as invidious to make the distinctions we have been privileged to hear valuable contributions to this debate by the hon. Leader of the Opposition and hon. Mr. Sen. We welcome the assurance that has been given by the hon. Parliamentary Secretary that the Select Committee will be given ample time to prepare its report; that facilities will be given to hear evidences of all concerned and that if the necessity arises, the Select Committee will be able to go to the areas affected and hear the evidence of witnesses there. That, Sir,

\*Speech not corrected.



is a step in the right direction, but clearly the proper course would have been to circulate the Bill for eliciting public opinion. Is it not a paradox that in the old bad bureaucratic days important Tenancy legislation was circulated to ascertain public opinion, while under a popular Ministry, there is a reluctance to offer the same facilities? (*Hear, hear!*)

I notice that in the case of the Central Legislature, though the Congress Party has an overwhelming majority, important Bills are still being circulated for public opinion and we would ask this Government in future to consider whether it is not expedient in a democratic State to invite as far as possible the widest expression of public views.

The hon. Parliamentary Secretary in his long and careful analysis of this Bill has given the history of the Permanent Settlement, and has referred to its effects on the economy of the Province. The reasons which have been adduced for the abolition are cogent and we are in general agreement that the system has become an anachronism and that a new system of land reform is opportune and justifiable. The Permanent Settlement has outlived its purpose, and should therefore be abolished. In its place a new land system is to be established, which will bring the cultivator of the soil directly under the State as the owner of the land. We are confident that the Congress Ministry will see that in the process of dethroning the landlords, no injustice is done to those who have been enjoying the status of tenants under the landlords and that their existing rights in the land will be fully safeguarded.

The abolition of Zamindari represents merely a nationalization of certain rights in land and it is, therefore, equitable that the same tests should be applied to this scheme as to other schemes of nationalization. Recent legislation in other parts of the world has familiarised us all with the principles applicable to the nationalization of many enterprises of great importance—coal, electricity, gas, railways and road transport. Though ownership of mines may have been as repugnant to a Labour Government as the existence of Zamindari is to the present Government of Assam, there has been complete acceptance of the principle that not merely has compensation to be paid, but that the compensation must be fair. In the case of coal nationalization a Judge of the High Court with the assistance of experts and representatives of all interests affected, worked out the total value of all coal mines, so that this global figure could be divided between the various owners according to recognized principles. Though opinions differed on the expediency of nationalizing the mines, no scope was left for any justifiable complaint in regard to the fairness of the compensation offered. If I understood correctly the observations made by the hon. Parliamentary Secretary, they were to the effect that Government were faced with two irreconcilable views—on the one hand, that Zamindari should be abolished without any compensation, and on the other hand, that compensation should be paid according to market value, and in consequence a valuation was fixed which went half way to meet both schools of thought. Though I am a firm believer in the virtues of compromise, there are occasions when there can be no compromise, and reason, good sense and equity demand that a clear decision should be given either for or against. In our Law Courts we do not recognise as a principle of justice the practice of taking the mean between the claims of the plaintiff and the claims of the defendant. The Judge is required to decide whether a claim is true, or not. We ask Government to apply to the present problem those principles of justice which are enshrined in our legal system.

The whole problem of compensation for Zamindari was considered exhaustively in the Report of the Land Revenue Commission, Bengal. At page 45 it is stated: "We are not agreed what should be the basis of

compensation. Some of our members consider that in view of the compulsory nature of the acquisition, all the principles laid down in the Land Acquisition Manual should be followed. Others take the view that the Land Acquisition Act was drafted with the intention of acquiring small areas of private property for Government or local bodies or commercial companies. When the acquisition of all superior interests in land for the benefit of the community as a whole is in question, some of the considerations laid down in the Act do not arise, and the provision for extra compensation at 15 per cent. should not be allowed. We are, however, agreed that any compensation to be paid must be calculated at a flat rate for all interests. Different rates of compensation for different classes and tenures might be justified but we think that it would lead to endless difficulties and complications".

In the next paragraph of the Report it is stated that agreement could not be reached on the rate of compensation that would be equitable. At one extreme 20 times the net profit is proposed ; at the other 5 times. The rate which received more support than any other is 10 times.

