

RESEARCH REPORTS

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**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 6th April, 1953.

P R E S E N T

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, the tey Ministers, the two Deputy Ministers, one Parliamentary Secretarn and seventy-one Members.

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

**Dr. S. R. Baruah of Agriculture Department**

†Shri **RANENDRA MOHAN DAS** asked:

\*191 (a) Is it a fact that Dr. S. R. Baruah of Agriculture Department was granted higher initial pay because of his alleged Ph. D. degree obtained from California University ?

(b) Is it a fact that the said Dr. Baruah did not obtain any such degree from California University ?

(c) Did Government make any enquiry from the California University about the genuineness of this Ph. D. degree ?

(d) If not, do Government propose to make an immediate enquiry from California University on the matter ?

(e) If the answers to (c) above is in the affirmative—

(i) What is the reply from the California University ?

(ii) Whether the Officer is still in the service of Government ?

(iii) Why action was not taken against him for false representation ?

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

191. (a)—No.

(b)—Yes.

(c)—Yes.

(d)—Does not arise.

(e) (i)—The reply was that he had not obtained any degree from the California University.

(ii)—Yes.

(iii)—There was nothing like false representation.

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†The question was put by Shri Ghana Kanta Gogoi on authorisation.

**Shri GHANA KANTA GOGOI:** Did he not claim that he was a holder of Ph. D. degree of the California University ?

**Shri MAHENDRA MOHAN CHOUDHURY (Minister):** For the information of the hon. Members, I may read out the representation submitted by him to the Government for higher initial pay which will make the matter clear. In the representation he put his qualifications like this :

“I would like to put before you the following facts for your kind consideration and action :—

1. I find that my salary is too little for the work one has to put in.

2. The cost of living has gone up so high that it is very difficult to manage with such a low income, and as such we have to live from hand to mouth.

3. I am already 29 years old, and since I was working in the University of Allahabad and the Allahabad Agricultural Institute, my previous work has not been taken into consideration.

4. I am highly qualified with rich experience at different institutions on practical and administrative lines, as such I should be given a higher initial.

5. I was asked on return to come to Allahabad and continue on my former job on a much higher scale, but I joined my Province as I am eager to serve my own people and to see that the agriculture of our province is improved.

Since my appointment I have been working very hard with all my sincerity, but when I find the difficulty in managing my home, I feel greatly discouraged. So I would like to appeal to you to kindly consider my case and give me an initial start of at least Rs.450. I am sure you will never disappoint me”.

This was the representation.

[Final replies to Starred Question No.58 (a), (b) and (c), to which ad-interim replies were given on 14th March, 1953]

(To be taken up on 6th April, 1953)

#### Number of Fisheries

**Shri HARESWAR GOSWAMI** asked :

\*58. Will the Revenue Minister be pleased to state—

(a) The total number of fisheries districtwise ?

(b) How many have been auctioned this year, districtwise ?

(c) How many have been settled without auction and the reasons for doing so ?

**Shri MOTIRAM BORA** replied :

\*58. (a)—The total number of fisheries districtwise are as follows :—

Goalpara	...	...	...	...	25
Darrang	...	...	...	...	29
Cachar	...	...	...	...	84
Nowgong	...	...	...	...	144
Lakhimpur	...	...	...	...	77
Kamrup	...	...	...	...	70
Sibsagar	...	...	...	...	94
Garo Hills	...	...	...	...	30

**Shri HARESWAR GOSWAMI:** Why so many other fisheries have not been auctioned, Sir?

**Shri MOTIRAM BORA (Minister):** Reasons are given there. Only 8 or 9 fisheries.....

**Shri HARESWAR GOSWAMI:** My question is, Sir, why out of the 144 fisheries in the Nowgong district only 40 were auctioned?

**Mr. SPEAKER:** Probably the rest were sold last year or year before last.

**Shri HARESWAR GOSWAMI:** Is it the practice of the Government to settle fisheries to Co-operative organisations without going through auction? Why was a fishery settled with the Sibsagar Fishery Co-operative Society without auction?

**Shri MOTIRAM BORA (Minister):** No, Sir. The Sibsagar Fishery Co-operative Society gave the highest bid through tender system of sale and that is why it was settled with that Society.

**Shri HARESWAR GOSWAMI:** Whether tender was called for?

**Shri MOTIRAM BORA (Minister):** Yes. Sir.

Original Starred Question No.58 (a), (b) and (c) and answers thereto appeared in the list of the 14th March, 1953.

#### Number of Fisheries

**Shri HARESWAR GOSWAMI** asked :

\*58. Will the Revenue Minister be pleased to state—

(a) The total number of fisheries districtwise?

(b) How many have been auctioned this year, districtwise?

(c) How many have been settled without auction and the reasons for doing so?

**Shri MOTIRAM BORA** replied :

58. (a), (b) & (c)—Necessary information has been called for from the Deputy Commissioners and Subdivisional Officers concerned and will be supplied to the Member when received.

(b)—The number of fisheries auctioned this year are shown below districtwise :—

Goalpara	...	...	...	6	
Darrang	...	...	...	5	
Cachar	...	...	...	41	
Kamrup	...	...	...	58	(including a new fishery to be sold on 20th March, 1953).
Sibsagar	...	...	...	Nil.	
Garo Hills	...	...	...	30	
Nowgong	...	...	...	40	
Lakhimpur	...	...	...	34	

(c)—The total number of fisheries settled without auction is as follows :—

Nowgong—2 fisheries, both settled with the local Rajj for their benefit.

Sibsagar—6 fisheries, out of which 4 fisheries with Rungpur Pisciculture fishery Co-operative Limited as it is registered Co-operative Organisation formed by leading men of Sibbsagar.

One fishery has been settled with Sibbsagar Fishery Co-operative Society formed by indigenous local fishermen.

One newly proclaimed fishery in a backward part of Majuli has been settled with a poor local fisherman on an experimental basis.

Cachar—1 fishery has been settled with Kabuganj Rural Panchayat for the benefit of the Panchayat.

### UNSTARRED QUESTIONS

(To which Answers were laid on the table)

**Minimum Qualifications for holding the Posts of Lower Division Assistants in the offices of the Heads of Departments**

**Shri MAL CHANDRA PEGU** asked:

158. Will Government be pleased to state—

(a) The minimum qualifications required for holding the posts of Lower Division Assistants in the offices of the Heads of Departments in Assam ?

(b) How many under-Matriculates and Matriculates are now, serving as Lower Division Assistants in the offices of different Heads of Departments since the year 1949-50 to 1952-53 ?

Shri SIDDHINATH SARMA (Minister) replied :

158. (a)—Passed in Intermediate Arts or Science.

(b)—A statement is laid on the table.

**Statement showing the number of Matriculates and under-Matriculates serving as Lower Division Assistants in the Offices of different Heads of Departments since 1949-50 to 1952-53**

	1949-50 to 1952-53			
	Under-Matriculates		Matriculates	
Commissioner of Taxes ...	Nil	...	...	2
Commissioner of Excise ...	Nil	...	...	4
Labour Commissioner ...	Nil	...	...	9
Director of Statistics ...	Nil	...	...	1
Director of Public Health ...	Nil	...	...	1
Director of Agriculture ...	Nil	...	...	14
Director of Public Instruction	2	...	...	16
Secretary, Board of Control Agricultural Income-Tax.	Nil	...	...	4
Director of Publicity ...	1949-50—3	...	...	1949-50—27
	1950-51—2	...	...	1950-51—16
	1951-52—2	...	...	1951-52—13
	1952-53—1	...	...	1952-53—13
Conservator of Forests ...	1	...	...	6
Director of Supply ...	3	...	...	12
Inspector General of Police ...	1951-52—2	...	...	1949-50—1
	1952-53—Nil	...	...	1950-51—Nil
				1951-52—2
				1952-53—7
Director of Land Records and Director of Surveys.	Nil	...	...	5
Director of Rural Development, Co-operative, Cottage Indus- tries and Sericulture and Weaving Departments.	Nil	...	...	8
Inspector General of Civil Hos- pitals.	1	...	...	12
Legal Remembrancer ...	Nil	...	...	1
Director of Consumer Goods	2	...	...	4
Textile Commissioner ...	Nil	...	...	1

**Shri MAL CHANDRA PEGU:** In reply to question 158(a) Sir, it is said that the minimum qualification for holding the posts of Lower Division Assistants in the offices of the Heads of Departments is Intermediate passed either in Arts or Science. If so, why under-matriculいたes and matriculates have been appointed under different Heads of Departments ?

**Shri BISHNURAM MEDHI (Chief Minister):** Before the war a large number of under-matric or matriculates were appointed as Sub-Grade Clerks in different departments of the Government. When the Government later abolished this sub-grade cadre, it was decided that those of the sub-grade clerks who were found very efficient should be retained as Lower Division Assistants.

Secondly, Sir, with a view to meet immediate and urgent necessity of really efficient and expert persons in the Secretariat and in the offices under the various Heads of Departments, at one time Government had to recruit some persons from the district offices, *i.e.*, Deputy Commissioners' offices, and these persons were matriculates and it is in this way, Sir, the matriculates came into the offices of the Heads of Departments and the Secretariat.

I am, however, just issuing an order with a view to collect details as to their exact number and duration of service in different offices.

**Shri BAIKUNTHA NATH DAS:** May I know, Sir, the number of matriculate and non-matriculate Assistants belonging to the Tribal community who were thus retained in service ?

**Shri BISHNURAM MEDHI (Chief Minister):** It is very difficult to say that, Sir.

**Shri MAL CHANDRA PEGU:** Will Government be pleased to say whether or not that matriculate candidates are still appointed as Lower Division Assistant in the office of the Director of Public Instruction ?

