



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

The Assembly met in the Assembly Chamber, Shillong, at 10 A. M., on Monday, the 30th March, 1953.

PRESENT

Shri Kuladhar Chaliba, B.L., Speaker, in the Chair, Nine Ministers, the Two Deputy Ministers, Two Parliamentary Secretaries and Sixty-four Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given).

**Agents appointed by Government to import Salt to Assam**  
**Shri HARESWAR GOSWAMI** asked :

- \*160A. Will the Minister-in-charge of Supply be pleased to state—
- (a) How many persons have been appointed by Government as agents to import salt to Assam from outside and what are their names ?
  - (b) What is the quantity of salt they are assigned to import and how much they have actually brought month by month since their appointment ?
  - (c) What action has been taken on the defaulter or defaulters for their failure to lift their quota ?
  - (d) What is the reason for keeping this restriction on import ?
  - (e) What is the wholesale price of salt in Calcutta and what is the margin allowed to these agents ?

**Shri BAIDYANATH MOOKERJEE (Minister)** replied :

160A. (a)—Three firms were appointed in August last, viz., M/S. Calcutta Salt Association, M/S. Shyamsundar Co., and M/S. Bharat Traders as agents to import salt into Assam. They were appointed after calling for tenders and theirs were the lowest tenders. They also agreed to supply at Rs.5-11-0 a bag of two maunds when the market price at Calcutta was reported to be Rs.6-6-0 per bag of two maunds. At present the agents are supplying at Rs.5-5 per bag of two maunds.

(b)—They were assigned to import at a monthly rate of 60,000 mds, 75,000 mds and 25,000 mds. for the Upper Assam Zone comprising of Nowgong, Jorhat, Sibsagar, Golaghat, Naga Hills, Mikir Hills, Dibrugarh Subdivision, Tirap Frontier Tract, Mishmi Hills and Abor Hills, Lower Assam Zone comprising of Garo Hills, Dhubri, Goalpara, Gauhati, Barpeta, Shillong, Tezpur, Mangaldai, North Lakhimpur, Balipara and Cachar-cum-Lushai Hills Zone comprising of Silchar, Hailakandi, Karimganj, North Cachar Hills, Lushai Hills respectively. These figures are on a generous scale to provide for current consumption and stocks in case of disruption of supplies due to movement or other difficulties. Since the date of their appointment in August, 1952, M/S. Shyamsundar Co., have imported—

	16,000 mds.	in August, 1952.
	58,650	„ in September, 1952.
	1,04,266	„ in October, 1952.
	1,27,940	„ in November, 1952.
	48,000	„ in December, 1952.
	59,380	„ in January, 1953.
	76,780	„ in February, 1953.
<b>Total</b>	...	<u>4,91,016 mds.</u>

and M/S. Bharat Traders have imported—

	Nil mds.	in August, 1952.
	1,000	„ in September, 1952.
	1,000	„ in October, 1952.
	2,400	„ in November, 1952.
	8,800	„ in December, 1952.
	16,940	„ in January, 1953.
	15,000	„ in February, 1953.
<b>Total</b>	...	<u>45,140 mds.</u>

Since M/S. Calcutta Salt Association have failed to import their quota the same has been tagged to the aforesaid other two agents as an interim measure till a permanent arrangement is made.

(c)—Of the three agents appointed M/S. Calcutta Salt Association failed to lift their quota. The arrangement with them has therefore been cancelled on 30th January 1953. Some of the individual members of the Association, however, apart from other private parties imported into Upper Assam.

(d)—There is no restriction in respect of import, internal movement and distribution of salt by general traders. All parties can import and indeed they do so by private steamers, etc. But the

Government agents are given certain special facility in respect of transport which is necessary to maintain regular and steady movement of salt into Assam and also to keep uniformity in prices. The system has proved a success.

(e)—Prices vary from time to time. Present wholesale price is reported to be Rs.5-5-0 per bag of two maunds. FOB/FOR Calcutta and our parties are supplying at this rate. Two per cent. commission on the landed cost at destination station is allowed to the agents.

The arrangements are subject to revision every three months if considered necessary or desirable by Government.

**Shri HARESWAR GOSWAMI:** Is it not a fact that Messrs. Shyamsundar and Company during the last two years failed to lift the quota allotted to them?

**Shri BAIDYANATH MOOKERJEE (Minister):** No, Sir, it is not a fact.

**Shri HARESWAR GOSWAMI:** Is it not a fact that they were Agent to the Government of Assam during the last two years?

**Shri BAIDYANATH MOOKERJEE (Minister):** I cannot say if it was for two years or more. But so far as my information goes, they are working as such since 1949. So it must be more than two years.

**Shri HARESWAR GOSWAMI:** The total quota is 1 lakh 55 thousand mds. per month, of this it appears only 5 lakh mds. have been brought from August, 1952 till this date. Therefore is it not a fact that they failed to lift the total quota?

**Shri BAIDYANATH MOOKERJEE (Minister):** The quota is 1,60,000 mds. and not 1,55,000. Messrs. Shyamsunder and Co. have not failed to lift their quota, Sir. Other parties failed to lift. There are private parties also who are bringing enough salt in Assam and as such there is no scarcity and we do not want to dump salt in such a way so that this commodity might be spoilt and wasted in the godowns unnecessarily.

**Shri HARESWAR GOSWAMI:** Regarding the Calcutta Salt Association Sir, will they be given another chance?

**Shri BAIDYANATH MOOKERJEE (Minister):** No Sir, the arrangement with them has been cancelled.

**Shri HARESWAR GOSWAMI:** Is it not a fact that R/Rs. and F.O.Rs. are being sold at Jagannathghat at Rs.5-12-0 per bag?

**Shri BAIDYANATH MOOKERJEE (Minister):** Government have no information, Sir. As a matter of fact, on the floor of the House, only the other day I requested the hon. Member, in reply to another question, that if they have any information they may please bring the same to our notice so that Government may take necessary action in this respect.

**Maulavi MUHAMMAD UMARUDDIN:** What are the special facilities these Government Agents are getting in the matter of transport?

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, I have made it perfectly clear in reply to 166(b) which will be given just now. Sir, I can inform the House that Government is going to reduce the ceiling price of salt, because the wholesale price at Calcutta has come down to some extent. Now the ceiling prices are between annas  $-\frac{3}{3}$ - and  $-\frac{3}{6}$  per seer in different zones but it will come down soon when we reduce the ceiling price to annas  $-\frac{2}{3}$  to  $-\frac{3}{3}$ - per seer. That means in some cases it will come down by 9 pies and in some cases by 6 pies per seer.

**Maulavi MUHAMMAD UMARUDDIN:** My question is what is the difference in landed cost between the salt imported by Government Agents and that imported by private parties?

**Shri BAIDYANATH MOOKERJEE (Minister):** How can I say that, Sir? We do not check the accounts of all, that are concerned in this matter.

**Mr. SPEAKER:** The Minister said that the Government quote the Calcutta prices, but the transport charges are borne by the parties and, therefore, there may be a slight difference in the landed costs in some cases.

**Maulavi MUHAMMAD UMARUDDIN:** Have Government considered the desirability of throwing open the salt for import by private parties?

**Shri BAIDYANATH MOOKERJEE (Minister):** I have already stated Sir, that there is no restriction anybody can bring it and as a matter of fact many parties other than Government Agents are importing.

**Maulavi MUHAMMAD UMARUDDIN:** Will Government be pleased to dispense with their agents?

**Shri BAIDYANATH MOOKERJEE (Minister):** No, Sir, that cannot be done in the interest of the State. The present system has proved a success.

**Maulavi MUHAMMAD UMARUDDIN:** What are the reasons, please?

**Shri BAIDYANATH MOOKERJEE (Minister):** I have already stated them in my reply to question (d), it is necessary to maintain regular and steady movement of salt into our State and also to keep uniformity in prices.

**Sugar and Atta lying in Government Godowns in Assam on  
31st December 1952**

**Shri HARESWAR GOSWAMI** asked :

\*161. Will the Minister-in-charge of Supply be pleased to state—

- (a) What was the quantity of sugar and atta lying in Government godowns in Assam on 31st December, 1952 ?
- (b) For how long this sugar and atta was lying in the godowns and at what price Government purchased the same ?
- (c) How much of this sugar and atta has since been disposed of and at what price ?
- (d) How much of sugar and atta is still lying in the godowns and what steps Government have taken to dispose the same ?

**Shri BAIDYANATH MOOKERJEE (Minister)** replied :

161. (a)—The stock of sugar on Government account as on 31st December 1952 was 49,635 mds. and that of atta on Government account at Tezpur only was 4,464 mds.

(b)—It is very difficult to say definitely how long this was in storage as consignments were in the process of arriving and were being disposed of according to the principle of first in first out. The *ex-mill* prices of (i) sugar was between Rs.31-8-0 to Rs.32-6-4 a md. and (ii) that of atta was between Rs.20-9-9 to Rs.22-15-0 a md.

(c)—18,429 mds. of sugar was disposed of at the rate varying from Rs.30 to Rs 34-12-0 a md, and the balance quantity is being sold at a flat rate of Rs.28 per md. to a party excepting such stocks as may be found unfit for human consumption on medical examination, if any. Such deteriorated stuff, if any, will also be lifted by the same party at prices to be decided upon by negotiation. The entire stock of atta held by the Deputy Commissioner, Tezpur on Government account as on 31st December 1952 has already been disposed of at Government controlled rate.

(d)—The balance quantity of 31,206 mds. of sugar on Government account as on 14th February 1953 is being sold to a party at Rs.28 a md. excepting unfit quantities for which prices will be decided upon by negotiation. The stock of atta at Tezpur on Government account as on 7th March 1953 is 8,747 mds. Instruction has been issued to the Deputy Commissioner, Tezpur to issue 4,000 mds. of atta in favour of M/S. Steels for supply to Tea Estates out of the above stock. The balance is being disposed of and no more atta is being sent.

**Shri HARESWAR GOSWAMI:** What will be the quantity of sugar which is unfit for human consumption?

**Shri BAIDYANATH MOOKERJEE (Minister):** As I said, Sir, the stock is being disposed of gradually and only when the whole of it is lifted then we can say what quantity has been found to be unfit for human consumption; before that it is not possible.

**Shri HARESWAR GOSWAMI:** Is it not a fact that had prompt action been taken the entire quantity of sugar could have been sold at Rs.31-8-0 per maund instead of at Rs.28?

**Shri BAIDYANATH MOOKERJEE (Minister):** Prompt action had been taken all along. As the market came down, we reduced our prices, but, as I said, Sir, the other day, there was most probably some clique somewhere and we could not sell the entire quantity at a reasonable price.

**Maulavi MUHAMMAD UMARUDDIN:** Did Government anticipate a gradual fall in the price of sugar before 31st December 1952?

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, when sugar was decontrolled the price of Government sugar was over Rs.36 per maund. We brought it down gradually to Rs.30, but even at Rs.30 the whole quantity could not be sold.

**Maulavi MUHAMMAD UMARUDDIN:** Could not Government dispose of the entire quantity then instead of waiting for three months, since Government knew that considerable quantity of sugar was being imported by private parties?

**Shri BAIDYANATH MOOKERJEE (Minister):** Certainly Government tried to do that but could not, at the very first instance Government could not reduce the price to Rs.30 per maund. They did it gradually.

**Mr. SPEAKER:** Because of the free import of sugar?

**Shri BAIDYANATH MOOKERJEE (Minister):** Yes, Sir, sugar was coming freely and we reduced our prices gradually though at the beginning we tried our level best to realise the highest price so that Government might not incur any loss. It will not be a news to the hon. Members if I say that the *ex-mill* price of sugar has come down by Rs.5 per maund; it is Rs.26-8-0 now per maund, whereas it was Rs.31-8-0 per maund at the time of decontrol. At Gauhati the whole-sale price at present is about Rs.31-8-0.

**Maulavi MUHAMMAD UMARUDDIN:** May I know whether any tender was called for at the time of disposal of the stock?

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, what happened is this: the original idea was to sell it on a whole-sale basis, but then we found that if we stuck to this principle we might not be able to sell the entire quantity soon. We therefore asked the Deputy Commissioners and Subdivisional Officers to sell any quantity to anybody, whether he was a trader or a private consumer, at the rate of Rs.30 per maund. But then also when we were

informed by some Deputy Commissioners and Subdivisional Officers that there was very little chance of the balance quantity being sold at that price, we thought that instead of waiting further we should give the whole stock to the party who offered us Rs.28 per maund ; the delay was becoming dangerous. In case we called for tenders it would have taken another month to finalise the issue.

**Maulavi MUHAMMAD UMARUDDIN**: Has it not been a contravention of the rules for disposal of Government property ?

**Shri BAIDYANATH MOOKERJEE (Minister)**: No, Sir, we can do that in the best interest of the State. Calling of tenders would have meant further delay and the prices might have come down still further. As a matter of fact it has come down. In the meantime the stock would have also deteriorated further. But, Sir, though no tender was formally called the fact was, I am sure, known to all traders that Government stock of sugar was for sale and interested parties could come forward and as a matter of fact certain quantities were disposed of. If my Friend has got any party.....

**Mr. SPEAKER**: No, you should not say that.

**Shri HARESWAR GOSWAMI**: Will the Government be pleased to give the name of the party to whom the stock has been sold?

**Shri BAIDYANATH MOOKERJEE (Minister)**: Shri Kaula. Sir, I do not remember the initials exactly. It will be found in the course of my reply to another question which will be asked to-day by Shri Goswami himself ; I believe it is question No.166.

**Shri HARESWAR GOSWAMI**: Is it a fact that some other parties in the State of Assam offered Rs.29?

**Shri BAIDYANATH MOOKERJEE (Minister)**: No, Sir, it cannot be a fact, my Friend's information is absolutely baseless.

**Maulavi MUHAMMAD UMARUDDIN**: Has the Minister-in-charge satisfied himself that the local officers did their best to get the highest price?

**Mr. SPEAKER**: I disallow this question. Next question.

#### **Names of Distributing Agents to distribute Sugar by Government**

**Shri HARESWAR GOSWAMI** asked :

\*162. Will Minister-in-charge of Supply be pleased to state—

- (a) How many distributing agents were appointed to distribute sugar and what are their names ?
- (b) What is the amount of security money they deposited ?
- (c) Whether it is a fact that almost all of these agents have resigned ?



(d) If so, whether their security money has been refunded ?

(e) If not, what is the reason for withholding the same ?

**Shri BAIDYANATH MOOKERJEE (Minister)** replied :

162. (a) & (b)—Government appointed 37 agents for the distribution of sugar in the various stations of the State. A statement showing the names of the agents and the amount of security money deposited by each is laid on the library table.

(c)—With the exception of (i) M/S. Assaram Shewbhaguan & Co. of Doom Dooma and (ii) Shri Routhmal Bothra of Goalpara, all other agents for sugar throughout the State have either tendered resignation due to slump in the sugar market or have been dismissed due to their failure to take delivery of consignments on arrival.

(d)—Security money of those agents whose accounts have so far been finalised has been refunded.