An impressive analysis of the factors affecting compensation is contained in a joint note of dissent by two able and experienced administrators, and this is to be found at pages 307 and 308 of the Commission's published Report. Referring to paragraph 101, the joint note of dissent explains, "The report gives little indication of the reasons why compensation of 10 times the net income of each rent-receiver found the greatest measure of support among the members of the Commission. It may be assumed that the present market value of Zamindari interests was the main consideration with the majority of the members. Few estates in Bengal change hands except as a result of forced sales, either in the Civil or Revenue Courts. Even if a sufficient number of voluntary transactions could be traced, on which to determine the market value of the estates and tenures in the Province, it might be unfair to attach too much importance to the prices paid during recent year, .....". The substance of the conclusions is that as the rate of investment of safe investment is  $3\frac{1}{2}$  per cent. an award of even 15 times would give each rent receiver little lower than half his present income. They continued, "The majority of the Commission have stated in paragraph 101 that they are not proposing abolition of the Zamindari system for the sake of increasing Government revenues." This is a subsidiary motive which I take it is Government's stand-point to-day. They are proposing to abolish Zamindari to secure a larger provincial income from the abolition process. The Report continues: "The main reason is to place Government in a stronger position to develop agriculture and to manage the material resources of the Provinces to the greater advantage of the community as a whole. We are not inclined therefore to think that the recommendation of the Commission for State acquisition will obtain more impartial consideration on its merit if it is divorced entirely from any suspicion of being an attempt to augment the public revenues at the expense of any particular class. We are in favour of that rate of compensation which after full consideration by financial experts seems to offer the greatest prospect of leaving Government with no considerable loss and with no considerable gain, at least for the first 20 years as a result of taking over the responsibilities of the landlords". That, Sir, is a very equitable proposition for abolition of the landlords. You take over their assets and you divide up what income you are likely to make for the next 20 years as a result of the process.

I now turn to consider in greater detail the question of compensation. Section 299 of the Government of India Act as adapted by the Indian Independence Act requires Government to pay compensation for nationalisation of rights

in land, and refers to the fixation by law of the principles for nationalisation for determining compensation. It could be urged that in the present Bill Government are fixing compensation and that the requirements of law have been satisfied. That, however, would be neither a sound nor a maintainable contention. The very word "compensation" means that which will counterbalance. If Zamindari rights are placed in one scale, so much money will have to be poured into the other scale until the pointer of the scale comes to rest exactly in the centre, deviating neither to the right nor to the left. The law of compensation is ancient and world-wide. In its application to land in India it has been codified in the Law of Acquisition. Whenever property is compulsorily acquired by the State, it is mandatory to give the market value of the property thus acquired.

Government are not disputing that the full value of the property is being denied and beyond the explanation that this reduction is made to meet a particular school of thought, no reason has been supplied for this. I am indebted to the hon. Member from Jorhat for supplying this lacuna in Government's case. He has indicated that since the system of Zamindari was against social justice, nothing should be paid, as if the Zamindars were to be classed with owners of immoral houses whose premises are closed by official action or with smugglers of opium whose livelihood is jeopardised by vigorous enforcement of the law.....

**Srijut NILMANI PHOOKAN:** On a point of explanation, Sir, I did not say that the Zamindars as a class should not be compensated. I said that they will have to be taken into consideration in view of the fact that they have got land at a very nominal price and have enjoyed whatever they have earned. That also will have to be considered when making this compensation.

**Mr. J. S. HARDMAN:** I apologise, Sir, if I have misrepresented my hon. Friend from Jorhat.

**The Hon'ble Srijut RAMNATH DAS:** Sir, I cannot understand why the name of a locality is necessary—there are other Members also from Jorhat.

**The Hon'ble the SPEAKER:** The hon. Member, Mr. Hardman, has got to try to cultivate closer relationship with the hon. Members from Jorhat (*laughter*).