**Shri BISHNURAM MEDHI (Chief Minister):** In 1950 it was decided by Government that in order to increase the efficiency of the ministerial staff in the Secretariat and in the offices of Heads of Departments minimum educational qualification was fixed as passed Intermediate in Arts or Science, and the Assistants who were underqualified should qualify themselves. In case of Tribal and Schedule Caste Assistants, however, it was decided that they should be given an advantage of 3 years over the rest so that they might qualify themselves, and as regards application, half-fee was introduced in case of candidates belonging to Schedule Castes and Schedule Tribes.

**Shri MAL CHANDRA PEGU:** Will Government be pleased to verify the actual number of matriculate and non-matriculate Assistants who are now serving in the different departments of the Government ?

**Shri BISHNURAM MEDHI (Chief Minister)** : Sir, the figures that have been given here are given after due enquiry and verification. If, however, he cited any specific case I shall surely make enquiry.

**Number of posts of office assistants in different cadres reserved for the Plains Tribals**

**Shri MAI. CHANDRA PEGU** asked:

159. (a) Will Government be pleased to state, department by department, the number of posts of office assistants in different cadres reserved for the Plains Tribals ?

(b) How many Plains Tribal candidates are so far absorbed in different departments in the quota meant for them stating the reasons for non-compliance in each case ?

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

159. (a) There is a general reservation of 10 p. c. for vacancies which are filled by direct recruitment, for members of scheduled tribes belonging to the Plains area in all departments.

(b) A statement is laid on the table. The deficiency in each office has been explained therein.

**Statement showing the number of Plains Tribal candidates so far absorbed in different departments in the quota meant for them and the reasons for non-compliance in each case**

Commissioner of Taxes	...	Nil.	Due to dearth of qualified candidates.
Commissioner of Excise	...	Two.	(According to the quota fixed by Government).
Labour Commissioner	...	One.	(The deficiency is due to the dearth of qualified candidates).
Director of Statistics	...	Nil.	Due to dearth of qualified candidates.
Director of Public Health	...	Two.	(According to the quota fixed by Government).
Director of Agriculture	...	Nil.	Due to dearth of qualified candidates.
Director of Public Instruction	...	One.	(The deficiency is due to dearth of qualified candidates).
Secretary, Board of Control Agricultural Income-Tax.	...	Nil.	Due to dearth of qualified candidates.
Director of Publicity	...	Nil.	Due to dearth of qualified candidates.
Conservator of Forests	...	One.	(The deficiency is due to the dearth of qualified candidates).
Director of Supply	...	Nil.	Due to dearth of qualified candidates.
Inspector General of Police	...	Nil.	(Due to dearth of qualified candidates).
Director of Land Records and Director of Surveys,	...	One.	(According to the quota fixed by Government.),



Director of Rural Development, Co-operative, Cottage Industries and Sericulture and Weaving Departments.	Two.	(The deficiency is due to the dearth of qualified candidates).
Inspector General of Civil Hospitals.	Nil.	(Due to dearth of qualified candidates).
Legal Remembrancer	...	Nil. Strength of office assistant of this office is very limited ( <i>i.e.</i> , 3 Assistants) and so reservation for any particular community could not be maintained.
Director of Consumer Goods	Nil.	No candidates could be absorbed as the candidates from plains tribals were not available at the time of appointment.
Textile Commissioner	...	Ditto ditto.

**Shri MAL CHANDRA PEGU:** Is it a fact that one tribal candidate who had more than the requisite qualifications for holding the post of a Lower Division Assistant was recently refused appointment by the Director of Publicity?

**Shri BISHNURAM MEDHI (Chief Minister):** If particulars are supplied, I shall make an enquiry.

**Shri JOGA KANTA BARUA:** May I know whether the Nagas living in the Sibsagar district are regarded as Caste Hindus?

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, the difficulty is that we have only two classes of Scheduled Tribes, *viz.*, the tribes living in the plains and the tribes living in the hills as described by the President by an order. The Nagas are regarded as Scheduled Tribes living in the hills, but I do not particularly know what would be the classification of the Nagas living in the plains.

**Mr. SPEAKER:** There is a Naga village in Nazira, is not it?

**Shri BISHURAM MEDHI (Chief Minister):** Orders regarding classification of Scheduled Castes and Scheduled Tribes, both hills and plains, are issued by the President. For the purpose of election I do not think that the Nagas living in the plains can stand for seats reserved for plains tribal people.

**Shri JOGA KANTA BARUA:** There are also other people like them, *viz.*, Phakiwals in the Lakhimpur district, Shams and Turungs in the Sibsagar district. May I know whether the Hon'ble Minister would try to include them in the category of "tribals"?

**Shri BISHNURAM MEDHI (Chief Minister):** I am not quite sure whether the plains tribal people would like to share the benefits of reservation with those hill people living in the plains because the hill tribals have also got their reservation on the basis of their population. The matter should, therefore, be left entirely to the plains tribal people.

### **Adjournment Motion for shifting of North-Gauhati Ferry Ghat**

**Mr. SPEAKER:** I have received notice of two adjournment Motions. The first one \* is from Mr. Bhattacharyya. I would like to hear the leader of the House about the admissibility of this Motion.

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, the facts stated in the Adjournment motion are not quite correct. The Motion states "shifting of the North Gauhati Ferry-ghat from its original place with a higher rate of fare". The fare has not been increased. The decision to shift the Ghat for facility of landing was taken long ago and it is only recently that it has been implemented. There was a great deal of congestion at the former site, so much so that the buses could not pass one another when running in opposite directions. There was thus a risk of accidents. Therefore, Sir, as an experimental measure the Ghat was shifted to a distance of not even one mile, for facility of landing. This was done on the usual course of things and we have received no complaint about it or any allegation that higher fares are being charged. This is not any extraordinary event which may form the subject-matter of an Adjournment Motion.

**Mr. SPEAKER:** I find that this is an ordinary matter pertaining to the normal course of business and it does not require the House to be adjourned. The Motion is, therefore, disallowed.

### **Adjournment Motion for eviction of certain Miri and Deuri families from Subansiri area**

**Mr. SPEAKER:** We shall now examine the second Motion.†.

\*1. **Shri GAURISANKAR BHATTACHARYYA to move:** That the Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance and of recent occurrence, namely, shifting of the North-Gauhati Ferry ghat from its original place with a higher rate of fare with effect from 1st April, 1953, resulting in great public inconvenience, hampering in business, non-co-operation of the Bus service and great public resentment.

†2. **Shri HARESWAR GOSWAMI to move:**

I beg to move that the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence viz., the eviction of 59 Miri and 28 Deuri families—all victims of the last earthquake and flood in the Subansiri area from the Gohpur Forest Reserve since 23rd March last, in violation of an agreement and without providing alternative site for their settlement and thus rendering them homeless and destitute.

**Shri HARESWAR DAS (Deputy Minister)** : Sir, under rule 90 possibly two motions cannot be moved in the same sitting.

**Mr. SPEAKER** : Yes, I find "not more than one such motion shall be made at the same sitting".

**Shri BAIDYANATH MOOKERJEE (Minister)** : May I make a submission, Sir, though it is not strictly my business to do so? The other motion was not allowed to be moved. So the question of moving two adjournment motions in the same sitting does not arise. There is no motion before the House as yet.

**Mr. SPEAKER** : Let me first consider whether the motion is admissible. No question of moving it at the moment arises before examining also admissibility of the motion.

**Shri HARESWAR GOSWAMI** : Sir, since the other motion was not moved I think I can move my motion.

**Shri BISHNURAM MEDHI (Chief Minister)** : Mr. Speaker, Sir, according to the interpretation of the Rule No.90 of the Assam Legislative Assembly Rules, the motion proposed to be moved by Shri Hareswar Goswami may not be moved to-day. Further, Sir, according to the notice it appears that the occurrence took place on the 23rd March.

**Shri HARESWAR GOSWAMI** : Since 23rd, Sir.

**Shri BISHNURAM MEDHI (Chief Minister)** : Sir, it is a long time past and not of recent occurrence. The eviction operations are done in the ordinary course of law, and these operations are covered by the Forest Manual and Regulation as well as the Revenue Rule. Sir, these are done in order to implement the law of the country. Sir, inspite of this, there is a provision of appeal in such cases as well. The party is entitled to go to the High Court in matters of extreme hardship. In view of this, Sir, I consider that the motion is out of order.

**Shri HARESWER GOSWAMI** : Sir, the operation was started on the 23rd of March and it still continues. The information came to me only day before yesterday. Yesterday being a Sunday I could not raise it before the House, Sir, these villagers are forest villagers, inspite of.....

(Voices : He is making a speech.)

Sir, it is not an ordinary eviction. This eviction is against an agreement and Government failed to take into consideration the pitiable condition of the poor people and it is also a matter of public importance; because the people affected will be about 1,800, and.....

**Mr. SPEAKER :** I find that this eviction is done in the ordinary course of law as provided under the Forest Manual and Land Revenue Regulation. I do not understand, what the hon. Member means by "agreement." This eviction took place on the 23rd March, it is a long time past and notices were given long ago. I am sorry I cannot allow the motion to be moved.

**Maulavi FAIZNUR ALI :** Sir, may I draw your attention to Rule 92. (2) ".....after questions and before the business on the list for the day is entered upon, ask for the leave of the Assembly to make the motion..."

But Sir, no one asks for the leave.

**Mr. SPEAKER :** It has not come to that stage as yet. The question is regarding the admissibility of the motion first.

### **The Assam Criminal Law Amendment Bill, 1953**

**Mr. SPEAKER :** The other-day I wanted the Advocate General to give us the benefit of his advice about the Assam Criminal Law Amendment Bill. I should like to hear him.