(e)—Due to the failure on the part of the agents to release the consignments of sugar allotted to them, the same were released for storage and sale by the local Officers at the cost and expense of the defaulting agents as provided for in the appointment letter. Pending disposal of such stocks and finalisation of accounts their security money cannot be released.

**Maulavi MUHAMMAD UMARUDDIN:** Is it a fact that Government forced the agents to lift sugar at certain prices although that price was higher than the prevailing market price at that time?

**Shri BAIDYANATH MOOKERJEE (Minister):** At whatever prices the sugar might be sold, the arrangement was made at the time of appointing the agents that they should lift the quantities allotted to them in time. When they refused to take delivery of the same, the Government had to remind them about the conditions agreed upon and so stuck to the terms of agreement.

**Maulavi MUHAMMAD UMARUDDIN:** Is that the fact that some of them resigned on that ground?

**Mr. SPEAKER:** That is obvious.

**Maulavi MUHAMMAD UMARUDDIN:** Is that the fact that they have failed to lift the quota?

**Mr. SPEAKER:** I disallow this.

**Scheduled Tribes and weaker sections of the people**

†**Shri SARJU PRASAD SINGH** asked :

\*163. (a) Will Government be pleased to state the names of the plain tribes or tribal communities which are deemed to be scheduled tribes in the State of Assam ?

(b) Is it a fact that Mundas, Urangs, Santals, Sauras, Hos, Kharias, Ghasis, Ohatwars and other tea garden tribes included among Assam Plain Tribes are excluded from the list of scheduled tribes of our State ?

(c) Whether these tea garden tribes in the State are subject to any disability, liability, restriction or condition with regard to appointment to any office under State Government and with regard to settlement of land ?

(d) What steps Government have taken to make provision for reservation of appointment or posts in favour of these backward tea garden tribes ?

(e) Is it a fact that these backward tea garden tribes are not represented in the State service ?

\*164. (a) Will Government be pleased to state who are the weaker sections of the people of our State in accordance with Article 46 of the Constitution ?

(b) Is it a fact that among other weaker sections of the people of our State the *ex-tea* garden people are included ?

(c) What steps the Government have so far taken or propose to take for their educational and economic interests in accordance with the aforesaid provision of the Constitution ?

**Shri OMEMO KUMAR DAS (Minister)** replied :

163. (a) —The following tribes or tribal communities have been declared as scheduled tribes in the plains areas of the State of Assam excluding tribes inhabiting the autonomous districts and the Part B tribal areas :

1. Boro—Borokachari.
2. Deori.
3. Hojai.
4. Kachari.
5. Lalung.
6. Mech.
7. Miri.
8. Rabha.

(b) —Yes. The tea garden tribes were not included in the list of Scheduled Plains Tribes as specified in the Constitution (Scheduled Tribes), Order, 1950. They have, however, been accepted as backward tribes by the State Government for the purpose of granting of Scholarships and other educational facilities.

†Questions were put by Shri Ghanakanta Gogoi on authorisation.

(c)—No. The members of the tea garden tribes are eligible for appointment to the State services provided they possess the necessary qualifications as prescribed by the relevant rules. In the matter of settlement of land, Government are affording protection to the tea garden tribes by including them in the list of backward classes for whom Government have constituted belts and blocks known as tribal belts and blocks in areas predominantly inhabited by the backward classes. In these belts and blocks the backward classes are given preference in the settlement of land.

(d)—Recently the President has appointed a Commission under Article 340 of the Constitution to investigate the conditions of the socially and educationally backward classes, and to make recommendations as to the steps that should be taken to remove their difficulties and to improve their conditions. The question of making provision for reservation of appointments or posts in favour of the backward tea garden tribes will be taken up after the recommendations of the said Commission have been accepted by the President.

(e)—No.

164. (a)—Apart from the Scheduled Castes and Scheduled Tribes as specified in the Constitution (Scheduled Tribes), Order, 1950, and the Constitution (Scheduled Castes), Order, 1950, the Government have provisionally accepted the following classes as "backward" or "weaker section" as envisaged in Article 46 of the Constitution.

1. Ahom.
2. Baroi.
3. Chandra Vaidya.
4. Chutiya.
5. Ganok (in Cachar only).
6. Kumar.
7. Kupadhar.
8. Mahisya Das.
9. Manipuri.
10. Moran and Matak.
11. Nepali [*i. e.*, Thapa, Gurung, Lama, Magar, Newar, Lohar, Damai, Gaine, Rai, Chetri, Limbu, Sarki (*i. e.*, Cobbler)].
12. Rajbanshi or Koch.
13. Saloi.
14. Sudra Das or Dey.
15. Sut or Baria.
16. Tanripal.
17. Tea garden tribes (*i. e.*, Gonds, Mundas, Khons, Oraons, Santhals, Sevaras, Pans).
18. Teli.
19. Yogi (Nath).

20. Bez.

The above list will be finalised after the recommendations of the Backward Classes Commission referred to in the reply to question 163 (d) above have been accepted by the President.

(b)—Yes. Please see reply to (a) above.

(c)—The hon. Member is referred to the replies given to question 163 (b) and (c) above. Further steps will be taken by Government on the recommendations of the Backward Classes Commission.

#### **Polling Officers in the last General Election in the Gauhati Subdivision**

**Shri PRABHAT CHANDRA GOSWAMI** asked :

\*165. (a) Will Government be pleased to state the number of Polling Officers engaged in the last General Election in the Gauhati Subdivision ?

(b) Is it a fact that a large number of them have not yet been paid their halting and travelling allowances for their work ?

(c) If so, what is the number of such officers ?

(d) Have Government received information or complaint to the effect that such allowances payable to Sree Rabi Chandra Choudhuri and Parshu Ram Bhattacharyya (both Lower Primary teachers) of Kaithalkuchi have been misappropriated by some other officer ?

(e) What steps have Government taken in this respect ?

†**Shri BISHNURAM MEDHI (Chief Minister)** replied :

165. (a)—Three thousand, seven hundred and sixty-two.

(b)—Some of these bills of 393 Officers were not presented in time and some had to be returned for re-submission due to irregularities. Due to such delays the bills had to be pre-audited under the Rules and are now in the office of the Accountant General, Assam for pre-audit. It may be mentioned here that as a special measure of relief and in order to avoid inconvenience or hardship to all concerned every person both official and non-official who was employed on election duty was allowed to draw travelling allowance in advance to meet all reasonable expenses of journeys by a Special Order of the Government.

(c)—Three hundred and Ninety-three.

(d)—No.

(e)—Payment on each bill (including those of Shri Rabi Chandra Choudhuri and Parshu Ram Bhattacharyya) will be made immediately after pre-audit and special steps have been taken to expedite matters.

†The questions were replied to by Shri Siddhinath Sarmah (Minister) on authorisation.

**Shri HARESWAR GOSWAMI:** Is it not a fact that there were charges of misappropriation ?

**Shri SIDDHINATH SARMA (Minister):** No, Sir.

**Shri HARESWAR GOSWAMI:** There is no charge of misappropriation ?

**Shri SIDDHINATH SARMA (Minister):** The bills are in the Accountant General's Office for the purpose of pre-audit.

**Sugar lying in Government Godowns in Assam on 31st January, 1953.**

**Shri HARESWAR GOSWAMI** asked :

\*166. Will the Minister of Supply be pleased to state—

(a) The total amount of sugar that was lying in Government Godowns in Assam on the 31st January, 1953 ?

(b) Is it a fact that all this stock has been sold to a dealer recently ?

(c) If so, will the Minister please state the price at which this sugar has been sold and also the name of the dealer ?

(d) Is it a fact that Government have given monopoly of railway wagon on the Assam Rail Link to this dealer to bring sugar to Assam from outside ?

(e) If so, will Government state the reasons for conferring such privilege on a particular dealer ?

(f) Is it a fact that such monopoly privilege on the Assam Link is given to three dealers in salt ?

(g) Is it a fact that due to removing such monopoly privilege cement price at Gauhati has come down from Rs.10-13-0 per bag to Rs.6 per bag ?

**Shri BAIDYANATH MOOKERJEE (Minister)** replied :

166. (a)—The stock of sugar on Government account as on 31st January, 1953 was 32, 929 mds.

(b) & (c)—The entire stock of sugar lying undisposed of on 14th February, 1953 was sold to Shri G. N. Koula at a flat rate of Rs.28 per md. excepting such stocks as may be found unfit for human consumption on medical examination, if any. Such deteriorated stuff, if any, will also be lifted by the same party at prices to be decided upon by negotiation.

(d) & (e)—Shri G. N. Koula has been given help and not monopoly of railway wagon on the Assam Rail Link in order to enable him to dispose of the old stocks of sugar purchased from Government together with new arrivals at reasonable prices and without any undue competition from other parties for a short time,

(f)--No. The quota of salt allotted to Assam by Government of India is lifted through the nominees of this State Government who are helped with necessary transport by Steamer as well as by Rail when wagons are available.

(g)—No. The question of cement stands quite different from that of sugar and salt which is a fully controlled commodity and is procured and moved entirely on Government account. The fall of price of cement is due to the present availability of wagons for movement of cement to Assam by the All Rail Route from the factories direct instead of by Steamer from Calcutta.

**Maulavi Md. UMARUDDIN:** What will be total estimated loss on account of sugar ?

**Shri BAIDYANATH MOOKERJEE (Minister):** I am not in a position to say exactly Sir, because I have made it quite clear in my reply that when all the stocks will be lifted, we shall be in a position to know what will be the amount of loss.

**Maulavi Md. UMARUDDIN:** Whether it is a fact that it will be about Rs.4 lacs and as stated by the Finance Minister in the Budget speech ?

**Shri BAIDYANATH MOOKERJEE (Minister):** It might be, Sir. It was estimated at that time and probably that was the estimated figure calculated by the Finance Department.

**Shri JADAV CHANDRA KHAKLARI:** Black-market ত বেচিব কারণ যে কিছুমান চেনী আহিছিল, সেইটো গভণমেন্ট জানেনে? আৰু সেইবিলাক কৰ পৰা আহিছিল ?

**Shri BAIDYANATH MOOKERJEE (Minister):** No Sir, Government is not aware of that fact.

**Mr. SPEAKER:** Mr. Khaklari, it is not black-marketing, but it is below the market. Now they are giving below Rs.40 per maund.

**Shri HARESWAR GOSWAMI:** What is the actual help given to M/S. G. N. Koula ?

**Shri BAIDYANATH MOOKERJEE (Minister):** So far as sugar is concerned, Sir, it may now be brought to the State by anybody and everybody, by the usual Palazaghat route and there is no restriction. But we are trying as in case of cement and other things to bring sugar also by all rail route. Only on the 24th March we were told that two wagons, for the first time were allotted to us to lift sugar. The only advantage we are going to give him is that for some time Shri Koula will be given the wagons that will be given to us for bringing sugar to our State by all rail route.

**Shri LILA KANTA BORA:** Is it a fact that sugar was sold at Rs.30 to Rs.40 per maund, where as Government order was to sell at Rs.28 per maund ?

**Mr. SPEAKER:** Whether it is wholesale or retail price ?

**Shri LILA KANTA BORA:** Retail sale, Sir.

**Shri HARESWER GOSWAMI:** So, a privilege is given to Shri G. N. Koula for bringing sugar from outside ?

**Shri BAIDYANATH MOOKERJEE (Minister):** The privilege is given so far as sugar was concerned. This has been stated in reply to (d) & (e), Sir.

**Mr. SPEAKER:** He was given preference and not monopoly of railway wagons.

**Shri HARESWAR GOSWAMI:** That is what I am saying. Sir, there has been discrimination in his case.

**Shri BAIDYANATH MOOKERJEE (Minister):** Sir, that I have already stated. That privilege was given to him so as to enable him to bring the old stocks *via* Assam Rail Link. Not only that he had to bring the new consignments. So at a time he was given some privilege to fulfil the task.

#### Amount of money spent on the Mawmluh-Phalibazar Road

**Shri HARESWAR GOSWAMI** asked :

\*167. Will Government be pleased to state—

- (a) How much money Government have spent already on the Mawmluh-Phalibazar Road ?
- (b) Is it a fact that the work on this road has been stopped and if so, what is the reason for doing so ?

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

167. (a) (i)—For survey—Rs.13,267.

(ii)—Construction Rs.5,39,735 to the end of March,

1951.

(b)—Yes, due to suspension of all works under the Post War Development Programme as a result of curtailment of grants by the Central Government.

It is, however, stated that works taken up under Post War Programme were proposed to be completed from the Petrol Tax Fund at a cost of Rs.6,44,000 but it was subsequently decided to take up work costing this amount on a different alignment (*i.e.*, from Mawsmat-Mahadek-Mawshamok—Section II—*i.e.*, portion Mahadek to Mawshamok) which is considered more urgent and owing to the alignment from Mawmluh to Mawshamok being considered on further detailed investigation as difficult and costly both in construction and maintenance.

**Shri HARESWAR GOSWAMI:** Is it a fact that because Mr. Samuel was re-employed as Engineer in-charge of this road and because of his harassments to the workers that work could not be progressed ?

**Shri SIDDHINATH SARMA (Minister):** It is not to my information, Sir.

#### Dawki - Muktapur Road

**Shri HARESWAR GOSWAMI** asked :

\*168. Will Government be pleased to state why the sanctioned construction of the Dawki-Muktapur Road has not been executed for so many years ?

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

168.—Construction of a bridle path from Dawki to Muktapur about 10 miles was started in 1948 and completed in 1951 at an expenditure of Rs.2.07 lakhs. Since then no estimate has been sanctioned for the work. Construction of a motorable road was, however, considered necessary for the benefit of the people inhabiting the area and the project was included in the Programme of improvement of Autonomous Districts under Article 275 of the Constitution of India. An estimate amounting to Rs.8.92 lakhs was submitted to the Government of India in August, 1951.

The alignment of this road runs very close to Pakistan Border and it was considered that the alternative road, *viz.*, The Jowai-Jarain-Muktapur Road would serve the needs of giving an outlet to the people inhabiting the area and will be a better project from other stand-points also. Ultimately, however, Government have revised their opinion and reverted to the improvement of the Dawki-Muktapur Road. An estimate of this road amounting to Rs.9.18 lakhs has been sent to the Government of India for their Technical approval and Financial sanction, pending which they have been pleased to authorise an expenditure of Rs.50,000 and work has already been started all over the road.



**Ajara-Rani Road and Palasbari-Laharghat Road**

**Shri RADHIKA RAM DAS** asked:

\*169. (a) Is it a fact that bus services are not running regularly from Ajara to Rani and Palasbari to Barduar causing great inconveniences to the people ?

(b) Is it a fact that this is due to the bad conditions of the Ajara-Rani Road and Palasbari-Laharghat Road ?

(c) Do Government propose to improve these two roads so as to make them fit for regular running the buses ?

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

169. (a)—Two Temporary Stage Carriage permits were issued for both the routes and vehicles duly placed on them but one of the vehicles is temporarily shut-down due to mechanical defects. Action is being taken against the permit holder.

(b)—The Ajara-Rani Road is a gravelled road and motorable. Palasbari-Laharghat Road is also a gravelled and motorable road. The portion from Laharghat to Barduar is Kutcha.

As gravelled roads the conditions of these roads are fair.

(c)—There is no proposal at present to improve these two roads.