**Mr. J. S. HARDMAN:** If I have understood him correctly, Sir, he referred to the vast profits made by the Zamindars and their ancestors. If they had been thrifty, he argued, they could face the future with equanimity, and if they had been spendthrift and enjoyed a rake's progress, they deserve neither sympathy nor compensation. Man liveth not by bread alone, but the splendid memories of one's distant ancestors will not satisfy hunger or provide shelter against the elements. Some of our Zamindar friends may be rich, and may not expect or require full compensation on the abolition of their legal rights—with them I have no concern. A very large number, however belong to the middle class or even to the lower middle class; some are actual cultivators of the soil. This point has, I think, been brought out most effectively in the speech of my hon. Friend, Mr. Kamini Kumar Sen. The economic effect of the payment of inadequate compensation will for these classes be most serious; the purchasing power of their income has been already seriously affected by the present inflationary trend now obtaining in India. Tradition in India has until recently encouraged a large

percentage of the thriftier classes to invest their hard-earned savings in landed property and no doubt many who hold Zamindari interests to-day would in other countries have invested their small savings in Government securities or in leading industrial shares. Many Zamindari interests are not ancestral and have been acquired in recent years as a safe investment. Those who have purchased house property in Shillong, Gauhati or in any other large town, are being allowed to retain the income which that property will produce and thus enjoy the benefit of their savings, while those who had the misfortune to purchase some Zamindari interests in Goalpara or in Karimganj are to be given a miserable pittance in return.

The Government of the Indian Union are at present engaged on the nationalisation of the Reserve Bank. Let us for a moment examine the principles which are being applied. The shareholders are to be given the market value of the shares on a particular date, selected so as to ensure that all purchasers will get the price they would have got on that date if they had sold in the open market to a willing buyer. Unlike the present Bill, there is no discriminatory provision against the person who holds a large number of shares. Redistribution of wealth is already being accomplished by the existing system of taxation and it is manifestly unfair to apply a measure of expropriation against those who hold a particular form of property.

Though expropriatory legislation can never be justified, is not the present-time singularly inopportune for legislation of this kind? In recent months there has been growing recognition of the serious inflationary trend in India. Investors have lost confidence, and money is not forthcoming for the vast schemes which private enterprise must provide if industrialisation is to be stepped up to the level necessary for the condition of the masses to be improved. In Assam, when the full scheme of major industries contemplated in the scheme of the Five-Year Plan of development is complete, there will not be full employment for an additional 10,000 workers. In support of this I invite attention to the State Paper Industry. It is estimated to provide work for 550 men at a capital cost of Rs.1½ crores. There is to-day a general state of financial insecurity. In some places Banks have been forced to close, and in others heavy withdrawals are taking place. Government, however, still proclaim the virtues of saving and give their full official support to the Savings Campaign. That this is the right policy cannot be disputed. The deliberations of the Indian economists show that there is complete unanimity on the need for encouragement and stimulation of saving. The Central Government's economists also added to the recommendations their view—I am quoting from the summary—"expenditure on purely reformist and welfare schemes should be postponed, *e. g.*, abolition of Zamindari should be postponed". We should reflect on the economic situation in other countries—in the great country of China, where several million Chinese dollars exchange for a single American dollar. There it is reported that the middle class—possibly the most important section in any progressive society—has been reduced to indigence and destitution. What can be the value of saving for maintenance in old age, for the marriage of children, or for their education if some Ministry in ten or twenty years should decide that a form of investment, previously legal and approved by Government, is anti-social and must be punished with expropriatory legislation?

The hon. Leader of the Opposition referred during the debate on another Bill in this Session to the undesirable practice of legislating with retrospective effect, and we fully endorse the criticisms which he has made. The present Bill contains a particularly unfair example of power being given to invalidate settlements which at the time were, and still are, perfectly legal in law. It is, Sir, a very unsatisfactory state of affairs, when legal actions are made illegal by

subsequent legislation, and the legal complications, quite apart from the hardship, are bound to be serious. It is possibly more dangerous because in this provision there is an element of uncertainty. The principles on which these powers are to be exercised have not been stated and it is therefore at the discretion of the local authority subject to the sanction of the Government to exercise these powers. I am referring to clause 8(6), which gives power to the Deputy Commissioner with previous sanction to refuse to recognise any new settlement, lease or transfer of lands effected after the 1st day of January 1946.