**Shri S. M. LAHIRI (Advocate-General)** Mr. Speaker, Sir, having given my best consideration to the points raised by some Hon. Members in this House, I have come to certain conclusions. I will first state my conclusions and then I will give reasons in support of my views.

I. 1. In my opinion,—the Legislature of the State of Assam has power to make laws for the whole or any part of it—not excluding but, including the "Autonomous Districts."

2. But, as regards the matters enumerated in paragraph 3 of the sixth Schedule, Acts of the Assam Legislature do not apply to these areas unless the District Council, by notification, so directs

3. As respects other matters, an Act of the State Legislature will apply *proprio vigore*, i.e., by its own force, to the 'Autonomous Districts' as well, unless the Governor by notification directs to the contrary.

II. I cannot say that the proposed legislation, viz., "The Assam Criminal Law Amendment Bill, 1953" is unnecessary.

I will now give reasons in support of my view. Under Article 245(1) of the Constitution, the Legislature of a State may make laws for the whole or any part of the State. [This Article reads thus:— 245(1) “Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State”.....] And under Article 246(3) “.....The Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the State List, *i.e.*, List II in the seventh Schedule.....”

Under clause (2) of Article 246 [subject to clause (1)] the Legislature of a State has power to make laws also with respect to any of the matters enumerated in the “Concurrent List,” *i.e.*, List III in the seventh Schedule. Clauses (2) and (3) of Article 246 run as follows:—“.....Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State specified in Part A or Part B of the First Schedule also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the ‘Concurrent List’)”.

246(3) “...Subject to clauses (1) and (2), the Legislature of any State specified in Part A or Part B of the First Schedule has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the ‘State List’)”.

Now, Sir, under Article 1, clause (2), ‘The States and the territories thereof *i.e.*, India, shall be the States and their territories specified in Part A, B and C of the First Schedule’. Now, we may turn to the First Schedule, item 1—Assam: ‘The territory of the State of Assam shall comprise the territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas’. Thus, under Article 1, clause (2), read with Part A, item 1, of First Schedule it is clear that the territory of the State of Assam includes the Tribal Areas as described in the Sixth Schedule. In my opinion the power of the State Legislature of Assam to make laws *prima facie* extends to the Autonomous Districts of Assam as these form part of the State of Assam as described in Part A of the First Schedule. The effect is that an Act of the State Legislature applies by its own force or automatically to the Autonomous Districts,—assuming that the Act itself does not exclude the Autonomous Districts from its scope. If that Act itself states that it shall apply to a particular District, other than the Autonomous Districts, then of course, there is no question of applying that Act to such District. But, this power of

the Assam Legislature has certain limitations. For example, paragraph 3 of the Sixth Schedule gives the District or Regional Councils power to make laws in certain specified fields such as, management of any forest not being a reserved forest; the inheritance of property; marriage and social customs and certain judicial functions. All such laws, however, will have no effect unless assented to by the Governor on the advice of the Ministry. And so far as matters enumerated in paragraph 3, Acts of Parliament or of the Assam Legislature will not apply to those areas unless the District Council by notification so directs. Clause (a) of paragraph 12(1) of the Sixth Schedule may be considered in this connection. This clause makes the position quite clear. On the other hand, in view of the provisions of clause (b) of paragraph 12(1), read with Articles 245 and 246 of the Constitution, it is equally clear that a law made by the State Legislature [other than one to which clause (a) applies] will automatically apply to the Autonomous Districts unless the Governor bars or excludes its application to those areas. Paragraph 12 reads thus: "(1) Notwithstanding anything in this Constitution—

(a) no Act of the Legislature of the State in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or Regional Council may make laws, and no Act of the Legislature of the State prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any Autonomous District or autonomous region unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit ;"

Now, clause (b) says, "the Governor may, by public notification, direct that any Act of Parliament or of the 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 or an autonomous region, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification.".....

Now this clause (b) is a barring provision. It assumes that unless the application of a particular Act is debarred in an autonomous district then it automatically applies to that area. It gives the Governor two-fold power (1) the Governor may declare that the entire Act shall not apply to any autonomous district or autonomous region, and (2) it is open to the Governor to declare as well that the Act shall apply only subject to certain exceptions or

modifications. In other words, it shall not apply without the specified modifications and exceptions. Now, Sir, clause (b) nowhere says that an Act shall not apply unless the Governor by public notification so directs. This clause may be compared with clause (a) of paragraph 12(1) and clause (a) of paragraph 19(1) which are not debaring provisions, but are enabling ones—throwing the onus of applying the Act in one case on the District Council, and in the other on the Governor. If no action is taken by either, the Act in question does not apply. On the other hand, generally the laws made by Parliament and those made by the State Legislature as respects of subject not specified in paragraph 3 will by their own force be applicable to these areas, and clause (b) of paragraph 12(1) throws the onus on the Government to show why a particular law should not apply. If no action is taken by the Government, the Act continues to apply. The Constituent Assembly Debates also support this view.

**Mr. SPEAKER:** Are the Constituent Assembly Debates binding?

**Shri S. M. LAHIRI (Advocate-General):** Nothing is binding, Sir. My opinion is also not binding. Of course, broadly speaking the debates will not be admissible in the interpretation of the Constitution in a Court of law.

Apart from the Debates, Sir, the whole position will be quite clear if we carefully read paragraph 12 of the Sixth Schedule. Now, we find that the Acts referred to in clause (a) of paragraph 12(1) deal with the cases enumerated or specified in paragraph 3 of the Sixth Schedule. As regards legislation relating to those subjects an Act of Parliament or of the Assam Legislature will not apply to the autonomous districts unless the District Councils issue notifications directing that the Act should apply.

On the other hand, as regards the other Acts, namely, Acts other than those dealing with matters specified in paragraph 3, the Acts will automatically apply to the autonomous districts as well for the simple reason that the autonomous districts also form part of the State of Assam. They are not separate states. And if there is an Act which is applicable to the State of Assam then it automatically applies to all the areas including the autonomous districts subject to one exception, namely, where the law relates to subjects specified in paragraph 3 of the Sixth Schedule. In that case it is the option of the District Council either to apply or not to apply the Act. Of course, we are assuming that the District Council has been constituted. In areas where there is no District Council, where paragraph 12 has no application, paragraph 19 of the Sixth Schedule will apply. Paragraph 19 deals with transitional arrangements providing for cases where there is no District Council. There is no

Act of Parliament or of State Legislature will apply unless the Governor issues a notification declaring that such and such Act should apply. If no action is taken then the Act does not apply. Whereas in paragraph 12 the position is reverse. There the Act applies unless action to the contrary is taken by the Governor.

I submit, Sir, that the position is quite clear so far as the power of the State Legislature is concerned. Then comes the other question, namely, whether there is any necessity for having the proposed legislation. Now, Sir, the position is this. Chapter 40 of the Criminal Procedure Code deals with the subject of commissions for the examination of witnesses. It appears that the Criminal Procedure Code is not applicable to the 'tribal areas'.....

**Mr. SPEAKER:** The spirit is applicable perhaps.

**Shri S. M. LAHIRI (Advocate-General):** That is of course a debatable matter. The object of the Criminal Procedure Code is to ensure proper trial of a case, and if the accused in a particular case gets full scope for defending himself then the spirit of the Code has been observed. What exactly the 'spirit' is, it is very difficult to say. But this much is clear that unless a specific provision of the Criminal Procedure Code is brought into operation in those areas that provision will not apply. On the other hand, if a certain provision in force is applied, but, it is not strictly followed, then it might be argued that the spirit has been followed. But where there is no provision there is no question of following the 'principle' or 'spirit' of the Code. Now, the Criminal Procedure Code not being in force in these areas specific provisions were incorporated in the various Administration of Justice Rules by Regulation 3 of 1952 providing for the issue of commissions by the High Court and the Deputy Commissioner for examination of witnesses; and, accordingly, the Central Government, under Section 508 A, sub-section (2) (a) of the Criminal Procedure Code has specified the courts of the Deputy Commissioners as competent to issue commission. This is an amended Section. It runs thus:

"508A. (1) The provision of section 505 and so much of Section 506 and section 507 as relates to the execution of a commission and its return shall apply in respect of commissions issued by any of the courts, Judges or Magistrates hereinafter mentioned as they apply to commissions issued under section 503.

(2) The courts, Judges and Magistrates referred to in sub-section (1) are:—

(a) any such court, Judge or Magistrate exercising jurisdiction within an area in India to which this Code does not extend, as the Central Government may, by notification in the Official Gazette specify in this behalf."