The matter will however be referred to the Public Works Department for examination.

**Shri HARESWAR GOSWAMI**: Is it not a fact that Palasbari-Loharghat Road is not useable because of big stones all through that way ?

**Shri SIDDHINATH SARMA (Minister)**: No Sir, I personally inspected that road in February or March last.

**Bar to District and Subdivisional Offices**

**Shri ANANDA CHANDRA BEZBARUA** asked:

\*170. (a) Will Government be pleased to state whether District and Subdivisional Offices, including offices attached to Courts, are barred to public including pleaders ?

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

(c) Are Government aware that entrance to offices at Sibsagar Katchary is barred for all ?

(d) If so, has it got Government approval ?

(e) Is it a fact that Court's Police at Sibsagar is excluded from this ban ?

(f) If so, why ?

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

170. (a)—Yes. Access to non-judicial offices is not permissible without authority from the Deputy Commissioner or the Subdivisional Officer concerned. Access to a Court office without permission of the Presiding Officer is not allowed to any one except to a member of the office establishment.

(b)—Free access to non-judicial offices is not allowed in order to avoid disturbance to work therein, and for the safety of documents and files.

Under Rule 1034 of the Civil Rules and Orders no one except a member of the Office establishment can enter a Civil Court office without the permission of the Presiding Officer. Under Rule 264 of the Criminal Rules and Orders no one can inspect the record of a pending case without the permission of the Presiding Officer.

(c)—Yes. Entrance to offices without permission is barred. But pleaders are allowed access to non-judicial offices at a fixed hour as a special case as ordered by Government on receipt of representation.

(d)—Yes. The procedure stated in answer to (c) has Government approval.

(e)—The Court Police have access only to non-judicial offices.

(f)—As they are part of the Subdivisional Officer's office establishment.

**Shri ANANDA CHANDRA BEZBARUA:** With regard to (e), is it because of the fact that there is loop-hole for corruption that police offices are excluded from this ban?

**Shri RUPNATH BRAHMA (Minister):** The Court Police as I have stated have access only to non-judicial offices, as regards judicial offices they are on the same footing as others.

**Shri ANANDA CHANDRA BEZBARUA:** Wherefrom the hon. Minister has received this information?

(M. Moinul Haque Chaudhury—From whom the hon. Minister has gathered the information)?

**Shri RUPNATH BRAHMA (Minister):** We have ascertained from the Deputy Commissioner and the Sub-Divisional Officer.

**M. MOINUL HAQUE CHAUDHURY:** Will the hon. Minister be pleased to state whether this procedure is followed only in Sibsagar or all over the State?

**Shri RUPNATH BRAHMA (Minister)** : So far we have not received any complaints from anywhere else.

**M. MOINUL HAQUE CHAUDHURY** : Will the hon. Minister consider what will be the amount of hardships to the litigant public if the lawyers are not allowed to enter the offices as stated in (a) ?

**Shri RUPNATH BRAHMA (Minister)** : I think they are allowed, Sir.

**M. MOINUL HAQUE CHAUDHURY** : Is it not a fact that pleaders are considered as officers of the Court ?

**Shri RUPNATH BRAHMA (Minister)** : I have replied that, Sir.

**M. MOINUL HAQUE CHAUDHURY** : According to Civil Rules and Orders and Civil Procedure Code, pleaders are not debarred from entering Civil Court and offices. Is Government aware of the fact that if pleaders are not allowed to enter the office there would be hardships on the part of their clients when they have got pending cases ?

**Shri RUPNATH BRAHMA (Minister)** : Pleadors are allowed to enter the Civil Court office when they have got pending cases.

**Shri RADHIKA RAM DAS** : Will the Minister-in-charge be pleased to issue instructions to the Sibsagar Court and other Courts that pleaders are entitled to enter the Court offices ?

**Mr. SPEAKER** : What for ?

**M. MOINUL HAQUE CHAUDHURY** : If the pleaders are not allowed to enter the Court offices, then how can they manage their cases ?

**Shri RUPNATH BRAHMA (Minister)** : We have got Civil Rules and Orders, and everything will be done according to the Rules and Orders. Sir, under Rule 1034 of the Civil Rules and Orders no one except a member of the office establishment can enter a Civil Court office without the permission of the Presiding Officer.

**Shri ANANDA CHANDRA BEZBARUA** : Will the Minister in-charge be pleased to enquire that it is not a fact as stated by him. So far I know definitely that Police Offices are excluded from this. The hon. Minister has given a wrong information.

**Mr. SPEAKER:** Mr. Bezbarua is giving information.

**Shri ANANDA CHANDRA BEZBARUA:** Is it a fact that this ban was given because there is means for corruption?..... (Shri Moinul Haque Choudhury—or in order to shelter corruption?)

**Shri RUPNATH BRAHMA (Minister):** No, Sir.

### UNSTARRED QUESTIONS

(To which answers were laid on the table)

#### Number of Convicts and Undertrial Prisoners in the Mangaldai Jail

**Shri DANDIRAM DUTTA** asked :

135. (a) Will Government be pleased to state the number of convicts and undertrial prisoners that can be accommodated in the Mangaldai Jail ?

(b) What is the present number of convicts and undertrial prisoners in the said Jail ?

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

135. (a)—Registered accommodation for convicts is 42 and that for undertrial prisoners 63.

(b)—The number of convicts is 50 that of undertrial is 168 as on 8th March, 1953.

**Shri HARESWAR GOSWAMI:** Sir, in view of the reply to question No.135 (a), does not the Minister consider that this jail is over congested ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** We consider the Jail over congested and arrangements have been made to remove the prisoners from that jail to some other jails.

**Shri HARESWAR GOSWAMI:** Is it not a fact that most of the time this jail is over congested ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** Except on some special occasions to meet certain emergencies the jail is over congested like that, but not most of the time, Sir.

**Shri HARESWAR GOSWAMI:** How long it will take to remove this over congestion from this jail Sir ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** It will not take very long Sir, as we have made arrangements to remove some of these prisoners to some other jails like Gauhati, etc.

**Shri HARESWAR GOSWAMI:** How do you accommodate 168 undertrial prisoners where registered accommodation is only for 63 ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** In all available space that there is in the jail. That is always done at the time of special occasion in all jails in the State. The registered accommodation in this jail is for about 105 to 112 prisoners.

**Maulavi Md. UMARUDDIN:** May we know Sir, what is the incidence of sickness in this jail during the period of such congestion ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** From the reports that I have received, there is no sickness in that jail now, Sir.

**Maulavi Md. UMARUDDIN:** The Hon'ble Minister has referred to an emergency—now, what is the present emergency, Sir, that gives occasion to keep such a large number of prisoners in this jail ?

**Rev. J. J. M. NICHOLS-ROY (Minister):** The emergency is because these prisoners were sent to the jail authorities and the jail authorities have to accommodate them. It is not the question of how they can accommodate the prisoners.

**M. MOINUL HAQUE CHAUDHURY:** Is it the dictionary meaning of the word 'emergency', Sir.

(No reply).

**Shri DANDIRAM DUTTA:** Is it a fact that 'an undertrial prisoner died in this jail ?

**Rev. J. J. M. NICHOLS ROY (Minister):** The report that I received from the Inspector General of Prisons says that there is no sickness there at the time. I have no information about the death referred to by my Friend, but when there is no sickness, there must ultimately be no death also,

### Japanese Method of Rice Cultivation

**Shri SARVESWAR BORUWA** asked :

136. Will the Minister-in-charge of Agriculture be pleased to state—

- (a) If the Japanese methods of rice cultivation has engaged the attention of our State Government and if so, from when ?
- (b) What steps, if any, have been taken by the Department to introduce it among our cultivators ?
- (c) What has been its result ?

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

136. (a)—Yes. Since February, 1953.

(b)—A full-fledged campaign has been taken up to popularise the Japanese method of paddy cultivation throughout the State. Three training centres at Silchar, Gauhati and Jorhat have been organised where training on this method will be given to the Officers of the Agriculture Department, and these Officers will train the cultivators during the National week. It is proposed to take up 5,000 demonstration centres covering 1,00,000 acres of land. Dr. S. R. Borooah, Special Officer, Agriculture (Food Production) Department has been appointed as the Campaign Officer, in addition to his own duties to run the campaign and the campaign is directed by the Director of Agriculture. Ammonium Sulphate will also be made available to the cultivators.

(c)—It is too premature to say about the result as the paddy cultivation will take place during this Kharif season.

### The Assam Criminal Law Amendment Bill, 1953

**Shri RAMNATH DAS (Minister)** : Mr. Speaker Sir, I beg to introduce the Assam Criminal Law Amendment Bill, 1953, and to move that the Bill be taken into consideration.

Sir, the main purpose of this Bill is to provide a provision, in the different rules for the administration of justice in the Autonomous Districts of Assam, for providing the procedure to be followed by the Deputy Commissioner of an Autonomous District when he receives a commission from a court outside that District. Sir, the rules for the administration of justice of the different Autonomous Districts of Assam, as amended by the Assam Autonomous Administration of Justice Regulation, 1952, provide the procedure to be followed for issue of commission by the Deputy Commissioner of an Autonomous District, but nowhere in those rules the Assam

Autonomous Administration of justice Regulation, 1952, provides the necessary provision for the execution of a commission issued by any other court to the Deputy Commissioner of an Autonomous District. This Bill, Sir, seeks to provide that provision in the different rules for the administration of justice of the different Autonomous Districts of Assam. This also has to be done as the Criminal Procedure Code is not in force in the Autonomous District.

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

**Mr. SPEAKER:** Motion moved is that the Assam Criminal Law Amendment Bill, 1953, be introduced and also that the Bill be taken into consideration.

**Mr. A. S. KHONGPHAI:** Mr. Speaker, Sir, I want to say a few words on the principle of the Assam Criminal Law Amendment Bill, 1953 and its general provisions.

I find, Sir, there is rule 23A-(1) in the Assam Autonomous Districts (Administration of Justice) Regulation, 1952, "Whenever, in the course of an inquiry, trial or other proceeding under these rules, it appears to the High Court or the Court of the Deputy Commissioner that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable such Court may dispense with such attendance and may issue a commission for the examination of the witness following the spirit of the Code of Criminal Procedure, 1898." So, also rule 14 A so far as Khasi Siemships are concerned and rules 22B, 11A, 21C, 24 B and 21B applicable to Garo Hills, Naga Hills, North Cachar Hills, and Mikir Hills respectively.

Under the above rules commissions are being issued even now also following the spirit of the Code of Criminal Procedure, 1898. Therefore, the amendment sought is not necessary and rather goes against the spirit and letter of the Constitution. Chapter XL and Section 503 of the Criminal Procedure Code provide commission for examination of witnesses, and even that Act can be made applicable, as has been done with regard to Chapter XL of the Code of Criminal Procedure, that is, the power of the Governor under paragraph 12 (b) of the Sixth Schedule.

When the existing machinery of the law serves the purpose, we should not hurry on with this legislation. I find there are many rules and regulations affecting these autonomous tribal areas of ours, and there are so many addenda and corrigenda and the people also would not like things to rush in hurriedly into legislations, and specially when they have got the District Council of their own.

Sir, there are many more urgent matters such as provisions to direct an appeal to be present against the order of acquittal, the

sentence of fine only passed by a Magistrate of the first class when the amount of fine does not exceed rupees fifty, producing an arrested person within a period of twenty-four hours, there are provisions under the Code of Criminal Procedure, to which we follow the spirit as in case of commissions for examination of witnesses. I would request the Minister-in-charge of the Bill to consider whether it is not necessary to have a Commission to inquire into and report on the whole administration of the autonomous districts and autonomous regions, specially on the administration and the need for any new or special legislation in respect of these tribal areas as contemplated in paragraph 14 of the Sixth Schedule to the Constitution of India.

With these words, Sir, I hope the Minister-in-charge will drop the Bill for the present.

**Shri HARESWAR DAS (Deputy Minister):** Sir, may I make one point clear? My friend is not correct in his interpretation. Paragraph 19(1)(a) makes certain provision for transitional period. That is after the enforcement of the Constitution and before the Constitution of a District Council. This is called the transitional period and during this transitional period the Governor may make regulations.

**Mr. SPEAKER:** Until the District Council is constituted?

**Shri HARESWAR DAS (Deputy Minister):** Yes Sir. After the enforcement of the constitution and before constitution of District Councils, this period is called transitional period when no Act of Parliament or of Legislature shall apply to an autonomous district. But during this period, Governor can extend any such Act. When the transitional period is over, what happens? During the transitional period Governor can extend any Act but after it, he cannot do that. Then Sir see Paragraph 3(1)(a) of the Sixth Schedule; the subject on which a district council can legislate is mentioned there. Except those subjects they cannot pass any legislation. They cannot pass any law but only on those subjects. They can legislate on (a) the allotment, occupation or use, or the setting a part, of land, other than any land which is a reserved forest for the purpose of agriculture or grazing, (b) the management of any forest not being a reserved forest, (c) the use of canal or water-course for the purpose of agriculture, (d) the regulation of the practice of jhum or other forms of shifting cultivation, (e) the establishment of village or town committees, in this way upto (j). So any subject which does not fall within this list, the State Legislature can bring legislation.

Then Paragraph 12(1)(a) of the Sixth Schedule provides, that no Act of the Legislature of the State in respect of any matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws.....shall apply to any autonomous district or autonomous region if Governor by public notification so directs.



That is, Sir, that even subjects falling within Paragraph 3, a State Legislature may pass law but it will not apply to autonomous districts unless the Districts Councils by notification make it applicable. Such subjects which are not included in Paragraph 3, only the State Legislature will legislate.

My Friend referred to (b). This section he has misinterpreted. This is a debarring section. The Governor by a notification may direct that any Act of Parliament or Legislature of the State to which the provisions of clause (a) of this sub-paragraph do not apply shall not apply to an autonomous district. This is a debarring section. The next provision is that some portion only of any Act the Governor may make applicable.

Here Governor can debar certain laws from its application in the autonomous districts. That is the principle and if Governor thinks something should apply and something not, he may cut out something and apply something. So the State Legislature has perfect right to legislate on the subject.

**Mr. SPEAKER:** Mr. Das, I think, you might have taken the legal opinion in this matter ?

**Shri RAMNATH DAS (Minister):** We have got our jurisdiction, Sir. It is the views of our Law Officers.

**Mr. SPEAKER:** Anyway, after lunch, we may hear the Advocate General.

**Shri HARESWAR DAS (Deputy Minister):** Sir, this matter was discussed between me and the Legal Remembrancer.

**Mr. SPEAKER:** The House would not like to have private information.

**Shri RAMNATH DAS (Minister):** If the Advocate General is here, Sir, we shall make arrangement for his views. But we are fully satisfied and that is why we have brought this Bill, Sir.

**Mr. SPEAKER:** It is better to hear him.

**Shri RAMNATH DAS (Minister):** All right, Sir. We shall arrange accordingly.

### The Assam Co-operative Societies (Amendment) Bill, 1953

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Co-operative Societies (Amendment) Bill, 1953. The Bill was published in the Gazette

of 16th February, 1953 and it has also been circulated to all the hon. Members.