The present Bill was first published on the 9th of August 1948. In the first place, it is a recognised principle that a citizen is entitled to do what he likes provided he keeps within the law even though Government or the political party in power may not like what he is doing. That, Sir, is an essential element of liberty. Secondly, if Government consider that such actions should be stopped they can introduce legislation. Since 1st of January 1946 three Sessions of the Legislature were held that year, three Sessions in the year 1947 and we have had a Budget Session in the present year. Government at no stage came forward with any legislation to restrain such settlements, though there have been many instances of Government Bills being introduced in haste and pressed through with vigour. Government are, therefore, morally bound to honour all settlements made before the date of the introduction of this legislation. Even in the comparatively restricted sphere of taxation it has been held in a leading case of English Law that every man is entitled, if he can, to order his affairs so that the tax attaching under the appropriate Acts is less than it otherwise would be. What is true of taxation law is equally true of settlements of land made at a time when such settlements were legal. Government have no justification for interfering with settlements even if they feel that they were made with the intention of insuring against any measure such as this. The practice is to take the date, when the Bill was first published, and direct that settlements before that date will be accepted and settlements after that date will not be recognised.

We have endeavoured to place before this House those considerations of public policy, which make it necessary for the compensation clauses to be drastically revised and this is being done as dispassionately as possible without any ulterior motive. We are, however, concerned as a Group with a few Gardens which, I am informed, are situated on permanently-settled estates. We have been advised that so long as the Industrial Policy laid down by the Government of the Indian Union is enforced there can exist no power to take over the Gardens even though they may be situated in a permanently-settled area. Also the principles of compensation which have been designed for Zamindari estates are quite inappropriate for the taking over of any industrial concern. Any element of doubt, however, in the minds of the investing public may seriously impair the future of these particular Gardens and Government will, I am certain, recognise that it is unfair to discriminate against particular Gardens because they had the misfortune to be established in a particular area in which the Permanent Settlement was in force. The State, moreover, is the biggest beneficiary from tea cultivation since taxation, particularly on poor Gardens, absorbs far more of the income than the profits, and these particular gardens, I understand, are very near the subsistence level. We trust, Sir, that the Government and the Select Committee will give their careful consideration to the submissions we have made and will ensure that when the Zamindars finally disappear they will be given terms which are worthy of this Province.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir, I did not in the beginning think of participating in this debate, but the interest evinced by such a large number of hon. Members of this House brought me to the conclusion that I should sum up the debate on behalf of Government.

The procedure that I propose to adopt in dealing with this question is to take up the principles of the Bill and to discuss criticism, if there is any to be done, on points that have come from the hon. Members of this House. I think, therefore, that I will not be taking a very long time of the House. But before doing so, I want to reply to the criticism which has been raised by hon. Mr. Hardman, in what he says, that Government is trying to force this Bill without eliciting public opinion. I would like to point out to him that the Bill was published on the 23rd July and it is nearly two months that the Bill has been before the public. The Select Committee that has been proposed to be set up, as has already been said by the Parliamentary Secretary who moved this Bill, will be representative of the whole House and will have ample time and powers not merely to consider the principles of the Bill but also the details that are there. Now, what is more, they will have four to five months at their disposal to get not merely the written opinion of different individuals, bodies and associations, but, if necessary, obtain materials by examining witnesses. The Committee will have the advantage of the discussions that we have made to-day and yesterday. Would this not be a better method of eliciting public opinion and adopting decision on important issues of the Bill than merely sending the Bill on circulation and adopting the usual dilatory method? To my mind this method appears to be a more practical method than the usual method of circulation. Here we are representing most of the public, and have the combined effort of all sections of the House for the solution of their complicated problems involved in the Bill. Personally I think, Sir, that it would definitely be a better procedure. What I really mean is that the Select Committee will be in a position to take note of the opinion of the people concentrated on particular issues and, therefore, they will be in a much better position to deal with the opinion than they would otherwise do. I want to point out to Mr. Hardman that the procedure adopted is democratically sound. Government here is not restricting the consideration of this great question merely to the opinion of one side only, I mean, the Government side. Here the representatives of the entire House will be in the Select Committee. If this is not a democratic method, I don't know what could be.