It is for the Central Government to issue a notification under Section 508 A, sub-section 2(a) specifying the court or courts that will be competent to issue commission. And that has been done. But we are now concerned with the question of the execution of a commission by the Magistrate or the Deputy Commissioner within the autonomous district. I mean those commissions which are issued from other areas. For example, if a commission is issued by a court at Bombay, who will execute that commission and under what procedure of law? That is not covered by the Regulation which has already been passed. I will only refer to one of the rules which is already in force. This is Rule 23A, which runs as follows:—

“(1) 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”. Now, this Rule 23A empowers a court to issue a commission when it thinks necessary. But, now we are concerned with a case where a commission has been issued by an authority outside the autonomous districts for examination of witnesses in the autonomous districts. That commission has to be directed to such Court or officer as may be specified by a notification issued by the Central Government. But, so far, the Central Government has not issued any notification as contemplated by Section 504, Sub-section (2), which runs thus: “If the witness is in India, but in an area to which this Code does not extend, the Commission shall be directed to such court or officer as the Central Government may by notification in the official Gazette, specify in this behalf.” But, before a notification can be issued under sub-section (2) of section 504, there must be some authority who is competent under some law to execute that commission. India Government must be satisfied that there is some officer, or some authority, or some court, which is competent under the authority of law to execute the commission and forward it to the court situated outside the autonomous districts. So far, there is no such authority in the autonomous districts. In other areas there is the Criminal Procedure Code which prescribes the procedure to be adopted in executing the Commission. Now, if we refer to clause 2 of the Bill then the whole position will be clear. “Whenever a commission for the examination of witness issued under the preceding rule or under any law for the time being in force in the Rest of India is received by the Deputy

Commissioner, he, or such of his Assistants having the powers of a Magistrate of the First Class as he may appoint in this behalf, shall execute and return the commission following the spirit of the Code of Criminal Procedure, 1898". So, if this provision is incorporated in the rules for administration of justice in autonomous districts, then the Deputy Commissioner and his Assistants will be competent to execute the commission under law, and it is expected that the India Government will then issue a notification under sub-section (2) of section 504 specifying the officer to whom the commission shall be directed. India Government must be satisfied that there is some officer or Court competent to execute the commission, and the object of the Bill is to enable the Deputy commissioner and his Assistants to execute the commission within the autonomous district. So, I think, this Bill is necessary.

**Mr. SPEAKER:** Hon'ble Shri Ramnath Das introduced the Assam Criminal Law Amendment Bill, 1953 and also moved that the Bill be taken into consideration. The object of the Bill is to provide procedure to be followed by the Deputy Commissioner of Autonomous Districts when he receives commission from a Court outside the Districts. He further said that the rules for the administration of Justice of the different Autonomous Districts of Assam as amended by the Assam Autonomous Districts (Administration of Justice) Regulation 1952, provides procedure to be followed for the issue of commission but it has not provided the necessary provision for the execution of the same.

Mr. Khongphai said that the Regulation No. III of 1952 there is a Rule 23A(1) and (2) in the Assam Autonomous Districts (Administration of Justice) Regulation, 1952 which reads as follows:—

"23A-(1) Whenever, in the course of an inquiry, trial or other proceeding under these rules, it appears to the High Court or the Court of 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 witness following the spirit of the Code of Criminal Procedure, 1898.

(2) Whenever, in the course of an inquiry, trial or other proceeding under these rules, before the Court of an Additional Deputy Commissioner or an Assistant to the Deputy Commissioner, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice an amount of delay, expense or inconvenience which, under the

circumstances of the case, would be unreasonable, such Court shall apply of the Deputy Commissioner stating the reasons for the application, and the Deputy Commissioner may either issue a commission or reject the application”.

The same thing has been repeated, as he says, in the Khasi States (Administration of Justice) Order, 1950 published with Notification No. S.K/140/49/8, dated the 25th January, 1950. Under the above rules commissions are issued even now following the Criminal Procedure Code and ‘The Amendment sought to be introduced is not necessary and rather goes against the letter and spirit of the Constitution.’

Shri Hareswar Das, Deputy Minister of Revenue said that paragraph 19(I),(A) of the Sixth Schedule makes certain provisions for the transitional period. Article 19(1) (b) will be applicable to any Autonomous District but after the enforcement of the Constitution and before the Constitution of the District Council. He himself made a query what will happen after the transitional period is over? During the transitional period the Governor can extend it.

Then he refers to paragraph 3(1)(a) of the Sixth Schedule wherein the powers of legislation by the District Council and the Regional Councils are provided and *inter alia* he argues that beyond these, the Autonomous Districts have no power and State Legislature can only legislate.

I have looked into the provisions of the Sixth Schedule. Under Paragraph 4, the Regional Council or the District Council can (1) constitute courts or village councils for the trial of suits and cases of the scheduled tribes and can also appoint presiding officers for the administration of laws under para 3 of this Schedule. Paragraph 3 gives power to the High Court of Assam to exercise jurisdiction over suits and cases as the Governor may from time to time by order specify. The State Legislature has not been given any power there.

Paragraph 5 of the Sixth Schedule empowers the Governor only to confer such powers on the District Council or any other officer under the Civil Procedure Code 1908 or Criminal Procedure Code, 1898 as he deems appropriate or the Governor may withdraw such powers. Paragraph 4 empowers trial of suits and cases between scheduled tribes, while in paragraph 5 there is no such limitations. Paragraph 6 is not relevant for our purpose.

Paragraph 7 also gives power to the Governor to approve rules made under the paragraph by the District or Regional Councils for the management of District or Regional Funds or payment thereof.

Paragraph 8 gives absolute power to the District or Regional Councils to assess and collect revenues. The Governor does not come here at all in this para.

Para. 9 is for assessment of royalties for minerals as agreed upon by the Government of Assam and the District Council or Regional Council. In case of dispute the Governor's decision shall be final.

Para. 10 of the Sixth Schedule concerns itself with the regulation about money lending, etc., and until these are assented to by the Governor, they will have no effect.

Para. 11 is about the publication of laws, rules and regulation in the Official Gazette to have the force of law.

Para. 12 limits the application of the Act of State Legislature or of Parliament. Para. 12 is important and is relevant to our purpose. According to this para no Act of State Legislature in any of the matters referred to in para 3 of this Schedule as matters with respect to which a District Council or Regional Council may make laws shall apply to any District or Regional Council. The matters referred to above are mentioned in detail in para 3, and prohibition and consumption of liquor are also prohibited.

In para 12 (b) the Governor has been given the power to apply Acts of Parliament or State Legislature even in matters referred to in para 3 with such modification or exception as he may specify.

Para. 13 is about the receipt and expenditure and how it should be shown in the annual financial statement to be laid before the State Legislature under Article 202 (Re: Financial Statement).

Para 14 empowers the Governor to appoint a Commission to examine and report on any matter specified by him relating to the administration of the Autonomous Districts and Autonomous Regions or to report the administration of those districts generally and the report of such Commission with the recommendation of the Governor may be laid before the State Legislature. In paragraphs 13 and 14, we find the mention of State Legislature which means offering criticism to the Governor.

In para 15, the Governor is empowered to suspend or annul any Act or resolution of a district council or a regional council. In Sub-para (2) of para 15 the Governor will lay before the State Legislature his orders for their consideration and unless revoked by the State Legislature the order shall remain in force for twelve months. This provision is practically in pursuance of the provisions contained for the issue of Ordinance by the President under Article 123 of the Constitution.

Para 16 empowers the Governor on the recommendations of the Commission appointed under para 14, to dissolve the district or regional councils and direct a fresh election and assume the administration of the area subject to the previous approval of the Legislature of the State.

Para 17 also empowers the Governor to delimit the constituencies in the autonomous districts for purposes of election to the State Legislative Assembly.

Para 18 empowers the Governor to apply the provisions of this schedule to the tribal area under Part B of the table appended to paragraph 20 of this Schedule with previous approval of the President and it is further stated in this para that the Governor will act as an Agent of the President in his (Governor's) discretion.

Para 19 provides for the constitution of the District Councils after the commencement of the Constitution of India *i. e.* the 26th January, 1950, and all regulations, made by the Governor, shall be submitted, under clause (b) of Sub-para (1) of Para 19, to the President. In all these, except paras 13, 14, 15, we do not find any reference to the State Legislature.

Para 21 gives power to amend the Sixth Schedule by Parliament by way of addition, variation or repeal and it is further provided that the amendment to this Schedule by Parliament shall not be deemed to be an amendment of the Constitution for the purposes of Article 368.

So the present Bill which is intended to empower the Judiciary of the autonomous district to execute commission to examine witness, is to be examined in the light of the previous paras.

The Advocate-General has been pleased to advance the following reasons which need our careful consideration.

He has advised the House to consider the following points:—

The learned Advocate-General's view is that the Legislature of the State of Assam has power to make laws for the whole or any part of Assam, by which he means including the autonomous districts of the Sixth Schedule of the Constitution, but he has not stated whether they are applicable to Part B of the Table as the term 'Autonomous District' that does not cover those areas and who will make laws for these areas is an answer left for the future.

Is that so ?

**Shri S. M. LAHIRI (Advocate-General):** I have not dealt with this. The autonomous districts do not include Tribal Areas.

**Mr. SPEAKER:** That answer we have not got ; it is left for the future. We have not been enlightened on that subject ; therefore I say it is left for the future.

**Shri S. M. LAHIRI (Advocate-General):** I have dealt only with the autonomous districts.

**Mr. SPEAKER:** Then he has stated that in so far as matters enumerated in para 3 of the Sixth Schedule, the Acts of the Assam Legislature will not apply unless the District Council by notification so directs ; but his opinion is that on matters enumerated in the Sixth Schedule other than those in para 3 of the said Schedule the Acts of the State Legislature will apply *proprio-vigore*, *i. e.*, by its own force to the autonomous districts as well unless the Governor by notification so directs to the contrary.

The 2nd point, which was raised by Mr. Khongpai that the proposed legislation, *viz.*, the Assam Criminal Law Amendment Bill, 1953, is unnecessary, the learned Advocate-General gives the following reasons in support of his views:—

Under Article 245 (1) of the Constitution the Legislative Assembly of the State may make laws for the whole or any part of the State. The Article is as follows:—

“Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State.”