**Mr. SPEAKER :** Motion moved is that the Assam Co-operative Societies (Amendment) Bill, 1953 be introduced.

(The Bill was introduced)

**Shri MAHENDRA MOHAN CHOUDHURY (Minister) :** Mr. Speaker, Sir, I beg to move that the Assam Co-operative Societies (Amendment), Bill 1953, be taken into consideration.

Sir, the amendment has been proposed only to remove some working difficulties which have come in the way in the operation of the principal Act and the amendments seek to remove them.

**Shri GHANA KANTA GOGOI :** Mr. Speaker, Sir, I appreciate the Government's efforts to introduce into the State Co-operative Societies in different spheres, *viz.*, in Agriculture, Pisciculture, etc., Sir, it is a fact, that these Government sponsored Co-operative Societies sprang up and spread all over the State like mushrooms and had ephemeral existence. These societies have died or they are dying out and most of the societies are in moribund condition. Sir, this land is a land of non-cooperation (*laughter*). Government is trying to force co-operation, which will take a long time for their effort to bear fruit.

Sir, I think, there are some basic defects in the main Act, *viz.*, the Assam Co-operative Societies Act. The whole Act need thorough examination. I appreciate the anxiety of the Government to remove certain defects, but unless there be something fundamentally wrong in the provisions of the Act there would not have been the failures. The root cause for the failure of the movement in our State, should be found out and removed. Otherwise we will not succeed in achieving the desired results. So I suggest that Committee should be formed to examine the whole Act and if necessary, the Committee should re-draft the whole Act, so that we may be able to make movement a success in our State. I will not speak more, Sir. With these observations, I oppose the Motion.

**Shri MAHENDRA MOHAN CHOUDHURY (Minister) :** Mr. Speaker, Sir, I am glad that my Friend, Shri Gogoi is very much anxious for the growth of the Co-operative movement in Assam. As I have already said, the amending Bill is only to remove some working difficulties that has been coming in the way of operation of

the principal Act. Shri Gogoi suggested that the principal Act requires some sort of overhauling and that a Committee should be set up to look into the matter. Sir, the principal Act has been amended in 1949 and the rules under the Act have been framed only in 1952. Therefore, I find no reason why this Act should be overhauled at such a premature time. If the hon. Member points out any provision which is repugnant to the growth of the Co-operative movement, in that case, I can assure the House that the matter will be looked into.

But on mere saying that the principal Act does not come in conformity with the present state of affairs, is not quite sufficient to call for a Committee to go into the matter and to make suggestions. With these observations, I hope that the House will accept my Motion for consideration of the Bill.

**Mr. SPEAKER:** The question is that the Assam Co-operative Societies (Amendment) Bill, 1953 be taken into consideration.

The Motion was carried.

### **The Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953**

**Shri MOTIRAM BORA (Minister):** Mr. Speaker Sir, I beg to move that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be introduced.

**Mr. SPEAKER:** Motion moved is that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be introduced. (The Bill was introduced).

**Shri MOTIRAM BORA (Minister):** Mr. Speaker. Sir, I beg to move that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be taken into consideration.

Sir, the necessity of this Bill has been explained in the Statement of Objects and Reasons, wherefrom it would be apparent to the hon. Members of this House that this Bill is quite necessary to us. It is known to the hon. Members of this House that we have got an Act, and it is in vogue in Assam and under the provisions of that Act rehabilitation loans have been advanced to the refugees to be recovered later on. But that Act is not applicable to the District of Cachar, because the responsibility of administering the work of rehabilitation of refugees in Cachar was taken over by the Government of India. But during the month of February last, this Government has taken up the responsibility from the Government of India, and as such the responsibility of recovering the loans has *ipso facto* become our responsibility. As the provisions of the Act, that is vogue in Assam are not applicable in the District of Cachar, in order to enable us to recover the loans advanced to the refugees, this Bill has

been brought before the House, and if it is passed into law we shall be able to recover the loans in Cachar also. Therefore this Bill is absolutely necessary.

**Mr. SPEAKER:** Motion moved is that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be taken into consideration.

**Shri HARESWAR GOSWAMI:** Sir, we are not responsible for the loans advanced to the refugees in the District of Cachar. That was done by the Central Government after scrutinising their applications. Now if our Government take the responsibility of realising the loans from the refugees, who had been given loans, it would be an extra burden on the Government. But so far as loans advanced after the administration has been taken over by our Government is concerned, I quite agree, that the responsibility should be of our Government. My point is that what is the necessity of taking the responsibility of completing a work, a part of which had been left undone by the Central Government? I think, the Central Government should take the responsibility of recovering the loans already advanced to the refugees in the District of Cachar.

**Maulavi Md. UMARUDDIN:** Sir, it is not clear to me. It seems that the Government of Assam by taking over the responsibility of realising the loans advanced to the refugees in the District of Cachar has taken double responsibility. If the Government fail to realise the loans already advanced to the refugees, from what source will this loss be met? Whether that loss will be borne by the State Exchequer or it will be borne by the Central Government. I want to know whether by taking over the responsibility of realising the recovery of loans advanced to the refugees, the Government will be involved in financial responsibility.

**Shri MOTIRAM BORA (Minister):** It is quite apparent, Sir, when the Central Government was administering the District of Cachar in respect of rehabilitation of the refugees, they had their machineries there. But when that responsibility was taken by the Government of Assam, we have placed our machineries of administration there and the Government of India's machineries have been withdrawn from the District of Cachar. Therefore, for the purpose of realisation of the loans advanced by the Central Government, if they are to keep extra machinery in the district, it would be difficult and uneconomic proposition. So we have taken up the responsibility to realise the loans advanced by the Government of India to the extent as far as possible. This does not mean that in the event of failure on our part to realise the amount, we shall be held responsible by India and we shall be required to meet the expenditure, from the State Exchequer. We have come to an agreement, or rather, we have been assured by India, that we will not be liable for the unrecovered loans.

**Mr. SPEAKER :** The question is that the Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953 be taken into consideration.

The Motion was adopted.

### The Assam Forest (Amendment) Bill, 1953

**Shri RAMNATH DAS (Minister) :** Mr. Speaker, Sir, I beg to move that the Assam Forest (Amendment) Bill, 1953 be introduced.

**Mr. SPEAKER :** Motion moved is that the Assam Forest (Amendment) Bill, 1953 be introduced.

The motion was adopted.

**Shri RAMNATH DAS (Minister) :** Mr. Speaker, Sir, I beg to move that the Assam Forest (Amendment) Bill, 1953 be taken into consideration.

Sir, this is a simple Bill. It seeks to provide a provision in the Forest Regulation in order to give proper facilities to the Forest Officers in realising forest revenue on forest produces when due.

The Section 76 of the Assam Forest Regulation, states—

“(1) When any such money is payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest officer specially empowered in this behalf, and may be retained by him until such amount has been paid.

(2) If such amount is not paid when due, such Forest officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.”

Sir, it has been found, that in some cases when forest produces are sold for realisation of Government Revenue under this section by the Forest officers, no bidders came to bid for those produces and even when they did come the bids submitted by them were not considered to be an adequate one. In such cases, Government revenue cannot be realised. Therefore, in order to enable Government to realise revenue due from forests produces a provision has to be made in the Forest Regulation, so that the Forest officers, in case

of their failure to get bid or an adequate one, can sell the forest produce after withdrawing from auction by some other methods which will be directed by the Government. This is a very simple provision, which has got to be made for realisation of Government revenue as otherwise the Forest officers under the present rules cannot sell except by auction.

**Mr. SPEAKER:** Motion moved is that the Assam Forest (Amendment) Bill, 1953 be taken into consideration.

**Maulavi Md. UMARUDDIN:** Mr. Speaker, Sir, I quite appreciate the intention of the Government in bringing this amendment with a view to strengthen the hands of the officers to dispose of certain forest produce for realisation of arrears in cases where either the auction does not fetch any bid or the bid offered is considered inadequate. Sir, it is my experience that there is a slump in timber trade and as there are huge arrears outstanding, the Government has been compelled to take over timber and other forest produce and sell them in auction. But there being no provision for disposal either by private negotiations or by some other means, I quite agree that some means should be found out, yet at the same time, there should be some provision also to safe-guard the interest of the defaulter, because when the Government takes upon itself the responsibility to dispose of the forest produce through a private agency, the defaulter himself should be given an opportunity to arrange sale of his forest produce, and for that purpose he should be given sufficient time. Then again, Sir, he should also be further safe-guarded by a provision that the price at which the forest produce will be disposed of by Government should not be lower than the bid, if any, that was received at the auction. There must be some protection because the officers may sell the forest produce by private negotiation which may not fetch even the same price as at the auction. Therefore Sir, this provision or this amendment should be made more comprehensive so as to safe-guard the interest of the defaulter as well. First of all he should be given an opportunity and also reasonable time to dispose the forest produce by his own efforts, and after he has failed that, then Government can step in and take steps for disposing of the forest produce, provided the price is higher than the amount of the bid. With these few words Sir, I request the Forest Minister to bring this amendment in a more comprehensive form on the basis of my suggestions.

**Shri RADHA CHARAN CHAUDHURY:** Mr. Speaker, Sir, in the Statement of Objects and Reasons it is seen that the very purpose of the Bill is to get adequate amount of money by sale of forest produce when the price offered in auction is inadequate, but

Sir, by this Bill, I think, the purpose will not be served because in the proposed new previous sub-section (2) of Section 76 of the Regulation, it is written that "Provided that when, no price is offered or the price offered in such auction is considered inadequate the sale by such auction shall be stopped and such Forest officer shall sell the produce in such other manner as the State Government may direct in this behalf".

Sir, the words "such other manner" are quite, vague, they may mean nothing or they may also mean anything and every thing. So, Sir, if the term is not distinct the sale may be on private basis or the sale may be at lower rate than the price offered before, in such cases Sir, the adequate money will not come. So, Sir, if the Forest officer is empowered to sell the forest produce by some other means and the Forest officer if he takes money he may give the forest produce to such contractor whom he likes most, so favouritism may be encouraged when the procedure of sale is not distinct. So, Sir, if Government really desires to have adequate sum of money by sale of forest produce the process of sale must be distinct. Therefore, the words should not be as vague as embodied in the Bill. So, Sir, I request the Minister to see that the manner of sale should be distinct that the price should come to higher level.

**Shri RAMNATH DAS (Minister):** I am thankful to Mr. Umaruddin as he has agreed with me to see the need for moving this Bill. Sir, he says that there must be certain provisions in addition to public auction to realise Government revenue which becomes due on account of forest produce when the contractor is unable to pay. Sir, he further says that there should also be proviso in the Bill—that such attempts as suggested in the Bill should be resorted to after giving an opportunity to the contractor to sell his forest produce, and secondly that steps suggested in the Bill should be resorted to by the Forest officer only when he gets by such method a price higher than what he used to get when he was selling forest produces in auction. Sir, I am afraid, I cannot accept these two suggestions of his. The first suggestion cannot be accepted because if the contractor is allowed to sell the forest produce then the price realised by him may not be paid to Government. The second suggestion is not necessary as it must be presumed that a Forest officer will act as provided in this Bill to sell the forest produce finally when he will definitely get a higher price than he used to get in auction.

With regard to the suggestion of Mr. Radha Charan Chaudhury Sir, that if power is given to a Forest officer to sell the forest produce through private negotiation then he may do it to help some contractors whom he likes and there may be favouritism or some

partiality in doing that. Sir, this provision is made to realise Government revenue by selling the forest produce as after withdrawing from auction and in implementing this procedure an Officer may get a chance to help his friends, but he must look to the Government revenue first for the realisation of which he is responsible.

Therefore, Sir, the argument made by my Friend, Shri Radha Charan Choudhury, against the provision made, cannot be accepted by me.

With these words, Sir, I again request the House to accept my Motion.

**Mr. SPEAKER:** The question is that the Assam Forest (Amendment) Bill, 1953, be taken into consideration.

The motion was adopted.

### The Assam Repealing and Amending Bill, 1953

**Shri RAMNATH DAS (Minister):** Mr. Speaker Sir, I beg to introduce the Assam Repealing and Amending Bill, 1953.

**Maulavi Md. UMARUDDIN:** Mr. Speaker Sir, I rise on a point of order. Here I think one principle of legislation has been infringed. By this Bill, Sir, a number of Acts is sought to be repealed and a number of Acts is sought to be amended. So far as repealing is concerned, I have no objection. But so far as amending is concerned I say, Sir, that this amendment involves the changing of Titles and wordings of certain Acts. So, Sir, in my opinion, so far as amending is concerned, I think separate Bills for each amendment should be brought in; one consolidated Bill for the purpose of amending several Acts is therefore out of order.

**Mr. SPEAKER:** What is your main point?

**Maulavi Md. UMARUDDIN:** My main point, Sir, is that for each Act sought to be amended, a separate Amending Bill should be brought in but not in one consolidated Bill. So I say there is here a departure from, or an infringement of the fundamental principle of legislation and we need the opinion of the Advocate General in this matter.

**Shri MOHI KANTA DAS (Parliamentary Secretary):** May I know, Sir, under what authority or under what provision of law, there is an infringement of the principle of legislation in this case?



**Mr. SPEAKER :** Yes can you give any authority ?

**Maulavi Md. UMARUDDIN :** I have no authority, Sir, but it is a legal practice. So I say we need the opinion of the Advocate General in this matter.

**Mr. SPEAKER :** Will Mr. Das say whether any Money Bill is involved in this Bill ?

**Shri RAMNATH DAS (Minister) :** No, Sir.

**Mr. SPEAKER :** Yes, Mr. Umaruddin's point is interesting. But I find that in the Central Legislature also a similar Bill was passed where no Money Bill is involved. And also in the West Bengal Legislature a Repealing and Amending Bill was passed on the 21st of April 1949. In that case also, so far I am told, no Money Bill was involved. As such I rule that the motion is in order.

The motion moved is that the Assam Repealing and Amending Bill, 1953, be introduced.

(The Bill was introduced.)

**Shri RAMNATH DAS (Minister) :** Mr. Speaker Sir, I beg to move that the Assam Repealing and Amending Bill, 1953, be taken into consideration.

Sir, this is a simple measure but this is the first of its kind in this State and for this my Friend Md. Umaruddin Saheb could raise an objection. Sir, the Bill has been brought to repeal certain Acts which have become obsolete and which are not in force at present; and also to amend certain Acts which need certain amendments. Sir, with these objects, this Bill has been brought in. The Acts which are to be repealed are shown in the First Schedule, and the Acts which are to be amended are shown in the Second Schedule, of this Bill. The notes which are given on the different Bills shown in the First Schedule will show the necessity for repealing the Acts described there and the notes which are given at page 4 but below the words "The Second Schedule" of this Bill will show the necessity for amending the Acts which are described in the Second Schedule.

**Mr. SPEAKER :** Motion moved is that the Assam Repealing and Amending Bill, 1953, be taken into consideration.

(The Motion was put as a question and adopted)

**The Assam Nowgong and Sibsagar (Assimilation of Laws)  
Bill, 1953**

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953.

**Mr. SPEAKER:** The motion moved is that the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953, be introduced. (The Bill was introduced).