I now refer to the principles of the Bill; and the first is that Zamindary should be abolished and I am glad to mention before the House that inspite of a little difference of opinion the House has generally agreed that Zamindary should go. I may be pardoned for indulging in personal observations. I am one of those who has always appreciated individual Zamindars. Quite a large number of them are sportsmen; and, I am always an appreciator of sports. Zamindars individually are always a source of cultures in the rural areas and the rural people actually want such kind of cultural centre round about them. There are other very good points about individual Zamindars which I need not point out to the House particularly. But as an institution, I personally feel that it has outlived its existence and is not consistent with the spirit of modern times. The modern citizen does not want to recognise any institution which does not bring in productive good to the society. This may not be fully admitted by all just now; but I feel that it is only a question of time when this important fact will be fully recognised, if it has not been recognised just now. That being so, Sir, it is only natural that the House should agree that Zamindary should go—Zamindary as an institution.

The learned Leader of the Opposition has professed twice, I suppose, that he holds no brief for the Zamindar. Indeed his arguments did not directly go to support the Zamindari, but yet there are certain things which seem to me indirectly going to lend support to the existence of this system indefinitely. At the introduction of the Bill he referred to certain points, *viz.*, the necessity of taking the recommendation of His Excellency in this matter. I wonder how with his experience of so many years in the Legislature and being in Government he could not have assumed that this measure came before the House before sanction was obtained from His Excellency. His experience with Government should have convinced him that these sanctions are always obtained before a Bill is brought before the House.

The second thing that he was stressing is the absolute necessity of having a record-of-rights in order to determine compensation. I am not surprised that even my hon. Friend—Mr. Sen—of my Party speaking in favour of this point. I am not also surprised that Mr. Hardman should also have pointed out the same fact. It is because the former is a Zamindar himself and the latter represents some Zamindaris of Tea Planters. But I was really not prepared to hear the same argument from the hon. Leader of the Opposition. It is true that it would have been good if a record-of-rights was prepared for granting compensation to the Zamindars. But to my knowledge it is certainly not an obstacle. The Bihar Government have actually passed the Bill already without having taken into consideration the question of the record-of-rights. After all, the Zamindars or for the matter of that, even the intermediaries could not have realised their rents without some kind of record-of-rights whether written or not. There must be some kind of understanding that if a man occupies a particular area of land, he has to pay a particular amount of rent—whether it is on the basis of a fixed rate or not. I am sure there would be no difficulty in determining this. So, while I agree that it would have been good, if a record-of-rights could already have been at hand, but, I am sure, for the purpose of the abolition of Zamindari, it is not absolutely necessary. That is the submission I place before the House.

Then there is another point which was raised by my hon. Friend, Mr. Abul Kashem. He was saying that the Government have not been able to do anything towards the people of the flood-affected areas in his constituency, and that the things would not be improved but would get worse if the Zamindaris are taken over by the Government. I know that for giving relief in some flood-affected areas, he made a demand of Rs. 13 lakhs from Government. Now, look at the proposition he has enunciated. Government realises from the entire Zamindari areas of Goalpara about Rs. 15 to 16 thousands only.....

**\*Maulavi MUHAMMAD ABUL KASHEM:** I said about 13 thousand maunds of paddy for giving relief in the flood-affected areas of Goalpara.

**The Hon'ble Srijut GOPINATH BARDOLOI:** Well, even if he said 13 thousand maunds of paddy, how is that money for this paddy to come? It cannot drop like a manna from heaven. It has got to come from somewhere. If it comes from other places and other areas, how inequitable it must be that people of one area should be trying to get contribution from other areas? These are matters which I feel should be taken into consideration when we are going to discuss the main question. If only Government steps into the shoes of the Zamindars such relief could be given

without any such iniquity and most of the backwardness of those areas could possibly be removed, and that would only be fair and legitimate. It is fair and legitimate that all people should bear the burden for the improvement of the country and should have rights and duties equally and squarely. These are considerations which should weigh us in determining the question of abolition of Zamindary, apart from the principles already discussed.

Then, Sir, there has been lot of criticism, particularly from the hon. Leader of the Opposition that the Bill does not provide any safeguard for the under-tenant, the Jotedars, etc. But when we look into principle of compensation that has been incorporated in the Bill, it will be seen that these under-tenants or Jotedars also will come under the scope of compensation. Therefore, I think that if the principle of abolition of the Zamindary is accepted, the abolition of the intermediaries should also be adopted.