Under Article 246 clause (3), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the ‘State List’ *i. e.* list II of the seventh Schedule. Under clause (2) of Article 246 (subject to clause 1) the Legislature of a State has power to make laws also with respect to any of the matters enumerated in the Concurrent List *i. e.* List III of the 7th Schedule, clauses (2) and (3) of Article 246 runs as follows:—Article 246 (2): “Notwithstanding anything in clause (3), Parliament, and subject to clause (1), the Legislature of any State specified in Part A and Part B of the First Schedule have power to make laws with respect to any of the matters enumerated in List III in the seventh Schedule” (referred as Concurrent List in the Constitution).

Article 246 (3):—“Subject to clauses (1) and (2), the Legislature of any State specified in Part A or Part B of the First Schedule have exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the 7th Schedule” (*i. e.* State List), acting on the advice of the Ministry, and so far as matters enumerated in para 3, Acts of Parliament or of the Assam Legislature will not apply to these Areas unless the District Council by notification so directs. Clause (a) of para 12(1) of the sixth Schedule makes this position clear.

On the other hand the Advocate-General thinks, in view of the provision of clause (b) of para 12(1) it is equally clear that a Law made by the State Legislature will automatically apply to the autonomous districts unless the Governor acting on the advice of the Ministry, bars or excludes its application from such areas with or without modification.

Para 12(1) of the sixth Schedule runs thus:—

“(1) Notwithstanding anything in this constitution:—(a) no Act of the Legislature of the State in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region unless in either case the

District Council for such District or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit :

(b) the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State to which the provision of clause (a) of this sub-paragraph do not apply shall not apply to an autonomous district or an autonomous region, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification."

Now the House may accept the legal opinion of the learned Advocate-General and in the light of the said legal opinion I allow the Assam Criminal Law Amendment Bill, 1953, for the consideration of the House.

**Resumption of debate on the Resolution\* regarding redistribution of land putting the ceiling on holding at one hundred bighas**

**Mr. SPEAKER:** Mr. Coswami, you will get 12 minutes more.

**Shri NARANARAYAN GOSWAMI:** Mr. Speaker, Sir, let me begin from the place where I left day before yesterday.

Article 31 (2) continues "or acquired for public purposes under any law authorising the taking of such possession or such acquisition unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined and given."

Now if inspite of these clear provisions of the Constitution, we go to enact something which goes against the spirit and principle of the Constitution, what will be the effect of those Acts ?

What we find in Article 13 (1) ? In Article 13 (1) we find, "All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void".

That is Article 13 (1). Article 13 (2) reads as follows :—

"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

So, Sir, if we want to enact a piece of legislation against the principles enunciated here, the whole Act will be void. Now, what

\***Shri HARESWAR GOSWAMI** "With a view to give land to the actual cultivators of the State so as to reduce the existing economic inequality and increase production, this Assembly is of opinion that the Government of Assam do take immediate and necessary steps to redistribute land putting the ceiling on holdings at one hundred bighas".

will be the effect of this? If we attempt to formulate a piece of legislation in flagrant violation of the provisions of our Constitution, it will meet with a fate similar to those enacted by the Malan Government in South Africa. Because whatever law may be enacted by this House, it is not final by itself. On appeal it will go to the High Court and the Supreme Court, because there is the right to Constitutional remedies. So if any Act be enacted on the principle or in terms of the Resolution proposed by my Friend in the Opposition, whatever remedies it may seek to give will be cut totally by Article 32. Under this Article "The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed." That is under Act. 32 (1). Again under Article 32 (2), "The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* whichever may be appropriate, for the enforcement of any of the rights conferred by this Part". Again there is the High Court. If a piece of legislation containing so many anti-Constitutional provisions is enacted by this House, probably the Leader of the Opposition will be the first person of all to jump upon the Government to get this Act being nullified by the High Court. Art. 226 (1) reads as— "Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose."

**Mr. SPEAKER.** What do you mean to say? Do you mean to say that this House has no jurisdiction?

**Shri NARANARAYAN GOSWAMI.** Yes, Sir, my point is that this House has no jurisdiction to pass a law like this, and if it does so, it will be made null and void as is made clear under Article 13 (2) and is sure to meet with a fate similar to that of the legislations passed by the Malan Government in South Africa recently. Have we not got our Judiciary, have we not got our High Court? If we pass a Bill, like this the High court will fall on us in time. The whole piece of legislation will be declared null and void. Now I beg to refer to Article 26 which reads as follows:—

"Subject to public order, morality and health, every religious denomination or any section thereof shall have the right.—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matter of religion;



(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law."

I now beg to draw your attention to Arts. 37 and 38 of the Constitution. Article 37 reads as follows:--

"The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws."

Article 38 reads as follows:—"The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life."

Article 37 lays down the principle as to in what manner laws should be formulated. They may not be enforced by any court of law but nevertheless they are directive principles on which laws should be enacted. Can any legislative body worth the name ignore this fundamental principle? But the Resolution introduced on the floor of the House, if accepted by the House, will upset the existing social order. Existing land system in Assam is not a product of recent times but it has been in existence as such from a long time past, and any attempt at any change of the existing order of things requires very careful handling. Therefore, I submit, Sir, the House should not accept the Resolution. If my Friend is really anxious to ameliorate the conditions of the masses, he should see that his resolution is free from these defects and place it before the House for acceptance after proper drafting.

If he is really serious about what he has said, let him come forward and join the Bhoodan Yaggya. Will the learned Friends of the Opposition come forward and join the Bhoodan Yaggya? Will they go to their respective homes and request their parents to give their lands to the Bhoodan Yaggya? I say, Sir, there is ample scope to transfer land to this Bhoodan Yaggya. My Friends are shedding crocodile tears. I say let them show an example, let them transfer their right of inheriting the property, and their vast property, they can do it if their intention is good and there is provision of law for such transfer of the right of heirship. Sir, I beg to mention one thing. My Friends are speaking about democracy, as if this Government and this House know nothing about democracy. The Constitution of India was drafted by the representatives of 35 crores of Indians. Socialist, Communist and the representatives of all classes of political spheres sat together for 3 or 4 years, and they have produced the best Constitution in the whole world, and it is appreciated by many. There is the provision under Art. 368 for amendment also. What is democracy? It is the Government by the people for the people.

If you want to respect law, come and join hands with us to respect the Constitution formed on democratic way. Sir, my learned Friends say that there is some defect in the Constitution, but I say there is defect with the Red caps, let them remove the red caps, and then only they will find what is good, they will be able to ameliorate the condition of the people. Sir, I have many things to say, but I am not going to take the time of the House. Sir, I find that there are generally differences among the Members of the Opposition Party, their Leader says one thing and the other Members do something else, it seems that the Members of the Opposition do not follow their Leader, there is lack of discipline in their Party, there is a split in that Party.

Sir, unless and until they know how to have unity among themselves, how can they work for the amelioration of the condition of the people and to act as an Opposition Party in this House properly? Another thing, Sir. In certain newspapers we find that certain things were published regarding the speeches made in this House, but those informations were of one side only and they were found to be defective, they will not help anybody, but they will simply mislead people; so I suggest that when the speeches of this House are published in the papers they should be properly published from both sides so that the public will know what is going on in this House. Sir, one of the Members of the Opposition passed some aspersion against some Members on the previous occasion. I expect Sir, that portion should be expunged from the statement. Now, Sir, one word more, I find that the Opposition Party is a 'Dalikhichuri Party'. It is expected to keep the proper standard and status of the Opposition Party as it is seen in other places.

I hope Mr. Goswami will kindly withdraw his Resolution now for the best interest of the State.

**Shri GAURISANKAR BHATTACHARYYA.** Mr. Speaker, Sir, when my Friend, Mr. Goswami, moved this Resolution, I did not expect that it would rouse such sentiment in this House. I personally don't think that our land problem will be solved even if this Resolution is accepted, and if Government seeks to implement it. So far as I understand, this is not the contention of the Mover of the Resolution also. His main objective is not the distribution of land, but the redistribution of land. But then some of my Friends who have spoken on this Resolution have somehow or other missed the difference between distribution and re-distribution and, therefore, many things have cropped up which otherwise could not have cropped up in the course of the debate. I have seen that there are dissensions among the supporters of the Treasury Benches themselves in the matter of approaching the proplem and seeking for a solution. For example, Mr. N. Goswami advises us to take to the beggar's bowl and join the "Bhoodan Yayna". If we would have

joined this Yaggya, then the problem would be solved he says. On the contrary, Mr. B. K. Bora has threatened us with dire consequences—with “Kurukshestra”—if the property of the haves be touched. So, we see from the speech of Mr. Bora that the haves will start a “Kurukshestra” if any attempt is made to interfere with their exploitation and we have every reason to believe that he is speaking out the mind of the exploiting classes.

When Shri Krishna went to beg of only five villages from Durjyodhana so as to avert “Kurukshestra”, what did Duryyodhana say? He had said:—

“सूच्याग्रं सुभिक्षं भिद्यते यत्र मेदिनी तदक्षं न प्रदद्यामि विनायुक्तेन केशव ।”

So, those who are to-day following the cult of Duryyodhana are determined to hold at any cost the property grafted from the exploitation of humanity. They are determined to hold at any cost the “Shuchyagra Bhumi”. There may be a few Zamindars or landlords here or there who have given some token gifts of land as a result of the Bhoodan Yaggya, but Zamindari exploitation as a system cannot be liquidated with the help of a beggar’s bowl.

**Mr. SPEAKER.** You can give the sum and substance.

**Shri GAURISANKAR BHATTACHARYYA:** Really, Sir, I do not think that it will be proper here to discuss about the merit and demerit of the “Bhoodan Yaggya”. We might get a chance of discussing it subsequently. Sir, regarding the statement of Mr. N. Goswami that the Opposition Members have got differences among themselves, I do not make any secret of that. But I think Mr. Naranarayan Goswami should not try to be sarcastic when he says that there are differences in the Opposition Block. Yes, we have got differences. But even in diversity we have got unity. We have got unity in diversity and that unity is in our common struggle against the common enemy of the common people of this country. We are united in opposing that common enemy of the common man of this country. We might differ on this or that point; but all of us, those who belong to this Opposition Block, want to oppose unitedly the reactionary policies and measures of the present reactionary Government.