**Shri RAMNATH DAS (Minister):** Sir, I beg to move that the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953, be taken into consideration.

Sir, by virtue of notification No. TAD/R/31/50, dated the 5th September, 1952, the areas set out in the Schedule to the Bill were excluded from the Autonomous District of Mikir Hills and the areas specified in paragraphs 1 and 2 of the Schedule were amalgamated with the Districts of Nowgong and Sibsagar respectively. These areas have been taken out of an autonomous district to which all the laws of a normal area were not extended. On the other hand there are certain special laws, e.g., laws for the administration of justice in an autonomous district. Though the areas have been excluded from an autonomous district, the laws in force there continue to be in force unless altered or repealed. With the inclusion of those areas in the Districts of Nowgong and Sibsagar it is necessary to bring in the administration of those areas to par with the rest of these districts and the Bill seeks therefore to repeal the necessary laws in force there and apply thereto laws in force in the rest of the respective districts in which those areas are now included. We are taking action only for assimilation of those laws which relate to matter specified in List II of the Seventh Schedule to the Constitution. Government of India have been moved to make similar legislation in respect of matters specified in List I and List III of the said Schedule.

I may, however, add that the Administration of Justice Rules will continue to apply where both the parties are members of Scheduled Tribes.

**Mr. SPEAKER:** The Motion moved is that the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953, be taken into consideration.

(After a pause)

The question is that the Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953, be taken into consideration, (The Motion was adopted).

**The Assam State Acquisition of Zamindari (Extension to Autonomous District of Garo Hills) Bill, 1953.**

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I beg to introduce the Assam State Acquisition of Zamindari (Extension to Autonomous District of Garo Hills) Bill, 1953.

**Mr. SPEAKER:** The Motion moved is that the Assam State Acquisition of Zamindari (Extension to Autonomous District of Garo Hills) Bill, 1953, be introduced.

(The Bill was introduced.)

**Shri HARESWAR DAS (Deputy Minister):** Sir, I beg to move that the Assam State Acquisition of Zamindari (Extension to Autonomous District of Garo Hills) Bill, 1953, be taken into consideration.

**Mr. SPEAKER:** The Motion moved is that the Assam State Acquisition of Zamindari (Extension to Autonomous District of Garo Hills) Bill, 1953, be taken into consideration.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move as an amendment that the Assam State Acquisition of Zamindari (Extension to Autonomous District of Garo Hills) Bill, 1953, be circulated for eliciting public opinion thereon by the 31st May, 1953.

Mr. Speaker, Sir, I know that in moving this amendment I stand the risk of being criticised as one who is an ardent advocate of abolition of Zamindari tries to put the clock back by taking such a dilatory measure. Sir, yet when it concerns Garo Hills—an autonomous district in which there is a District Council—I feel that in spite of the risk I should move this Motion. Sir, in the Statement of Objects and Reasons it is stated “Though under section 1 (2) of the Assam State Acquisition of Zamindari Act, 1951 the Act was extended to Garo Hills the same did not apply *proprio vigore* there in view of the provision of paragraph 19 of the Sixth Schedule to the Constitution. The District Council in that District, having come into being in the meantime no action for its extension can also be taken now without recourse to a separate legislation. Hence by this Bill it is proposed to extend the provisions of the Act to the autonomous District of Garo Hills.”

Sir, in paragraph 19 of the Sixth Schedule of the Constitution, it is stated, “(1) As soon as possible after the commencement of this Constitution the Governor shall take steps for the constitution of a District Council for each autonomous district in the State under this

Schedule and, until a District Council is so constituted for an autonomous district, the administration of such district shall be vested in the Governor and the following provisions shall apply to the administration of the areas within such district instead of the foregoing provisions of this Schedule, namely—

(a) no Act of Parliament or of the Legislature of the State shall apply to any such area unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit;

(b) the Governor may make regulations for the peace and good Government of any such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area.

(2) Any direction given by the Governor under clause (a) of sub-paragraph (1) of this paragraph may be given so as to have retrospective effect."

We are not concerned with sub-paragraph (3).

So, Sir, as soon as a Bill becomes an Act and if it is intended to extend to any autonomous District, the Governor can do so under this paragraph. Now, when the District Council has come into existence it appears that in applying any Act of this House to a District it is essential that there should be a separate provision in the Constitution to do so. So far as these measures are concerned, I have no quarrel. So, I have nothing to comment on the procedure. Sir, my point is, there are few Zamindaris in the Garo Hills. We have been trying our utmost for the abolition of Zamindaris, but due to various legal technicalities it was not possible to do so. Now we want to go the whole hog about it and do away with it. So far as it goes I have no objection. But the fact remains that we could not abolish landlordism and Zamindaris overnight and when we could await so long for various technicalities of laws we can also await for a few days more to get the consent of the Garo people living in the Garo Hills about this measure. Sir, because the Act contains two things: one is abolition of Zamindaris which are very few in the Garo Hills and the other about compensation. So far as I am concerned, I am against payment of compensation. I do not want that any compensation should be paid to a landlord for taking away his land. But as far as the Constitution goes we cannot do so. Even then regarding the quantum of compensation we can express our opinion and in this matter I consider it essential in both these matters that we should take the opinion of the people of the Garo Hills. Though they want that Zamindaris should go

immediately from their District whether they agree with the quantum of compensation. This matter should be considered by the people of Garo Hills because it is a tribal area. There are tribal people and they are at a different stage of development. Their development is not equal to our state of development. In the Sixth Schedule, we have given right to the District Councils to collect land revenue and other taxes. When we have given so much right to the District Councils, in this matter also it is necessary that we have their opinion.

### Adjournment

(The Assembly was then adjourned for lunch till 1-30 P. M.)

### (After lunch)

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I was saying that the level of consciousness of the people living in the Hills is not the same as the level of consciousness in other parts of the State. (Shri Mahendra Mohan Chaudhury—Not at all.) Some people may not agree with the statement, but if we mean by consciousness—political consciousness, I think, it will be agreed that politically they are not at the same level with us. We want that they should come to the same level economically and politically, but it will take time. If we go into the history of this movement for abolition of Zamindaris, it appears that the movement started not in the Hills but in the politically conscious areas and the movement did start from those areas only. Even today, I do not know, my Garo Member friends will bear me out, how far they understand the implications of this Zamindary abolition. There are two implications—it may be from the point of view of the Zamindars, with which I am not concerned—there is another implication from the point of view of the people who live in the Zamindaris, who should clearly understand what they are going to get after the abolition of Zamindaris or what price they will have to pay for the abolition of the Zamindaris. I insist on it because we know that in various States, *i. e.*, United Province and Bihar, the Zamindars created trouble when they failed to have popular movement in their back. They went to the Court and they did everything to delay the process. Similarly, things may be done even under this Act. It may be taken to a High Court and its legality may be questioned. Even the Zamindars may somehow persuade or misrepresent everything to the people. They may get the backing of the people as well. So, it is essential to avoid any misunderstanding. The people should be clearly made to feel what are the implications of this Act, and here as I said, the land revenue is a matter to be decided by the District Council and we have a properly constituted District Council in the Garo Hills. It would have been better if a resolution had been passed by the District Council asking

or stating that they also want to abolish landlordism in the Garo Hills. Then after that when they move a resolution to this effect then it would have been more fitting to bring in a Bill like this. But now the District Council is there but it seems it has been ignored altogether. Therefore, my Motion suggests that if we have been able to wait so long, we can wait till the next September Session. By 31st May if we get the opinion of the people, by eliciting the opinion of the Garo people, as soon as we get their opinion by 31st May, in September Session we can easily bring this Bill before the House and from our side, we can say that we will be glad to take this Bill into consideration. I am not opposing this Motion. I want that this Motion be passed but what I want is that the opinion of the Garo people be taken on it. If they are in favour of abolition of Zamindaris it is well and good and if they are against it, let us take time to educate them how this abolition of Zamindaris would go to benefit them.

Regarding quantum of compensation it may be that they may not be agreeable to pay the same quantum of compensation to the landholders, because the Constitution does not fix any and it only mentions that quantum of compensation should be paid. So, without violating the spirit of the provision, without flouting the provisions of the Constitution, we can say let the compensation be less than in other places. In that way also, we can save some money to the Exchequer and also it would go to help the people. I am sure, they will want it and secondly, what should be the quantum of compensation that we should pay to the Zamindars. We should know from the Garo people about it. If we take them into confidence, it will be a better thing in the long run. These Hills people are susceptible and apt to be misled by other people and if we explain to them matters correctly then there will be no room for suspicion and other elements will not be able to take advantage of their ignorance. Let them understand the implications about it and let them express their opinion. Let them declare what quantum of compensation they will agree to give to the Zamindars. Then, after having their opinion we should be in a better position and the Garo people also will feel that this House has not ignored them.

With these words, I beg to commend my Motion to the acceptance of this House.

**Mr. SPEAKER :** Amendment moved is that the Assam State Acquisition of Zamindaris (Extension to Autonomous District of Garo Hills) Bill, 1953, be circulated for eliciting public opinion thereon by the 31st of May, 1953.

**Shri MOHI KANTA DAS: (Parliamentary Secretary)**

Mr. Speaker, Sir, I oppose the amendment of Mr. Goswami on the following among other grounds—

On the ground of principle, on the ground of public policy and interest, on the ground of expediency and on the ground of inconsistency.

My Friend starts with the proposition that while the legislation was undertaken, this Government did not take the Garo people or Garo representatives into confidence and that the relation between the Garo District Council and this Government is not close. I submit that the assumption of my Friend is rather not based on accurate information.

As regards the amendment on merit, I have already stated that it is on principle obnoxious. Generally, a Bill is referred to public opinion when it affects the interest of the public. But in this case, if the Bill is accepted by the House it will go to benefit the people and adversely affect the interest of the Zamindars. On this principle, therefore, this amendment is not sound.

Secondly, Sir, as regards the public policy and public interest, I need not dilate very much because everybody knows that if this particular Bill is sent to the Garo Hills for the purpose of eliciting public opinion, the Zamindars would combine and try to influence the people by some way or other in order to explode the provisions of this Bill. Therefore, Sir, there is no sense in sending this Bill to the Garo Hills for the purpose of eliciting public opinion as it is apprehended that such a step will adversely affect the interest of the public. Hence I say that my Friend's amendment is against public policy and public interest.

**Mr. SPEAKER:** What is the public policy?

**Shri MOHI KANTA DAS: (Parliamentary Secretary)**

The public policy is this: whenever a Bill, which purports to do benefit to the people, is brought forward we should expedite passing of the Bill without putting any obstacle or adopting any dilatory tactics. This is against public policy (Mr. Speaker: Public interest) Yes, Sir, public interest.

Then, Sir, if my hon. Friend's amendment is accepted, it will not be a matter of expediency, which the Government and the House desires. Government desires that the passing of this Bill be expedited. Sending of this Bill for public opinion would have the contrary effect; it will only delay matters. Therefore, my Friend's amendment would be against expediency without the least benefit to the people for whom it is intended.

Fourthly, Sir, it is vitiated by inconsistency in the view-points of my Friend, the Leader of the Opposition expressed from time to time on the floor of this Assembly. My Friends of the Opposition accuse the Government in time and out of time that this Government are delaying abolition of Zamindaris. But, now, Sir, the cat is out of the bag. When this Government are out to expedite passing of this Bill, my Friend the Leader of the Opposition has put in an amendment by which passing of the Bill will be delayed. I have shown, Sir, how his amendment is bad on principle against public interest and expediency and also how his attitude today is inconsistent with the utterances he used to make on several occasions, on the floor of this Assembly. If any delay is made now, he will be responsible for it. My Garo Friends here and the Garo public would not like delay in passing the Bill. My Garo Friends here are very anxious to have this Bill passed. But I am sorry to find that the Leader of the Opposition is adopting dilatory tactics. Therefore, Sir, I have a right to ask him to make a frank confession on the sacred floor of this House whether he is pro-zamindar or pro-people and whether he or the Government is to be blamed for such dilatory tactics which would ultimately harm the people for whom the Bill has been enacted.

As regards the Constitutional aspect, if there be any, the Minister-in-charge of the Bill will reply. In conclusion, I would only like to sound a note of warning to my Friend, the Leader of the Opposition, while he has been very vocal and eloquent in opposing the Bill, the Garo Members and the Garo people who are affected by the Bill are silent. It is said in Assamese—

“বাজিব লাগে ঢেঁয়ী কটাৰী বাজিছে হাঁচতি”

\***Shri AARAN SANGMA**: Mr. Speaker, Sir, the hon. Leader of the Opposition wants to circulate this Bill for eliciting the opinion of the Garo people. Sir, the Garo people are in favour of acquisition of Zamindaris and the Leaders of the District Council have already sent memoranda to the Government to that effect. I think; the hon. Leader of the Opposition is not aware of it. Our people are not ignorant about this matter and they are all in favour of it. I, therefore, oppose the amendment moved by the hon. Leader of the Opposition.

**Shri HARESWAR GOSWAMI**: On a point of clarification, Sir, I would like to know from Mr. Sangma whether any resolution has been passed by the District Council to that effect?

\***Shri AARAN SANGMA**: Yes, Sir, a resolution was passed by the District Council.



**Shri EMONSING SANGMA** : Mr. Speaker, Sir, I want to speak only a few words with regard to the abolition of the Zamindari system in the Garo Hills.

Mr. Goswami, the Leader of the Opposition, stated that the District Council of the Garo Hills was not aware of this Bill and that they had not expressed any opinion about this matter is not correct. Since some years the Leaders of District Council and the people of the Garo Hills have been repeatedly requesting the Government for abolition of the Zamindaris in the Garo Hills and sending their representations one after another. Most of the revenue now collected goes to the pockets of the Zamindars ; and the abolition of the Zamindaris may mean better utilisation of lands in the District and more revenue income to the District Council of the Garo Hills by which the District Council would be able to run their functions more efficiently in future. The Zamindars have never been contributing any sort of help to Garo Hills although they have been enjoying revenue for so long a time in the district; and under this condition it will be quite unfair on the part of Zamindars to claim for compensation in any form.

With these few words, I oppose the amendment moved by my Friend, Mr. Goswami.

**Shri HARESWAR DAS (Deputy Minister)** : Mr. Speaker, Sir, I am somewhat surprised at the stand taken by my Friend, the Leader of the Opposition. Possibly the stand he has taken is due to want of correct knowledge of the Zamindari system prevalent in Garo Hills. I shall give in brief its history ; but before that I want to reply to a legal point raised by him. He has said that the land revenue and abolition of Zamindari is the same thing. So this matter comes under the purview of the District Council. Sir, it is a mistake to say abolition of Zamindaris, it is acquisition of Zamindaris and acquisition is a subject left to the State Government. I refer to paragraph 3 of Sixth Schedule. Paragraph 3 (1) (a) gives power to the District Council in respect of allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purpose of agriculture or grazing or for residential, etc., provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes by the Government of Assam in accordance with the law for the time being in force, etc. So, Sir, acquisition is a subject which has been left to the State Government and not to the District Council. The State Government must

do it. My Friend has referred that the State Acquisition of Zamindaris Act includes Garo Hills district. It has become almost in-fructuous in view of Paragraph 19(1) (a) which debarred application of the Act. "No Act of Parliament or of the State Legislature shall apply to such areas during the transition period". The Governor could have extended it, but through oversight it was not done. That mistake we are now correcting. Now, even the Governor cannot do it.