Then, the second principle which is incorporated in the Bill is the principle of compensation. Here also there has been some controversy. I welcome some various suggestions, which I am sure, will be taken into consideration by the Select Committee and they will consider how best the principle of compensation could be applied in particular cases including the cases of the intermediaries. We have accepted the principle of nationalisation in certain matters and the principle of giving compensation when anything is nationalised is an accepted proposition of the Congress Party, but what that compensation should be, that is the rate of compensation, will be determined by the Select Committee.

Then, there is the third principle that is involved in the Bill, *viz.*, furtherence of co-operation in society. I think this has been the subject of more undeserved criticism than anything else. Certain actions are proposed in the Bill for co-operative activities among the new proprietors that will come into existence. I want to point out that the status of the present tenants will surely be upgraded and adequately safeguarded. It has been made to show that they will be thrown to an inferior position after the abolition of the Zamindary, and their status will be taken away. I am sure, Sir, this is not the opinion of the tenants themselves; but some of us are trying to argue as if they were like some of the people, who after their abolition of slavery, would still stick to their old masters. But, as a fact, can there be any doubt to any one of us or even to the Zamindars of today that they obtain a superior status? Another criticism has been brought forward saying that people who have not got ten years occupation will get only annual *pattas* and will be evicted as from the Grazing Reserves. But what does the Bill say about it? It has not been stated any where that Government will have power of eviction of such people. There are undoubtedly certain provisions for Co-operative Farming, but even if this Co-operative Farming is established nowhere has it been said that the present land-owners whether with 10 years occupation or otherwise will be deprived of their existing right of occupation. I, therefore, consider that the criticism that has been raised on this behalf is not fair. It may be true that in starting such Co-operative Farms the Government may have to acquire smaller holdings, but this will be done by a process which has been mentioned in the Bill. If it is considered by the owners or Government that such farming should not come into existence, these provisions surely need not apply. But the principle of having Co-operative Farming was more elaborately discussed in this House in connection with the Rural Panchayat Bill and the House fully accepted that proposition. I consider, Sir, by allowing ourselves to object on those points you will be going back to the grounds which we have already covered.

Mr. Hardman, by the way made certain references to the present inflation. It may be true that if the money has got to be found out immediately by the Government, money will be in the hands of the Zamindars and they may cause inflation. But the matter can be looked from another point of view also. The



proposal in the Bill is not that the money or compensation is going to be paid all at once, but only a certain proportion of it will be paid. With this important factor before us the matter will have to be considered in its relation to inflation. The Government scheme of nationalisation cover a very limited field of activities and if the Zamindars, after receiving the money, want to go for private enterprise, this will greatly help the prevention of instead of causing inflation. So, Sir, taking all factors into consideration I think the Bill in principle should be acceptable to the House. I am glad, Sir, that there has been no opposition against this Bill.

I again repeat the assurance given by my hon. Parliamentary Secretary, that we are not going to rush through the Bill. The hon. Leader of the Opposition said that if the Report is to come on or before the 15th January he would not be able to attend the Select Committee. On behalf of Government I should like to say that this date might be extended to or fixed for the 10th February in order to make it convenient for him to attend. I hope the hon. Leader of the Opposition would be able to sit in the Select Committee. I also hope that with the long five months before them the hon. Members of the Select Committee will find sufficient time to go into the details, judge public opinion, take evidence and all aspects of the matter before they submit the Report. With these words, Sir, I request the House to accept the Motion.

**Maulavi Saiyid MUHAMMAD SAADULLA :** Mr. Speaker, Sir, I simply warn that if the Select Committee would sit during the months of November and December 1948 I would not like to be included as I would be away at Delhi during those months, but if the Select Committee would sit from January and onward and if the House wants that I should be in the Select Committee I would be available then for the service.

**The Hon'ble Srijut GOPINATH BARDOLOI :** On behalf of Government I should like to fix for 10th February as the date for the Report so that it would be possible to make arrangement to call the Select Committee in January. Before that I think a sub-committee will have to be appointed to function by touring in the localities concerned to collect evidence.

**\*Maulavi MUHAMMAD ABUL KASHEM :** Sir, will it not be possible for the Select Committee to sit in the middle of October and again in January ?