Now, whether we accept this Resolution or not is a different question. Whether the agrarian problem of our country can be partially solved through this Resolution or not is also a different question. But I think to distort the Resolution, to go out of the context of the Resolution, is quite improper and I have taken my stand only to answer that side of the question.

Then, my Friend Mr. Naranarayan Goswami said about discipline of the Opposition Block. Yes, discipline is necessary not only for the Opposition Block, but also for the Government Party and the country. But discipline does not mean unprincipled and timid submission. Real discipline can come only if we take a conscious, principled and scientific view of the problems that are before us. Let us discuss the problem of land, the agrarian problem of our country, because that is the most burning problem today. We might differ in our approaches, we might differ also in the solution suggested. Let us still discuss the point. If there be any mistake in this Resolution made by an Opposition Member please point out the mistakes. But pray, for heaven's sake do not distort it and do not take advantage of your own distorted understanding, to fling sarcasm and aspersions on others. I do not want to say any more on this, Sir. I resume my seat by making this appeal to my Friends on the other side.

**Shri HARESWAR GOSWAMI:** Mr. Speaker Sir, I regret I was waiting in vain to get some light or at least some good suggestion regarding the solution of this problem from the Members sitting opposite, but I do not get any such light from the speeches they made day before yesterday and this morning. Sir, on the other hand I found that they have missed the main point of my Resolution and have distorted it perhaps to suit their own purposes. Sir, when Mr. Borah was speaking on the Resolution I felt as if while in search of a tree he was lost in the wood. He was citing different land systems prevailing in our State. The purpose of my Resolution was not to discuss or to regularise those systems. Had that been the purpose of my Resolution I would have framed it in a different language altogether. And it is also not necessary for redistributing land that we should do away with different systems. I agree, I am wholly in favour of it, if we can make a uniform system of land tenures prevailing in our State. But that will take time. What I am suggesting at the moment is that even in the existing system of land tenure there are people who own more land than they actually need and that there are people who are without land. My Friend, Mr. Bhattacharyya, has made it clear and I made it clear also at the time of moving my Resolution that I am not suggesting that this Resolution when implemented will be a panacea to all ills from which we are suffering. I will be the last person to say that this Resolution, if implemented, will solve our land problem. I have another Resolution regarding the Bhoodan Movement and even in that Resolution when it will come up, I will make it clear that I do not suggest that these things will cure completely the malady from which we are suffering. But it can't be denied that we have not been able to make any headway in any direction. It is

necessary that there should be some dynamic move and with that end in view I suggested that there should be a ceiling on land holdings. My Friend Mr, Naranarayan Goswami, lost himself in the midst of the Articles of the Constitution, and perhaps he was also thinking that I am very much against just at the moment to the principle of compensation and that my Resolution goes against the Article in the Constitution regarding compensation. The other day I made it quite clear although I am against the principle of giving compensation to people who have acquired land by some means, yet for the time being I do not fight against the principle of compensation. All that I am suggesting is that let us not stand idle, let not our movement and our actions be hampered by this consideration. Let us move ahead. On that day I read from the Five-Year Plan itself where there is provision for compensation. I said that compensation could be paid. I suggested in this way and did not say anything against that. But if we go to the principle of compensation, if we try to remember what Mahatma Gandhi even said in his discourse with Louis Fischer—Louis Fischer has written a book known as a 'Week with Gandhiji' and this book was published during the lifetime of Mahatma Gandhi. There also Mahatma Gandhi is quoted to have said that he is against the principle of compensation. I have not got a copy of that book with me immediately otherwise I would have read that. But be that as it may, here the principle of compensation is not standing in our way and what Mr. Naranarayan Goswami said was beside the point. Here in the Constitution itself if we go to the Seventh Schedule where the list of subjects are given on which Parliament and the State Legislature can legislate. There is a clear provision that the State Legislature can legislate regarding land and so this House is competent to say anything, to legislate anything regarding land. All that they cannot do is referred to in Article 31 where it states that if the State is to acquire any property it must be by giving compensation. So, even if we take it out it does not say that we cannot legislate regarding the holding. We can legislate regarding the holding. Only regarding the manner in which it will be used if it constitutes to be an unreasonable restriction, that may be declared *ultra vires* of the Constitution. So long as there is no unreasonable restriction on the manner in which you enjoy a particular property we, within the Constitution, can legislate and take any step regarding land without touching that point about compensation, and also regarding unreasonable restriction. It is said that we are at liberty to legislate regarding land. On this point even the Calcutta High Court recently passed a judgment. I do not just now remember the case, but it was about a fortnight ago.

Therein, it is said, "if this is to mean that an individual is to enjoy his right at the cost of the society it will be bad". Therefore, in defining unreasonable restriction we must take both sides of the case. We must not allow an individual to enjoy his right at the cost of other people and at the same time we must see that he is given just the reasonable right to enjoy his property. The Calcutta High Court is of opinion that no society is to suffer because of the enjoyment of a particular right by a single individual. Therefore the interpretation of this case should not be stressed to that extent. As regards compensation, the question does not really arise here. I have stated that so far as the question of putting a ceiling is concerned, if any land is to be taken away from the hand of any individual land-owner, let him be paid compensation, I am not standing on its way. But if he is really anxious that egalitarian society as envisaged under the directive principles of the Constitution then it is necessary that we mark a standard and to do that we must first put a ceiling on holding of the people. Even today we find there is a tendency to confuse distribution of land with redistribution. Some people who are having land.....

**Mr. SPEAKER:** you are not replying but restating your views. I find you are restating your arguments over again.

**Shri HARESWAR GOSWAMI:** I am replying to Mr. Naranarayan Goswami and.....

**Mr. SPEAKER:** In that case you are to confine your remarks to the points raised by different speakers.

**Shri HARESWAR GOSWAMI:** I am replying that the question of compensation in this case does not arise. Even under the existing practice some people hold land more than 100 bighas. It is stated in the Five-Year Plan that the holding should not be more than \* \* \*

**Mr. SPEAKER:** You are raising the same point and restating the whole case and in that case there will be no end of it.

**Shri HARESWAR GOSWAMI:** I am also replying to points raised by Mr. Basumatari and I say that if we do that the tribal people will not suffer because the tribal people hold 6 or 7 bighas of land. He has missed that point. I was speaking about holding of more than 100 bighas and so long as the holding is not 100 bighas they do not come under the purview of this Resolution and therefore they do not suffer. As a matter of fact most of them are going to be benefited by the implementation of this Resolution.

We are not going to take away their land. We are going to increase their land if possible as far as they are not holding more than 100 bighas. They will not be affected by this Resolution at all.

**Shri DHARANIDHAR BASUMATARI:** I did not say like that.

**Shri HARESWAR GOSWAMI:** Then it is all right. Mr. Bora said that we are already in the process of redistributing land by giving some tenants occupancy right. In this case I have nothing to say. My point is when we go to settle some waste land how are we going to fix a ceiling? Will that be 100 bighas or more than that? Unless we put a ceiling on the holding we cannot work out a formula and therefore it is necessary to put a ceiling and that will be a process of redistribution. Only in that way we shall be able to solve partially the problem and that is the way which will lead us to the society which we have envisaged in our Constitution...

**Shri BAIDYANATH MOOKERJEE (Minister):** On a point of information, Sir, when the Leader of the Opposition speaks about the ceiling, may I know how much land should be at the bottom?

**Shri HARESWAR GOSWAMI:** I have already said about that.

**Shri BAIDYANATH MOOKERJEE (Minister):** Will it remain?

**Shri HARESWAR GOSWAMI:** This will be a dynamic process. In the meantime then 10 bighas will be the economic holding taking into consideration the present level of scientific inventions. Sir, in the Agrarian Committee constituted by the Congress in which I had the honour to appear as a witness I also said in the year 1949 that 30 bighas of land should be the economic holding. Therefore, I do not say that this will solve our problem. For the time being we must have the standard proposed by the Agrarian Committee and we should move in that direction.

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

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I am in full sympathy with the spirit of this Resolution. As a matter of fact when I first read it I was willing to accept it, but when I carefully went through it I found that the means suggested

do not warrant the objects. Two objects are put in the Resolution : (1) to reduce the existing economic inequality and (2) to increase production and for this he suggests only one means, that is, to put a ceiling of holdings at 100 bighas and redistribute the surplus land among the cultivators. It is not clear whether the ceiling of hundred bighas is for individuals or families, but in my opinion, he means it for families. It is not clear from the Resolution. Now, even if this Resolution is adopted and action taken, still it will not reduce the existing economic inequality or increase production to an appreciable extent and for that reason, I have no other option but to oppose it and request the hon. Leader of the Opposition to withdraw it.

Now, in course of the debate many things have been said and even Mahabarata has been brought in by the Members. Agreement and disagreement among Opposition Members were discussed. Somebody said that democracy is in danger. But according to me these are irrelevant in connection with this Resolution. I take this Resolution very seriously because in the development of a country the solution of the land problem should get the first priority, but for want of clear conception of the problem, the Mover of the Resolution committed blunder in drafting the Resolution. The Resolution as drafted does not bring in the suggested result, so what is the use of adopting it ?