Now the history of Zamindari system in Garo Hills stands on a different footing. It is not like other districts. Before 1853, Garo Hills was treated as a part of Goalpara district. In 1853-54, the Lt.-Governor of Bengal ordered that a boundary should be fixed between the district of Goalpara and Garo Hills. Now let us take that boundary as "A" line. In 1874, one Mr. Brakett was appointed again to survey and fix the boundary. He did it. Let us take that line as "B" line. This boundary was recognised in 1878 with effect from 1875. Between A and B fell a strip of land, which the Zamindars claimed. On recognition of the B line as boundary, all the Zamindars filed civil suits. These civil suits were compromised. One of the compromise terms was that the portion of land between A and B should be administered by Government. 75 per cent. of the revenue would be paid to the Zamindars and 25 per cent. would be retained by Government, as management cost. Besides this, there are about 218 acres of land under Zamindari in Garo Hills. There is no Garo Zamindar. The land belonged to the Zamindars of Goalpara District. Now, if we abolish Zamindari in Goalpara and allow it to remain in Garo Hills, an anomalous situation will arise. It is the Garo people who pointed out this anomaly and made a representation to this effect. At their request we have come forward with this Bill. I, therefore, request my Friend to withdraw his motion.

**Shri HARESWAR GOSWAMI :** Sir, in view of the fact that a resolution has been passed by the District Council and also in view of the explanation offered by the Deputy Minister, I withdraw my amendment, with the leave of the House.

**Mr. SPEAKER :** Has the hon. Member got leave of the House to withdraw his amendment?

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

**Mr. SPEAKER :** The question is that the Assam State Acquisition of Zamindaris (Extension to Autonomous District of Garo Hills) Bill, 1953 be taken into consideration.

(The Motion was adopted.)

**The Assam Management of the Estates (Extension to Autonomous District of Garo Hills) Bill, 1953**

**Shri HARESWAR DAS (Deputy Minister)** : Mr. Speaker, Sir, I beg to introduce the Assam Management of the Estates (Extension to Autonomous District of Garo Hills) Bill, 1953.

**Mr. SPEAKER** : Motion moved is that the Assam Management of the Estates (Extension to Autonomous District of Garo Hills) Bill, 1953 be introduced.

(The Bill was introduced.)

**Shri HARESWAR DAS (Deputy Minister)** : Mr. Speaker, Sir, I beg to move that the Assam Management of the Estates (Extension to Autonomous District of Garo Hills) Bill, 1953 be taken into consideration.

**Mr. SPEAKER** : Motion moved is that the Assam Management of the Estates (Extension to Autonomous District of Garo Hills) Bill be taken into consideration.

(After a pause)

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

**The Goalpara Tenancy (Extension to Autonomous Districts of Garo Hills) Bill, 1953**

The Goalpara Tenancy (Extension to Autonomous District of Garo Hills) Bill, 1953.

**Shri HARESWAR DAS (Deputy Minister)** : Mr. Speaker, Sir, I beg to introduce the Goalpara Tenancy (Extension to Autonomous District of Garo Hills) Bill, 1953.

**Mr. SPEAKER** : Motion moved is that the Goalpara Tenancy (Extension to Autonomous District of Garo Hills) Bill, 1953 be introduced.

(The Bill was introduced.)

**Shri HARESWAR DAS (Deputy Minister)** : Mr. Speaker, Sir, I beg to move that the Goalpara Tenancy (Extension to Autonomous District of Garo Hills) Bill, 1953 be taken into consideration.

**Mr. SPEAKER** : Motion moved is that the Goalpara Tenancy (Extension to Autonomous District of Garo Hills) Bill, 1953 be taken into consideration.

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

## The Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953

**Rev. J. J. M. NICHOLS-ROY (Minister) :** Mr. Speaker, Sir, I beg to move that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953 be introduced.

**Mr. SPEAKER :** Motion moved is that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953 be introduced.

(The Bill was introduced).

**Rev. J. J. M. NICHOLS-ROY (Minister) :** Mr. Speaker, Sir, I beg to move that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953 be taken into consideration.

Sir, a few words may be necessary in order to tell the hon. House the need for this. The Moslem Marriage Registrars are paid by the fees that are realised on account of the registration of marriages. It has been represented by the Marriage Registrars that the fees should be increased in view of all round rise in the prices of all commodities. The matter was considered by the Inspector General of Registration. It was put before the Permanent Committee which was purposely appointed for this purpose and the Committee unanimously agreed that the fees should be increased. So, we have in this Bill increased the fees by 50 per cent. That is all about the Bill. This increase is proposed by amending schedule IV of the Original Act.

**Mr. SPEAKER :** Motion moved is that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953 be taken into consideration.

**Maulavi Md. UMARUDDIN :** Mr. Speaker, Sir, the reason for the enhancement of the registration fee in respect of Assam Moslem Marriages and Divorces has been given and explained by the Hon'ble Minister-in-charge. While I agree to the principle of enhancement of fee, I do not agree to the rate of enhancement. In my opinion it is too high, because the Moslem Marriage Registrars are not whole time Government employees. They usually do this as a part time work in addition to their usual profession. My contention is that if the registration works would have been their whole time work, in that case the enhancement of fees would have been justified, and a large percentage of people would be affected by this enhancement.

**MR. SPEAKER :** What is the percentage ?

**Maulavi Md. UMARUDDIN:** Sir, in this connection, the opinion of the Moslem population should have been invited. There are so many Moslem associations all over Assam. They should have been addressed and their opinions should have been obtained. After that Government should have taken steps to go forward with this measure.

There is, another point, regarding taxation. The principle underlying the provision of fees should be limited to the actual cost incurred in giving the service. Sir, here should I understand that the cost is so high in registering Moslem marriages that the rate should be enhanced to the tune of 50 per cent. Those people are carrying on their usual profession and in their off times, they register a few marriages. Therefore, in my opinion, Government should have first done well to consider the opinion of Muslim religious associations or bodies. At any rate, Sir, 50 per cent. enhancement of fees is too high. To my opinion, it should be increased by 25 per cent.

**Rev. J. J. M. NICHOLS-ROY (Minister):** Sir, I am a little bit surprised that Mr. Umaruddin should oppose this simple amendment Bill. The original Act was made in 1935. First of all let me say, Sir, that since then the prices of all things have gone up, the prices of paper, ink, pen and all materials have gone up high also the house rent has gone up high. So the prices of all things have gone up higher than what they used to be in those days when these fees were fixed. The hon. Member spoke about the committee, I think he is not informed what kind of a committee that was set up in order to decide this case. The Committee is a permanent one for this purpose. The Committee is composed of the following members—

1. Inspector General of Registration, Assam.....(President)
2. One Senior Professor of Arabic and Persian, Government Cotton College, Gauhati (*Ex-Officio* Member).
3. Professor Mehrab Ali Laskar (Professor, Gurucharan College, Silchar.)
4. Maulavi Moinul Haque Chowdhury, Advocate, Silchar, (now-M.L.A., in this House.)
5. Maulavi Akram Hussain Saikia, B.L., Gauhati.

I think, Sir, after hearing the names of the members of this committee, Mr. Umaruddin will be glad to withdraw his objection.

**Maulavi Md. UMARUDDIN:** One member from the Goalpara District has not been included in the Committee.

**Rev. J. J. M. NICHOLS-ROY (Minister):** Sir, this is not a question at all. When leading Moslem gentlemen of Assam are

represented in the Committee, the question of Goalpara or Lakhimpur or any other district cannot arise. This is a permanent committee appointed for the purpose of getting the Moslem opinions of such kinds of problems that may arise. All such problems are being referred to the Committee. Therefore, Sir, I think, Mr. Umaruddin should have no reason to oppose the Bill.

**Mr. SPEAKER:** The question is that the Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953 be taken into consideration.

(The Motion was adopted.)

**The Assam Nurses' Midwives' and Health Visitors' Registration (Amendment) Bill, 1953**

**Shri RUPNATH BRAHMA, (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Nurses', Midwives' and Health Visitors' Registration (Amendment) Bill, 1953 be introduced.

**Mr. SPEAKER:** The Motion moved is that the Assam Nurses', Midwives' and Health Visitors' Registration (Amendment) Bill, 1953 be introduced.

(The Bill was introduced.)

**Shri RUPNATH BRAHMA, (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Nurses', Midwives' and Health Visitors' Registration (Amendment) Bill, 1953 be taken into consideration.

**Mr. SPEAKER:** Motion moved is that the Assam Nurses', Mid-wives' and Health Visitors' Registration (Amendment) Bill, 1953 be taken into consideration.

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

**The Assam Non-Agricultural Urban Areas Tenancy Bill, 1953**

**Shri HARESWAR DAS, (Deputy Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953. The Bill was published in the *Assam Gazette*, dated 4th March, 1953.

**Mr. SPEAKER:** Motion moved is that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953 be introduced.

(The Bill was introduced.)

**Shri HARESWAR DAS, (Deputy Minister):** Mr. Speaker, Sir, I beg to move that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953 be referred to a Select Committee consisting of the following members:—

- (1) Shri Motiram Bora, Minister-in-charge of Revenue—  
Chairman.
- (2) Deputy Minister, Revenue.
- (3) Shri Bimala Kanta Bora, M.L.A.
- (4) Shri Sarveswar Boruwa, M.L.A.
- (5) Shri Namwar Ali Barbhuiya, M.L.A.
- (6) Shri Mahendra Nath Deka, M.L.A.
- (7) Shri Faiznur Ali, M.L.A.
- (8) Shri Hareswar Goswami, M.L.A.
- (9) Shri Md. Umaruddin, M.L.A.

Four members present will form the quorum and the Select Committee will submit its report on or before 30th of June, 1953.

**Mr. SPEAKER:** Motion moved is that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953 be referred to a Select Committee consisting of the following members:—

- (1) Shri Motiram Bora, Minister-in-charge of Revenue—Chairman.
- (2) Deputy Minister, Revenue.
- (3) Shri Bimala Kanta Bora, M.L.A.
- (4) Shri Sarveswar Boruwa, M.L.A.
- (5) Shri Namwar Ali Barbhuiya, M.L.A.
- (6) Shri Mahendra Nath Deka, M.L.A.
- (7) Shri Faiznur Ali, M.L.A.
- (8) Shri Hareswar Goswami, M.L.A.
- (9) Shri Md. Umaruddin, M.L.A.

Four members present will form the quorum and the Select Committee will submit its report on or before 30th of June, 1953.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move as an amendment that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953 be circulated for eliciting public opinion thereon by the 30th June, 1953.

Sir, although my name is in the Select Committee and although it will be possible for me to offer my criticism to the Bill when in the Select Committee stage, yet I want that this Bill be circulated for eliciting public opinion. Sir, it appears this Bill is a very contentious Bill. This Bill was first passed in 1949 and then in 1950, and then it was sent to the President for his assent: however, certain difficulties arose and assent was not given, and, therefore, this Bill has come again in this form before this House.

Sir, it is good that the attention of this House has been directed to the tenants living in the urban areas also for the development of our urban areas. Sir, in various towns there is a big number of tenants living under certain landlords who are whimsical and very oppressive and who have always their own selfish interests uppermost in mind. Sir, it is unfortunate that we have a housing problem before us which we have not been able to solve. It is necessary to give us much accommodation to the people. Certain areas in towns are kept by landlords and they do not allow the tenants to come there unless they agree to their terms. To stop that it is necessary also not to allow any vacant areas in the towns to remain unused. Sir, even to-day in various towns we find because the tenants cannot fulfil the terms laid down by their landlords cannot use the vacant lands. Sir, when hundreds of people are living without accommodation, when the housing problem itself is so very acute in the towns, it is necessary that a legislation be passed preventing the practice of keeping lands vacant in the towns and also if land lie vacant in towns, Government should be empowered to take over such lands and build houses for the people living in the towns. Sir, in the Statement of Objects and Reasons it is stated that "there has been persistent demand from all parts of the State, the most vigorous being from the Cachar District, for legislation to determine the relation of landlord and tenant in respect of non-agricultural tenancies in the urban areas of the State". Again Sir, we find in Clause I(b) "it extends in the first instance to the urban areas in the District of Cachar including Karimganj Subdivision, but the State Government may, from time to time, by notification in the official Gazette, extend it to such other urban areas as may be determined." Sir, in the Statement of Objects and Reasons it is clearly stated that there has been persistent demand from all parts of the State, the most vigorous being from the Cachar district including the Karimganj Subdivision. Certainly, Sir, this Bill mostly affects the district of Cachar and the Karimganj Subdivision, but I have received letters from the people of Darrang and Tezpur where for the last three years about 500 people were evicted by the unscrupulous landlords. We have even seen in Gauhati that small tenants are being driven out and new tenants are being brought in, simply because the small tenants cannot satisfy the pockets of the landlords. So, Sir, my first objective is that this Bill should be applicable to all the urban areas in the State of Assam. There is no necessary, no case has been made out that there should be a go slow movement in the matter. Sir, there should be occupancy rights for those tenants in urban areas and unless that is given effect to, this Bill will not satisfy the people and the object of the Bill also will not be covered by this Bill. So, Sir, I want to send this Bill for eliciting public opinion to all people of Assam. By 30th June we will get the comments of the public, and after 30th June also this Bill



may be taken up by the Assembly for final approval. Then, Sir, as I come to the various provisions of the Bill, we find that there are two categories of tenants—tenants with limited right of occupancy and tenants with non-occupancy right. I do not know what is the necessity of keeping these two categories differently. I am for abolition of intermediaries between the State and the tenants who own lands in the towns and the tenants who own lands in the villages for agricultural purposes. If we can do away with all intermediaries and build a new society then only there will be true freedom and then only the people will feel that this country belongs to them and they will die for their country.

Sir, first of all about occupancy tenant. Here again we find that this Bill will have no application. Here clause 2 regarding application it says "Notwithstanding anything contained in any contract or in any law for the time being in force, .....the provisions of this Act, shall not apply to (a) Government land held under an 'annual' or 'short lease' as defined in rules under the Assam Land and Revenue Regulation, 1886; (b) land owned by the Government of India or by any Local Authority or by the State Government, or (c) a holding which contains one or more buildings owned by the landlord with or without any land appurtenant thereto, and which has been let out to any person....." This is a mischievous clause. This is a very elastic clause. It can give room to a landlord to evade the provisions of this Act. Sir, then again when we come to buildings: it is defined here that 'building' includes a house, out-house, stable, latrine, shed, hut and any other structure whether made of masonry, bricks, wood, mud, metal, bamboo, sungrass or any other material whatsoever, but does not include the land on which it stands,...." When you read items (c) with (d) of Clause 2 you will find that if a man has a plot of land where he has buildings standing on it, and if there is also another plot of land belonging to him where, supposing there is an outhouse or a shed and in that plot of land another tenant comes in then the provision of this Act will not apply to it. Mere erect a house or a shed or an outhouse and also give a portion of it to a tenant, then the provision of this Act will not apply. Now, a holding which contains one or more buildings owned.....