**The Hon'ble the SPEAKER :** Yes, that has got to be settled now.

**Maulavi Saiyid MUHAMMAD SAADULLA :** If it is the intention of the Government that the Select Committee should collect evidence, as indicated by the Hon'ble Prime Minister in his speech, then the Select Committee will have to visit the subdivisions of Goalpara, Dhubri and Karimganj. But I do not think the Committee can call up people from those localities and hear them at Shillong. As suggested by my hon. Friend, Maulavi Abul Kashem, if the Select Committee starts sitting in the middle of October and then is postponed for two months and then starts again in January, I would be available. Only for those two months I shall be absent from Assam owing to the Session of the Constituent Assembly.

**\*Maulavi MD. ABUL KASHEM :** Sir, in such an important matter the hon. Leader of the Opposition should be present in the Select Committee because of his great experience.

**\*Mr. J. S HARDMAN :** I think, Sir, it may be possible for the Select Committee to sit as suggested by the hon. Member in order that the hon. Leader of the Opposition can attend it.

**The Hon'ble Srijut GOPINATH BARDOLOI :** I was not suggesting October because the sub-committee will probably have to be appointed to go around for collecting evidence and necessary materials for the Select Committee to discuss at a later stage for the reason that as the Hon'ble Finance Minister who would be the Chairman of the Committee has only been convalescing and might take some time before he is fit enough to take charge of the work. Excepting for this fact it would have been possible to fix October. However, if Mr. Medhi is to attend the Committee and I feel he must, then it can sit only in the third week of October.

**Maulavi Saiyid MUHAMMAD SAADULLA :** That will hardly leave any time for me to enable me to attend the Constituent Assembly. About the middle of October will only suit me.

**The Hon'ble Srijut GOPINATH BARDOLOI :** Then I think it can be fixed in the middle of October.

**The Hon'ble the SPEAKER :** The question is :  
“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 for Revenue,
2. Srijut Siddhi Nath Sarma,
3. Srijut Mahendramohan Choudhury (Parliamentary Secretary),
4. Srijut Sarat Chandra Sinha,
5. Srijut Hareswar Das,
6. Srijut Santosh Kumar Barooah,
7. Raja Ajit Narayan Dev of Sidli,
8. Srijut Moti Ram Bora,
9. Babu Kamini Kumar Sen,
10. Srijut Manisankar Basumatari,
11. Maulavi Saiyid Muhammad Saadulla, and
12. Maulavi Muhammad Abul Kashem.

Five Members to form a quorum and the Select Committee is to submit its Report by the 10th of February, 1949.”

The question was adopted.

*Re: Assam Primary Education Rules*

**The Hon'ble the SPEAKER :** There is one item left—consideration of the Primary Education Rules. When do the Government propose to take up this item ?

**The Hon'ble Srijut GOPINATH BARDOLOI :** You may ascertain the wish of the House, Sir, if they are agreeable to surrender half a day tomorrow—it being a day fixed for Private Members' Business. As a matter of fact most of the Resolutions have been tabled by Members of Government Party and I would ask them to surrender half a day tomorrow for the purpose of this item.

**The Hon'ble the SPEAKER :** Tomorrow is a Private Members' Business day. If hon. Members agree we may take up this item during the first half of the day and after lunch Private Members' Resolutions will be taken up.

**Maulavi Saiyid MUHAMMAD SAADULLA :** Is it the idea that we shall not sit on Monday, Sir ?

**The Hon'ble the SPEAKER :** No, but Monday will be a very heavy day. I shall take the opinion of the House and according to their wishes I will change the programme. Is it the wish of the House—that for tomorrow the 25th we will take up Private Members' Business before lunch, say upto 12 noon after the question hour ?

**\*Babu KAMINI KUMAR SEN :** Will it not be better, Sir, if we take up Government Business first ? I do not think it will take us more than half an hour to dispose of this item.

**The Hon'ble the SPEAKER :** I shall be guided by the sense of the House. Is it the wish of the House that we should take up this Government item tomorrow morning ?  
(Voices—Yes, yes).

Then the programme is changed accordingly.

**Adjournment**

The Assembly was then adjourned till 10 A.M., on Saturday, the 25th September, 1948.

SHILLONG :  
The 23rd November 1948.

A. K. BARUA,  
Secretary, Legislative Assembly, Assam.

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\*Speech not corrected.