Now, Sir, this land problem is very complicated. In ancient India Maharsi Jajna Balka laid down that land was created by God for production of food. He, who cleared the jungle and grew food, land belonged to him. When, say Rishi Gautam started an *asram*, he had not got to take any Patta. But when the Rakshasas created disturbances in performing Jajna, the King, Harischandra or Kantabirya would be called. The Raja fights the Rakshasas and puts them down. For this, *i. e.*, for preservation of law and order the King, was to get  $\frac{1}{8}$ th share of the crop, but not anything as revenue. That was the system prevailing in ancient India, but we cannot go back to that now. Considerable change has taken place between that time and now.

Land problem is not an easy problem. The question of fixing a ceiling is again a vexed problem and no country in the world has successfully solved it. In course of discussion somebody brought in Russia. I have great respect for that country. Whatever may be the political views of that country, they are reported to have successfully solved the land problem. But their approach and our approach are quite different. They made the right on land vest in the community. So the question of fixing a ceiling does not arise at all. China is reported to have successfully solved this land problem. In China 80 per cent. of the people are agriculturists and in our State according to the Darrang Survey



Report 82 per cent. of the rural population are agriculturists. Then as regards land, in China 80 per cent. possess 30 mous, which mean 15 bighas and in our State 25 per cent. possess land from 6 to 15 bighas according to the Darrang Report. In this respect there is much similarity between China and India. Now, what China have done? They have allowed the right over land to remain with the individual. Our Constitution also recognises the right of the individual to hold land. China started to solve this problem in 1924 or so and passed their present law on 4th June, 1950. They have divided the agricultural society into 5 classes; firstly, landlord; secondly, rich peasants; thirdly, middle peasants; fourthly poor peasants; and, fifthly, landless labour. Now, so far as landlord is concerned, it was the landlord whose land was taken without payment of compensation. We must remember that that is a Communist country where they can take land without compensation. The land from the landlord is taken without paying any compensation but leaving sufficient land for their maintenance. The rich peasants and middle peasants—were not touched. What they did with the rich peasant is like this. They were allowed to retain their lands and cultivate themselves and they were also allowed to cultivate through hired labourers. They grew food and as they grew food land was allowed to remain with them but a limitation was put to the amount, which they could retain. They were allowed to retain an equal area to that which they could themselves cultivate. If one could cultivate 100 bighas, he was allowed another 100 bighas if one could cultivate 30 bighas, he was allowed another 30 bighas. In this way they have fixed an upper limit. Their slogan is "Rely on the poor peasant, unite with the middle peasant and liquidate the rich peasant".

Now, as regards fixation of ceiling in public platforms this is always advocated with the idea that there is possibly enough of land in Assam in the hands of intermediaries. My Friend always advocates the abolition of intermediaries, but in this Resolution he has fixed the ceiling at 100 bighas irrespective of the fact whether the holder is an agriculturist or not.

So all land cannot go to actual cultivators or actual tillers. Intermediaries will continue to exist. This provision therefore is contrary to what is expressed in the first line of the Resolution namely giving land to actual cultivators.

**Mr. SPEAKER:** The House stands adjourned till 1-30 P. M. today.

### Adjournment

The Assembly was then adjourned for lunch till 1-30 p. m.

(After lunch)

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, one law point has been raised that is about the power of this House to legislate on the subject. In my views, legislation on the subject contained in the resolution will be *intra-vires* of the State Legislature because "land" is a subject in the State list only and urban areas land is a subject in the Concurrent list.

Now as regards the fixation of a ceiling, this principle of fixation of a ceiling has been accepted by the Government of India. In the Five-Year Plan, Government of India, at page 49,—some portion has been read by the Mover of the Resolution—I am reading the other portion. It is stated—“While a small number of substantial owner are directly engaged in managing their land without the aid of tenants the question whether some limit should not be placed on the amount of land that an individual may hold, has to be considered from a general stand-point, rather than in relation to the amount of land that might become available for redistribution. In relation to land, individual property in excess of any form that may be proposed has to be conceived in terms of public interest and not merely on grounds of individual rights or claims. The principle that there should be an upper limit to the amount of land which an individual may hold is, therefore, recommended for adoption.” So this principle, the principle of fixation of an upper limit is accepted in the Five-Year Plan. But Government of India recommends fixation of this upper limit on individual basis, the Resolution is silent whether the ceiling of one hundred bighas will be confined to individual or to family. The Government of India wants to put an upper limit on individual basis but the Five-Year Plan does not fix the upper limit in bighas and kathas. It has discussed this point but left it to the respective State Government to fix its own limit. It introduced another matter, the “family holding.” What will be this family holding is not defined. But the plan suggests that the upper limit should be three times the family holding, but leaves its determination also to the State Government. My Friend will appreciate the difficulties. The principle is accepted. So in principle the Resolution and the Five-Year Plan do not differ.

Then there is the question of the principle of compensation—how the compensation will be paid? If there any surplus land above the upper limit that land will have to be taken out after paying compensation. How that compensation will be calculated? The report has given some idea in 2nd paragraph at page 50. It says

“Ordinarily, the price should be a multiple of rental value and payment should be in instalments spread over a period. The Government should establish direct contact with the tenants and arrange to collect land revenue from them, the price of land being recovered along with the land revenue. Payment of compensation could be made in bonds as in the case of intermediary rights”.

Sir, there is an idea current throughout the State that if we fix a ceiling, a considerable amount of land will be released, so much land that all the landless people can be accommodated. Sir, that is wrong idea. We have got sample surveys of two districts. The Darrang Survey Report gives the number of families (page 16) holdings more than 50 bighas of land, as 45 in Tezpur Subdivision, 64, in Mangaldoi Subdivision total 109 families in the sampled area which a percentage of represents 4.171 to the total number of families. These 109 families hold 8403 bighas of land (which represents a percentage of 22.40 to the total area) *i. e.* about 77 bighas per family on average.

So, if we put the ceiling at 100 bighas, from Darrang we get no land.

Then, Sir, for the Goalpara district and the Karimganj subdivision of the Cachar district the ceiling has been fixed at 150 bighas by the Zamindari Acquisition Act. For the sake of uniformity for other districts also the ceiling should be put at 150 bighas. Now if 150 bighas is fixed as the ceiling, we have seen that from Darrang we get no land. From the sample survey report in the Sibsagar district, we find that the number of families holding more than 100 bighas of land is only 15, which represents only 0.46 per cent. of the total number of families. These 15 families hold 3,614 bighas of land, which represents 8.92 of the total area, *i. e.* approximately 241 bighas per family on an average. If the ceiling is fixed at 150 bighas the surplus land comes to 1365 bighas. These 1365 bighas represents 8.92 per cent of the total area; that means approximately 15,000 bighas of land for the whole district. So, from Sibsagar district we may expect to get 15,000 bighas of land. Now, Sir, Sibsagar is the biggest district in Assam with an area of 32,88,328 acres, the total area of Assam being 3,33,99,960 acres. Then, in Goalpara and the Karimganj subdivision of the Cachar district we may not possibly get any land at all because the entire area is occupied by tenants. With the abolition of Zamindaries the tenants under the Zamindars will become tenants under the Government there will be only a changeover. But from the abolition of intermediaries we may get some land. There is a mistaken idea that with the abolition of the Zamindari system considerable areas of land will be released for distribution, or as my friend says redistribution. But as I have said, Sir, no land is likely to be released. There will

simply be a change-over and the tenants will come directly under the management of Government. The land released from the intermediaries will not be much as the area under the Zamindari system is much less than that of the Sibsagar district. The total area of the Goalpara district under Zamindari system is 15,19,410 acres whereas the total area of Sibsagar district is 32,88,320 acres. Then Sir, in Karimganj subdivision almost no land will be released. In the Goalpara district for 15,19,410 acres under the Zamindari estates, the number of estates, is 20. In Karimganj the total area under the Zamindari system is 1,82,645 acres and the number of estates is 5072. That means there are Zamindars holding even 5 or 6 bighas of land. They are called Zamindars only because they have got the ilam right. With the abolition of zamindari this right will be taken away, but no land will be released. As I said Sir, there is a mistaken idea that with the abolition of Zamindari enough land will be released. The question may therefore be asked, if that be so why do you abolish Zamindari at all? Sir, I submit there is meaning in it. These special rights over land divides the society into different classes, one class standing over the shoulders of another. To create a classless society you cannot allow these special rights to remain. This vertical division of society, one class standing on the shoulders of another, should be brought down to a horizontal level,—all to the level of the common man. This has also got a psychological effect. This is the first step towards creation of a classless society.

Sir, we may expect to get 15,000 bighas of land from the Sibsagar district, nothing from Darrang and a very small amount from Goalpara. In all we may expect to get about 50,000 bighas of land in the whole State by fixing the ceiling at 100 or 150 bighas. My friend in the resolution laid much stress on redistribution; he wants redistribution—not distribution—of land. That is a defect in the resolution from my point of view. Mr. Bhattacharrya also laid stress on this point. But, I say, Sir, that by redistribution 50,000 bighas of land you cannot reduce the economic inequality or step up production in any way. The land which will be released will not be waste lands. These lands are already under cultivation and crops are growing there. So, it is not a question of redistribution; it is rather a question of confirmation of possession. The land above the ceiling, which we may get for redistribution must be in the possession of somebody. It will only mean change of ownership, food production will not be increased there by in any way. So, my point is that this resolution defeats its own purpose. My friend should have made it more elaborate and comprehensive. Distribution of land is the primary question, but he has totally omitted it.

Then the question will come about payment of compensation. Will the landless allottees be able to pay compensation? So far as this question is concerned the resolution is silent. That is why a friend of mine while speaking on the subject was labouring under the impression that the allottees would not be required to pay compensation. Compensation means equivalent to the right taken—that is the interpretation given by law courts—equivalent of the right taken away, *i.e.*, the market rate. But will it be possible on the part of these landless people to pay the market value?