**Mr. SPEAKER:** You mean buildings ?

**Shri HARESWAR GOSWAMI:** Yes, Sir, holding which contains one or more buildings owned by the landlord with or without any land appurtenant thereto, and which has been let out to any person. Supposing a portion of that holding, say a shed, is let out to a tenant, then that tenant does not come under the purview of this

Act. Then again in clause 2, item (d), "Land used for residence of the landlord or reserved for being used for such purpose in its vicinity and let out to persons or let out in lieu of service or merely in consideration of relationship or affection". Supposing a plot of land is let out in lieu of service and thereby he can extract as much convenience and as much benefit as he can, that man also does not come within the purview of this Act. He comes under another category of tenant because it has been let out in lieu of service and therefore this Act does not apply to him. This is a very pernicious provision and if this provision remains, it will exclude quite a large number of people from the purview of this Act.

Again, Sir, when we come to rent, we will find that rent has been defined like this, " 'rent' means whatever is lawfully payable in money or in kind by a tenant to his landlord on account of the use and occupation of his holdings under such landlord." Then again under clause 7 we find, 'A tenant having a limited right of occupancy, shall pay rent for his holding at fair and equitable rates...' It has not been defined what is a fair and equitable rent. If rent has been paid from before and if that rent is charged again whether fair or unfair, that rent immediately becomes equitable.

**Mr. SPEAKER:** What is your definition of a fair rent ?

**Shri HARESWAR GOSWAMI:** Sir, a fair rent must be fixed in terms of money, but, Sir, this definition is not there.

Then again, in item (g) of clause 3 " 'tenant' means a person who holds land under another person, other than Government and who is, but for a special contract liable to pay rent for that land to the latter, and includes a person who derives his title from a tenant, and a person who continues in possession of any land after termination of his tenancy in respect of that land." This too is for a special contract ; if there are no contracts, these are outside the purview of this Act, they are not to be scrutinised by this Act and if according to that contract a tenant is to pay a higher rent, this would be termed a fair and equitable rent and this Act will not touch him unless he goes to the Court. Even if there is a defect, I have my doubts whether it will be possible to question that in the Court. Then another question, Sir, 'notwithstanding any contract to the contrary.....' If there is again no contract to the contrary, that means that this Act will have no retrospective effect at all. This Act will apply to contract made or entered into after this Act comes into operation, but so far as contracts made before this Act comes into operation are concerned, this Act will not help the unfortunate tenants. This Bill cannot do anything for them because there is contract and although in another clause, (I refer to clause 12),

about enhancement of rent by contract, it is stated 'the rent of a tenant with limited right of occupancy, may be enhanced by contract subject to the following conditions—(a) the contract must be in writing and registered'. Where this question of enhancement of rent is concerned, it is good that the contract should be in writing and registered. But so far as the existing contracts are concerned it is said that the existing contract may be a verbal contract or if a written contract but need not be registered. Even that contract will remain outside the purview of this Act. And in that way quite a number of tenants will be deprived of the benefit which this Act seeks to give. It ought not to have been like this. If contracts are registered and if those contracts are eliminated from the purview of this Act, I would not have any objection; but contracts are of different kinds and these contracts will be relied upon when the question of fixing rent and when the question of giving application of this Act to those tenants will come up. It will negative the very purpose of this Act and tenants will remain at the whims of the landlord.

Then, Sir, there is an other thing. Protection from eviction. Here also the Assam Temporarily Settled Districts Tenancy Act which has been amended, gave special provision to the effect that if a man has possession of land for five years, you cannot eject him. But in this case we have not made any such special provision for those tenants. Therefore these people are left at the mercy of the landlord. Then regarding 12 years—how far 12 years is a reasonable time has got to be discussed and found out. I feel that 12 years is a pretty long time and if a man is to get his occupancy right within the period of his limited tenancy then 12 years will be a very long time for him to wait and this cannot satisfy the aspiration of those tenants who are to-day feeling the burden of those landlords. In clause 8 it is written: "Any such tenant shall not be ejected by his landlord from his holding, except in execution of a decree for ejection passed by a competent Civil Court on the ground:— (a) that he has used the land comprised in his holding in a manner which renders it unfit for the purposes of the tenancy". Sir, on any ground we can say at any time that the land has been rendered unfit and thereby we can go to the court to see that the tenant is ejected immediately. But though such a process takes a long time, no matter whether that case for ejection is started by a good Barrister or a good lawyer, in that way a great latitude is given to the landlord. When he considers that it is unfit for the purpose of tenancy, he can at least have the sanction of the Court for the eviction of his tenant. Then the tenant is completely at the mercy of the landlord. We have seen in the Adhiars Protection Act a similar provision has been incorporated where it is stated that if a land is not yet used and the occupation of that land is in a way

detrimental to the purpose of cultivation then the Adhiar can be evicted and thus he is done away with. We know that in that way in various places Adhiars have been evicted from the land. I can boldly say that if this provision is retained, then hundreds of tenants will be affected by this clause. I want to say that this clause is a very unhappily worded. Some sort of definiteness as to what is meant by 'unfit for the purpose of tenancy' should be clearly put in this clause.

As regards enhancement of rent in clause 12 it is said that the rent can be enhanced at the rate of 3 annas per rupee provided always that under Sec. 14(1) the rent previously payable for the holding shall not be enhanced by more than three annas in the rupee, but if at any time the land revenue due to Government or the ground rent due to a proprietor is increased, then the tenant shall be liable to pay in addition to the enhanced rent, if any, an amount equal to the total amount of land revenue. This is something like windfall gain to the landlord. If the landlord goes to enhance the rent then the tenant is bound to give it over and above what he is charged at the rate of 3 annas per rupee. In that case, Sir, it becomes a double taxation. If the revenue chargeable goes up automatically the tenant pays it, because the provision entitles the landlord to enhance the rent. Sir, in this Act certain provisions appear to be very good. They appear as if they mean to do some benefit to the tenant. If statistics are sought then it will be found that only a very limited number of tenants will enjoy the benefit but a huge number of them will fall outside the purview of this Act. And then for the same type of holding, if a land is to be given at the rent of 2 annas, that land is not given out for rent, but if that is given only in lieu of service to be rendered by him. Through that process of elimination we find that a large number of tenants will go out of the purview of this Act. Again, we find that when a tenant is given the limited right of occupancy, he is given the right of subletting, but not the right to transfer it. In clause 10 we find that no holding with such limited right of occupancy, shall be transferable without the consent in writing of the landlord. With one hand you give some right to the tenant and with another you take away that right. It will be very difficult to get the consent of the landlord in practice although we may theoretically argue that such consent may be obtained and the provision for the same is enough. Therefore, Sir, the two clauses on this issue appear to be contradictory. When we come to the question of non-occupancy tenant we feel that it would have been better if nothing has been written in this regard. But when something has been written in this regard we find the real intention of the Government in its true colour. Sir, during the non-occupancy period we find that there is no question of equitable rent that may be charged from him and he

can be evicted on any ground. In the case of transfer, he has no right to transfer and again in the case of subletting, he has no right to sublet. Personally I would like that there should not be any clause for subletting, because we should not create a chain of landlords. This chain of landlords should go. When right of transfer has been taken away, there cannot be any question of subletting and so the provision of subletting becomes meaningless. In the provision of non-occupancy tenant we find that he has also not been given any right at all. To him, subletting is impossible. To him, transfer is impossible. And from him rent may be charged in any way the landlord likes. Sir, for all these reasons I feel that the Bill be circulated for eliciting public opinion.

There are certain other important things. Though Government has tried its best to bring out a very good legal document, in one way it has not taken into consideration the changing time. It is fixed to its ideas about legal rights and other legal things. Sir, we should have taken into consideration the very acute problem that is before us. If the legislation had been drafted in accordance with that spirit we could have taken this into consideration. That spirit is missing. That idea is missing. Here we are trying to give something as occupancy right which, through a process of elimination, we actually find non-existent there. Therefore, Sir, I commend my Motion for the acceptance of the House. Let this Bill be circulated for eliciting public opinion thereon by the 30th of June. There are certain important points to be considered whether this Bill should immediately apply to Karimganj or Cachar and for that we want to have the opinion of the public. There is no question of 'going slow' in it if it can be made applicable. When we could wait from the year 1948 to have such a measure, we can also wait for another 4 or 5 months to have a comprehensive legislation so that it can give real benefit to the tenants and that the tenants can feel that we have done something for them.

**Mr. SPEAKER:** Amendment moved is that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953, be circulated for eliciting public opinion thereon by the 30th June, 1953.

**\*Shri MOHIKANTA DAS, (Parliamentary Secretary):** Sir, on a point of clarification. My Friend has said that the Bill is to be circulated for eliciting public opinion. An idea has struck in my mind as to which process will be quicker. Supposing this Bill is in circulation for eliciting public opinion and after having this opinion which will reach by the 30th June then the Bill will be brought before the House in the September Session and the Assembly will naturally send it to a Select Committee. But our Government wants that this Bill be passed in this Session of the

House. The question is which process is quicker. Whether Government process is quicker or whether process enunciated by Mr. Goswami is quicker. I find, he is accusing Government on slow policy, so the House should judge now which process is slow. Whether the Government should bring the Bill in September Session of the Assembly is quicker, or the Bill passed in the March Session of the Assembly is quicker ?

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, my Friend, the Leader of the Opposition, has reminded me of the common adage, "that ignorance is bliss". How I wish I could have agreed with him, but he does not know the history of this Bill. This Bill has given us the greatest headache and I shall narrate the history of the Bill.

Lest I forget I answer some of the points he has mentioned which I have noted. He has pointed out many defects of the Bill, let me say that I do not claim that this is a perfect Bill I have presented to this House. It is referred to a Select Committee of which he is a Member and there he will be perfectly at liberty to point out those defects. When he is a Member in the Select Committee, if there is any defect, he can correct it in the Select Committee.

He has mentioned one thing, about tenancy law. I shall reply to that only. He has taken objection to the increase of 3 annas rate, but can he cite any tenancy legislation throughout the whole of India where the rate of increment is less than this ?

**Mr. SPEAKER:** This is a revolutionary idea.

**Shri HARESWAR DAS (Deputy Minister):** I shall deal with that view. We are to speak subject to the provisions of the Constitution in the House, but if revolution is meant and Constitution is not obeyed, then the speech should have been delivered outside the House. The speech in the House must be in conformity with the provisions of the Constitution. He wants that the Bill be circulated for eliciting public opinion. This Bill was started in 1949. That possibly my Friend does not know as he was not in this House. It was referred for eliciting public opinion. We received opinion from different quarters. In Cachar district some Tenancy Associations took active part and submitted their opinion and after receipt of those opinions we drafted a Bill. In 1950, the Bill was passed by this House.

Now, regarding occupancy right, occupancy right contains three elements—permanency, heritability and transferability. By 12 years possession a tenant can acquire this right. In the 1950 Bill

we conferred this right on the tenant, but the Government of India turned it down. Due to the urgent demand of the Bill, we did not then take previous approval of the Government of India, but when we sent it to them after it was passed by this House, they turned it down. Legislation of non-agricultural land is a subject in the concurrent list and therefore according to business rules previous approval of the Government of India is necessary.

I will read the relevant portions of the opinion of Government of India. It is stated, "The effect of the proposed legislation will be not only to protect the tenant of land in urban areas against ejection and increase of rent. It goes further, and confers on the tenant a heritable and transferable interest in the land. It really cuts out a portion from the content of the property right of the landlord and transfers it to the tenant subject to certain restrictions." Right of private property has been recognised by the Constitution. If it was not so recognised, all land would have belonged to the State. But our Constitution recognises and guarantees the right of private property under Article 19(1)(f). By this article one of the fundamental rights given to a citizen is to allow him to acquire, hold and transfer property. What is meant by the word 'hold'? The right to 'hold' means the right to enjoy in any manner the owner chooses. This is the interpretation of the Supreme Court. So, as we have got to recognise the right of private property, we have got to recognise him as the owner of the land and his right to "hold" it. The Government of India then says, "Facts stated in the Bill (1950 Bill) would justify the imposition of restrictions on the landlord's right to eject the tenant and to enhance the rent of the holding. In our view they would not justify conferring on the tenant the status of a permanent tenant with transferable and heritable rights in the land". Then again, "creation in the tenant of a transferable and heritable right in the land would not be a reasonable restriction in the interests of the general public". So, we brought forward another Bill in 1952 and that was also turned down by the Government of India. This is the third Bill. We should take note of all these.

**Shri HARESWAR GOSWAMI** : Even the present Bill may be turned down. (*Laughter*).

**Shri HARESWAR DAS (Deputy Minister)** : Sir, in the 1952 Bill we did not confer the right of transfer. We restricted the right of the owner to indiscriminate ejection and increment of rent. The Government of India opined that it was almost the same as the 1950 Bill and turned it down. So, we have come up with this Bill. We sent it to the Government of India for previous approval in January. We introduced it with the idea that we might in the meantime

get the approval and be able to pass this Bill this Session. After various reminders and *tagids* we have not received the approval as yet. So, I have proposed to refer the Bill to a Select Committee. Sir, my Friend will get ample opportunity to go through the various letters from the Government of India and other opinions in this connection and he may also put forward his suggestions for incorporation in the Bill. All relevant papers will be placed in the Select Committee and he will be in a position to appreciate the whole matter fully.

**Shri HARESWAR GOSWAMI:** What is the difficulty in extending the Bill to other areas ?

**Shri HARESWAR DAS (Deputy Minister):** Sir, the demand first came from the Cachar District. It is they who set us in action. So far as the Assam Valley is concerned, we got demands from Dhubri, Tezpur and Gauhati, but Sibsagar people did not want it. Now, if the Gauhati people or the Tezpur people want it, we can extend it in no time. It will take only a week to publish it in the Gazette. Sir, as a matter of fact we are dealing with this matter since 1949, and when my Friend will sit in the Select Committee, he will see all these things and he will be able to improve upon the Bill, if necessary.

With these words, Sir, I request my Friend to withdraw his motion.

**Mr. SPEAKER:** What do you propose to do, Mr. Goswami ?

**Shri HARESWAR GOSWAMI:** Sir, I withdraw it.

**Mr. SPEAKER:** Has the hon. Member leave of the House, to withdraw his Motion ?

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

**Mr. SPEAKER:** The question is that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953 be referred to a Select Committee consisting of the following Members :

1. The Minister-in-charge of Revenue—Chairman.
2. Deputy Minister, Revenue.
3. Shri Bimala Kanta Bora.
4. Shri Sarveswar Boruwa.



5. Shri Namwar Ali Barbhuiya.
6. Shri Mahendra Nath Deka.
7. Shri Faiznur Ali.
8. Shri Hareswar Goswami.
9. Shri Md. Umaruddin.

Four Members present will form the quorum and the Select Committee will submit its report on or before 30th of June 1953.

(The Motion was adopted.)

### **The Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953**

**Mr. SPEAKER:** Before this Bill is introduced, I hereby inform the House that I have received a message from the Governor of Assam which is as follows:

“ Under the provisions of Article 207(1) of the Constitution of India, I, Jairamdas Doulatram, Governor of Assam, recommend that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, be introduced in the present Session of the Assembly.

Sd/-JAIRAMDAS DOULATRAM,  
Governor of Assam.”

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I beg to introduce the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953.

**Mr. SPEAKER:** Motion moved is that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953 be introduced.

(The Bill was introduced.)

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I beg to move that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953 be taken into consideration.

**Mr. SPEAKER:** Motion moved is that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953 be taken into consideration.

**Maulavi Md. UMARUDDIN:** Mr. Speaker, Sir, I beg to move as an amendment that the Assam Betterment Fee and Mooring

Tax (Dibrugarh) Bill, 1953 be referred to a Select Committee consisting of following members :—

1. The Mover of the Bill,
2. The Mover of the Amendment,
3. Shri Sarju Prasad Singh,
4. Shri Ramesh Chandra Barua,
5. Maulavi Faiznur Ali,
6. Shri Jadav Chandra Khaklari, and
7. Shri Pratap Chandra Sarma.

Four members will form a quorum and the report of the Committee should be submitted on or before the 30th June, 1953.

Sir, in my opinion, this is a very important measure. The Bill raises too very important issues. The first is whether the revetment which is proposed to be constructed, will at all be constructed and that within a reasonable period of time. That is the first thing. Before we embark upon the scheme of imposing levy or impost on the project, it must first come into existence. Here only a beginning has been made and I do not know, how long it will take to complete this project. The project is estimated to cost about Rs.1 crore. In my opinion it is one of the biggest projects in Assam. Perhaps it is the second biggest after the famous or infamous Jowai-Silchar Road Project. We know the fate of that big project which caused enormous loss to Government.

The second question is that if it comes into existence, whether it will result in direct benefit to the people of Dibrugarh. The levy proposed to be imposed appear to be very high. Half the cost is intended to be realised within a period not exceeding 20 years. It may be 20 years or it may be 10 years.

Therefore, in my opinion the Bill is too premature. After the revetment has been constructed it must be subject to the observation of a Committee of experts assisted by some local people for at least two or three years, so that a finding may be arrived at that this will actually save the Dibrugarh Town from erosion or floods.

**Mr. SPEAKER :** By observation of revetment ?

**Maulavi Md. UMARUDDIN :** Yes, by observation of the effects of the revetment.

Sir, we must know whether actual benefit will accrue or not before actually imposing betterment levy. But before the revetment

has been completed and any expenditure has been incurred, the Government has come up with a measure to realise the money. By this the Government is only displaying the mentality of a hungry money-lender who, like a Kabuli, in addition to charging usurious rate of interest also deducts the total interest from the capital itself at the time of issuing the loan. Say, Sir, if a Kabuli lends Rs.500 he will deduct from it the total interest payable out of the principal in advance. So I say the Bill is premature.

The next important question is what will be the area benefited? What will be the determining factor with regard to the area? What will be the criterion? This is a matter for prolonged observation. Not by ordinary people, but by a committee of experts who will give their decisions after a careful survey that this is the particular area which has been actually benefited by the revetment. Unless this is done, there is no wonder in view of Government's hunger for money that they may say that the area benefited extends upto Lahoal or beyond that upto Tengakhat. It may as will be argued that but for the revetment the whole of this area would have been eroded by the Brahmaputra.

So far as the provisions of the Bill are concerned, I find that clause 3 of the Bill has given very wide powers to the Government. It says, "The State Government shall levy a betterment fee in so much areas of the Dibrugarh Subdivision as may be specified under Section 4. The betterment fee shall be levied and collected in the manner hereinafter provided in this Act".

Now Clause 4 says, "For the purpose of ascertaining the fee that should be levied at different rates consistent with the proximity of any property to the revetment, so much of the areas of the Dibrugarh Subdivision as are determined by the Government to have been benefited by the revetment shall be divided into four different parallel belts, and the boundaries of each of the belts that shall be notified in the Official Gazette. These four belts should be graded as A, B, C and D, belt A being nearest to the revetment and the other belts following in their alphabetical order."

First of all a notification under clause 3 must come out; the notification must delineate or describe the entire area to be brought under the purview of levy and the people should be given opportunities to raise objection in respect of the area. There is no such provision and this very fundamental right has been taken away. As soon as Government issues a notification in respect of the areas, they should also prepare a list of persons who would be benefited as falling within the different belts. Then the question of fixing the levy would come automatically.

So, the Collectors will be required to follow certain principles in fixing the levy.

Under clause 5 also there is no provision to file any objection against imposition of levy. The objection may be with regard to the valuation of the property or area or any other relevant factor. There is simply a provision for appeal and no definite basis has been laid down as a guide for the Collector in determining the valuation of the property. The incidence of levy will depend upon the extent of the area; if the area is smaller, the incidence will be higher. Say if the total area to be brought under levy is 5000 acres, the average incidence per acre will be Rs.50 on the basis of Rs.2½ lakhs annually. It is not clear whether the levy will be charged on private property alone or on Government property and also property belonging to the Municipality, Local Board and other Public institutions.

I mean to say that if within the area there happens to be some buildings belonging to Government, such as Schools, Office Buildings, etc, then how the levy will be assessed or whether these will be kept outside the purview of the levy. Here Government apparently wants to realise Rs.50 lakhs from only owners of private property. In that case the incidence of the levy on private owners will be about double. Sir, at least to my mind, the total levy to be charged on private property alone should be reduced in proportion to the levy chargeable on Government and other public property. Nothing has been done in this respect. On the other hand clause 6 states—

“The following buildings and lands shall be exempt from the levy of any fee.—

- (a) buildings and lands set apart for public worship either actually so used or used for no other purpose ;
- (b) burials and burial grounds.”

These are few things which can be exempted from the operation of the Bill, but does not really say on what basis the levy will be assessed, whether on Municipal valuation or land revenue. This is a very important point, Sir,.....

**Mr. SPEAKER :** You want exemption of Government lands?

**Maulavi Md. UMARUDDIN :** At least, if there is no exemption it should be reduced on the basis of area held by Government for public purposes.

**Shri HARESWAR DAS (Deputy Minister) :** Government property is not exempted by this bill.

**Maulvi Md. UMARUDDIN:** So, Sir, I want to know whether the sum of Rs. 50 lakhs would be reduced and if so, how the valuation will be assessed and on what basis? If Government property is brought under assessment, then it is alright. Then again, Sir, now I find that no basis has been laid down in the Bill as to how the valuation would be made by the Collector. Is it land revenue, or Municipal assessment or what? Sir, there should be some rules under which the basis of valuation should be laid down for proper guidance of local officers.....

**Mr. SPEAKER:** See clause 4.

**Maulavi Md. UMARUDDIN:** There is no provision in clause 4 laying the basis for the purpose of assessment, there is no provision in clause 11 and also there is no provision for making rules under clause 15 even in the matter of assessment, whether it will be on land revenue, or Municipal assessment nothing is particularly mentioned here. There must be some definite rule making power provided in the Bill for the assessment of levy for a certain number of years.

In this connection I should like to point out the necessity for a provision for abatement of the levy—when the revetment fails to serve the purpose for which it was constructed. It may be that revetment may be destroyed due to natural causes—such as earth-quake or floods—or that the Brahmaputra may change its course in such a way it may throw up a large tract of land between itself and the reventment. In my opinion there is such a possibility. Then I find that in the Schedule to the Bill—maximum limit of levy has been fixed at 10 per cent, 8 per cent. etc. of the value—whereas in clause 11, there is the mention of the word ‘valuation’.

The word ‘value’ may be a drafting mistake or misconception of law. We are going to make valuation on a certain basis; so there is no consistency between clauses 4 and 11 and the Schedule at the end of the Bill. By the term ‘value’ it is meant generally market value.

**Mr. SPEAKER:** What do you understand by the valuation of the property?

**Maulavi Md. UMARUDDIN:** Because the Deputy Commissioner will adopt certain criteria to find out the valuation, it may be on the basis of land revenue or Municipal valuation. The whole Bill is very cumbrous and misconceived. Sir, as this is a very important Act, it needs thorough examination by a Select Committee. With these few words, Sir, I would request Mr. Das to consider my suggestions and accept my motion.

**Mr. SPEAKER** : Amendment moved :

“That the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953 be referred to a Select Committee consisting of the following Members :—

- (1) The Mover of the Bill ;
- (2) The Mover of the Amendment ,
- (3) Shri Sarju Prasad Singh ;
- (4) Shri Ramesh Chandra Barua ;
- (5) Maulavi Faiznur Ali ;
- (6) Shri Jadav Chandra Khaklari ; and
- (7) Shri Pratap Chandra Sarma.

Four Members will form a quorum and the report of the Committee should be submitted on or before 30th June, 1953.”

**Shri HARESWAR DAS (Deputy Minister)**: Mr. Speaker, Sir, I fail to understand the arguments of my Friend, Mr. Umaruddin. He has raised the point that there is no rule in the Bill for assessment of the rate, but I tell him that Article 31 of the Constitution of India lays down that the principle how compensation is to be assessed must be in the Act itself and should not be left to rules. We cannot leave it to the Rule Making power of Government. So, in the schedule the principle has been laid down 10 per cent., 8 per cent. and so on. The Collector is empowered to assess accordingly. An appeal will lie to the Provincial Government in case of disagreement. Umaruddin Sahib says that the word “value” is vague and has not been defined in the Bill. Sir, “value” means market value. There are innumerable judicial decisions to this effect. He has suggested that this is due to a drafting mistake. Sir, we are very careful in drafting a Bill, and still sometimes we find mistakes and so we invite our Friends to come with amendments, so that we may find out the mistakes. But in this case my Friend’s remarks rather show his ignorance of the meaning of the word. Value means market value and market value means the price which a willing seller gets from a willing purchaser. Sir, another point he has raised, I presume that is also due to ignorance.

**Mr. SPEAKER** : Please don’t presume badly.

**Shri HARESWAR DAS (Deputy Minister)**: I shall prove it. He has mentioned about the assessment of Government property. Sir, State Government property will be assessed, but the property of the Union Government cannot be assessed under the provision of the Constitution of India. Article 285 of the Constitution lays down that ‘the property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempt from all taxes imposed

by a State or by any authority within a State." This provision lay down, Sir, that the Central Government property cannot be assessed, but the State Government property can be assessed. For the information of my Friend, I may mention in this connection that the Government of India are giving this State Government 50 lakhs as grant and another 50 lakhs as interest free loan payable in a number of years. That point has got to be considered. Sir, I cannot understand the attitude of my friends in the Opposition. Whenever Government comes up with any taxation measure for money, they oppose it but at the same time they will agitate for more money for this purpose or that. Sir, wherefrom Government will get the money? I will give an illustration. When a dutiful servant serves his master with good food and good dishes his master is satisfied, he rewards the servant. Now, wherefrom that servant got the money to purchase those articles for the dish? It is from his master. It is his master's money. Likewise, this Government are the servants of the people, they take money from the people and with that money serve the people for the good of the people and the people are satisfied. Now, Sir, my Friend's contention seems to be that the people of Dibrugarh will raise objection to this Betterment Fee and Mooring Tax or that they will not be able to pay the tax. This is not so. In this connection I shall read a portion of the report of the Committee who visited Assam for this purpose. Here it is said, "The most pressing and concrete problems of controlling the flow of water in Assam is that of saving Dibrugarh town from the rapid erosion that has been taking place. The Central Water and Power Commission had suggested a temporary method of reducing this erosion pending the undertaking of long term measures.....After extensive survey, Sri Garg has come to the conclusion that the only solution of the problem is to erect a stone revetment four miles long. The cost of this revetment is estimated to be approximately a crore of rupees exclusive of the cost of acquiring the land necessary for the works along the river bank. We are convinced that this work is both necessary and urgent and a beginning should be made during the forthcoming cold season.....The Government of Assam is wholly unable to finance the cost of the above work". Sir, this Committee which comes from Delhi have understood the position of the Government, but my friends do not understand it. Wherefrom this Government will get the money? The Committee's report further says "It seemed to us unreasonable, however, that the Central Government should have to finance the entire work themselves. Dibrugarh is a prosperous town and we see no reason why the property owners should not make a contribution for saving it from extinction. At a meeting which we held with the leading citizens of Dibrugarh, we asked them what they assessed to be the total value of the property

in the town.....one of the members said it was 30 crores. Another one suggested that it was ten crores. We obtained from the local authorities figures showing the municipal house tax which is assessed at 6-1/4th per cent. of the ratable value. On the basis of capitalisation at 3 per cent. the total value of house property assessed to the Municipal tax is of the order of 4 to 5 crores. On this basis we suggested to the Assam Ministry that the Centre should make an outright grant of half the cost of the works and an interest free loan of the remaining half, which should be repaid by Assam Government over a period of years by the levy of betterment fee from the rate payers". So, Sir, according to this suggestion we have come up with this Bill. Government do not like to make any profit out of it. This has also been made clear in the Statement of Objects and Reasons, wherein it is stated that the Centre will make an outright grant of half the cost of work and an interest free loan of the remaining half, which should be repaid by the State Government over period of years by a levy upon the beneficiaries. If less money is necessary than the estimated cost, the rate of levy will be reduced. That is why we have provided an elastic rate.

Again, Sir, the Committee were of the opinion that if orders are issued quickly some three furlongs of the revetment could be done during the next cold season. Sir, construction has to be commenced immediately. That is why we want to bring this measure into immediate effect. After this Bill is passed in this session, taking of assent of President and other preliminaries will have to be gone into. There will be no meaning in referring this Bill to a Select Committee as suggested by my Friend, Mr. Umaruddin. But if there is any defect in the Bill, this can be set right by tabling suitable amendments. He should not think that Government will not accept his suggestions if they are reasonable. But he should not merely swim over the surface, but dive below. Sir, I am not an artist for once I regret for it. But if there is an artist in this House, I request him to draw a picture. At one extremity of Assam, on its eastern end lies Dibrugarh. Standing on its eroding bank are the people of Dibrugarh demanding the revetment rather looking disappointed at the delay. They are willing to bear a portion of the cost. Standing on the other extremity of the State, on its western end at Dhubri cries out Umaruddin Saheb with raised hand "no revetment, no fee, stop it". Now Umaruddin Saheb has no stake at Dibrugarh. The picture is a complete answer to his objections. I present the picture  
 (Laughter) to him.

**Mr. SPEAKER:** Mr. Umaruddin are you withdrawing your motion ?

**Mulavi Md. UMARUDDIN:** No, Sir.



**Mr. SPAEKER:** Then I will put the amendment. The question is that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, be referred to a Select Committee consisting of the following Members:—

- (1) The Mover of the Bill.
- (2) The Mover of the Amendment.
- (3) Shri Sarju Prasad Singh.
- (4) Shri Ramesh Chandra Barua.
- (5) Maulavi Faiznur Ali.
- (6) Shri Jadav Chandra Khaklari, and
- (7) Shri Pratap Chandra Sarma.

Four members will form a quorum and the report of the Committee should be submitted on or before the 30th June 1953.

(The motion was negatived.)

Now, I shall put the main Motion. The question is that the Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953, be taken into consideration.

(The motion was adopted.)

### Adjournment

The Assembly was then adjourned till 10 A. M., on Tuesday the 31st March, 1953.

Shillong:  
The 26th September, 1953.

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

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