(*A voice*—On a point of information, Sir, is there any surplus land available at Dibrugarh?)

No survey has been made as yet of the Lakhimpur district. I am speaking from the statistics of sample Survey that is available with us. Survey of the entire area will have to be completed in 1953. However, I shall come to that afterwards.

Now, even if 50,000 or 60,000 bighas of land are released will that solve our problem? Darrang Survey puts the number of landless families at 18·484 per cent. and from a calculation on that basis, the number of landless families in the seven plains districts comes to 1,86,121 taking 5·5 persons to constitute a family. To provide them with land at the rate of 30 bighas per family 56 lakhs bighas of land are necessary. Then the Report further puts 25 per cent of families as possessing land between 6 to 15 bighas. A similar amount *i.e.*, about 56 lakhs bighas will be necessary to make up 30 bighas in their case. Another amount of 56 lakhs bighas will be necessary in the case of 1—5 bighas group and 16—29 bighas group. So much land is not available. The entire area of the 7 plain districts comes upto only 1,81,02,640 acres. So my point is that fixing the ceiling at 150 bighas or at 100 bighas you cannot solve this problem. Something else will have to be done, and what is that? All available lands should be brought under cultivation, uncultivable land should be reclaimed. Intensive cultivation should be done, double or multiple cropping should be introduced. Government are encouraging all these methods. But my friend has totally omitted these methods, and has laid stress only on re-distribution. I therefore feel Sir, that the resolution does not touch a fringe of the land problem.

**Shri HARESWAR GOSWAMI:** I did not say Sir, that re-distribution will completely solve the land problem, but I said it will only partially solve it. One measure cannot completely solve all the problems.

**Shri HARESWAR DAS (Deputy Minister):** Why did he keep it incomplete then? Shall we take it that his brain does not go further? We expect so much from the Leader of the Opposition. Why does he not apply his mind and give us

better suggestion to solve this problem? If he is really serious to solve the problem that is facing us, let him come up with more comprehensive and concrete suggestion. Otherwise we cannot accept such peacemeal suggestion. Sir, we want co-operation of all the Members of the House, we want their suggestions, but the suggestions should be concrete and comprehensive. Such a peacemeal suggestions will not go to solve any problem.

Now, what this Government are doing to solve the problem. This Government have opened up for cultivation 2,13,734 bighas of land from the Professional Grazing Reserves, 24,951 bighas from the Village Grazing Reserves and 73,646 bighas from the Forest Reserves, 2,81,658 bighas of waste land and requisitioned 1,46,776 bighas from tea gardens, total 7,40,765 bighas. The result is already felt and when all this area will be under full cultivation, the food problem of Assam is expected to be solved. Here I take the opportunity of bringing one fact to the notice of the hon. Members of this House, particularly to the notice of my Friend the Leader of the Opposition, that mere distribution or as he says re-distribution of land will not solve the problem. Sibsagar survey at page 57 reports that our cultivators work only 152 days in the year. If they work only 152 days in a year, mere distribution of land cannot solve the problem. They must be more hard working. Propaganda is necessary by the hon. Members of this House and other representatives of the people. Now Sir, about double and multiple cropping. According to the Darrang Survey, the area of double cropping of the Assamese cultivators is 5.60 per cent. the area of double cropping of tribal cultivators is 3.08 per cent. but the area of double cropping of East Bengal immigrants is as much as 32.65 per cent. So Sir, if a cultivator is hard working he can get more crop by double or multiple croppings even from a comparatively smaller area of land, but if a cultivator works only 152 days in a year how can he grow more crop. Merely the amount of land will not solve our problem. East Bengal immigrant cultivators have set a good example and should be imitated by the Tribal and the Assamese cultivators. Now, Sir, there is another difficulty. Our cultivators are unwilling to move from their ancestral homes, they demand land near about their houses, which are not always available. If you give them even 30 bighas, 10 miles away from their homes, they will not go there. But they will go on agitating for lands. Sir, there are instances, when due to persistent agitation, the Deputy Commissioner on the advice of the Land Advisory Committee, requisition waste land and makes allotment but after allotment the allottees do not go there. The agitation subsides but it breaks out in another place. It is reported

that some political parties are at the root of all these troubles, and Sibsagar district is noted for this. If things continue like this, we cannot solve our problem. So I request the hon. Members specially the Members of the Opposition to see that when land is given the allottees go there and take possession of the land. Of course the allottees cannot expect the Government to clear the land for them. In this connection I want to refer to the Kaki Reclamation Scheme, where the people failing to clear the land Government are doing it in order to produce more food. I invited my Friends of the Opposition to go there and see things for themselves and be convinced as to what Government are doing for food. The Resolution of my Friend does not touch even the fringe of the problem. But as far as the principle is concerned I am at one with him. Government of India have accepted such principle. At page 49 of the 5-Year Plan it is stated—"As information at present available concerning the ownership and cultivation of land is extremely incomplete and defective, it is proposed that during 1953 all States in India should co-operate in undertaking a special census of land holding and cultivation." So Sir, the Government of India want to do it by 1953, and legislation will be taken up accordingly. Sir, in view of this, I request my Friend to withdraw his Resolution.

**Shri HARESWAR GOSWAMI:** Will the Assam Government do it ?

**Mr. SPEAKER:** Certainly.

**Shri HARESWAR DAS (Deputy Minister):** The Assam Government have got to do it, the Survey is to be completed by 1953. The State Government cannot go against the direction of the Government of India. I hope my Friend will withdraw his resolution.

**Mr. SPEAKER:** Mr. Goswami. Will you withdraw it ?

**Shri HARESWAR GOSWAMI:** After hearing the Deputy Minister that the Government will do the work, I beg to withdraw my Resolution.

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

## Resolution regarding amalgamation of Basic Education Department and State Primary Education Board

**Shri SRIMAN PRAFULLA GOSWAMI:** Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that the Basic Education Department and the State Primary Education Board be amalgamated into one Department or Board.

Sir, by amalgamation of Basic and Primary Education I think it will pave the way for progress of Basic Education in our State. Not only that, it will lay the foundation for reconstruction of the whole educational system. Sir, in our country we know that everybody has condemned the present system of education and everybody wants a national and dynamic type of education and a revolutionary change in the present system. Sir, if this basic system of education is introduced then the whole structure of our educational system will be changed and the basis for the national education will be laid. Of course by amalgamation of these Departments I do not mean that overnight all the primary schools will be converted into basic schools or that the basic system of education will be introduced in Primary schools. This cannot be done at a time as we have no trained teachers and equipments for the purpose. But what I mean is that, if these Departments are not amalgamated then the existing confusion and misunderstanding and misrepresentation in this connection will be going on. In our State we know that in some selected parts of the rural areas this basic system of education has been introduced. But there is going on some mis-propaganda and also misunderstanding among the people in those areas. If two kinds of schools are allowed to remain separated then there will be confusion, misunderstanding and misrepresentation. There is already a misunderstanding amongst the people of villages that the basic education is meant for making a cultivator's son a cultivator while the children of the more advanced section of the people remain untouched and they are being educated in quite another way. But this is not a fact. We all know, Sir, that recently even the Planning Commission accepted that this basic system of education should be the pattern of education in training school and they recommended introduction of this system in our primary schools between the age group of 6 to 14 years. Every child, irrespective of his class or creed, rich or poor, will be imparted his primary education through this system only.

Sir, it is true that some time ago basic education was only an experiment and in 1939 when the Congress Ministries came into power they introduced this system in several provinces in India. Of course in our State of Assam this system was introduced only



in 1949. But when it was introduced in 1939, there was a misrepresentation of facts from some quarters because the originator of this system was Mahatma Gandhi and the system was closely connected with Mahatma Gandhi and the Congress. The so-called educationists who were associated with the imperialist system of education at that time did not take it seriously and there was some difference of opinion even amongst our own people. Besides that, the Congress Ministries had to resign as a result of the war and at that time this basic system of education was about to be abandoned, but it was not altogether scrapped as the Central Advisory Board of Education of the Government of India had accepted its broad principles. When the report of that Committee came out, which is known as the Sergeant Report, then only our educationists and other people of our country began to think over the matter. It is now regarded as the best system for the children as well as for the whole country. But, Sir, in the beginning of this introduction, it could not be worked out with the necessary enthusiasm and vigour in addition to the indifference and opposition shown by the bureaucratic officers of that time. Now, of course, Sir, it is a matter of great pleasure that almost all of our educationists in India accepted it as one of the best system of education to be introduced in India. Of course they modified to a certain extent what was propounded by Mahatma Gandhi. Sir, as I said, Mahatma Gandhi laid stress on the fact that the education should be imparted through some productive work or craft which should provide self-sufficiency from the production of students and he thought that the system will help the solution of the vast problem of educating all of our children of the poverty stricken country at free of cost. But apart from the point of view of self-sufficiency the system of Basic Education has been accepted now by the educationists throughout our country, because its principle is psychologically best and desirable for imparting knowledge to the children. It is now not only accepted in India but it is now accepted throughout the world, though in different names. In India it should be accepted not only as a sound educational system but it should be accepted as an urgent measure for our national reconstruction. Even if it is not self-supporting that does not matter although we are sure to get some income and return from the craft which will surely help to a great extent for solving our poverty. Socially basic education is most important as it will break down the existing barriers of prejudice between manual and intellectual workers. It will cultivate the spirit of dignity of labour which we lack very much at present. In America and in Russia also this system has been introduced. Educationists of the world have recognised that this is the best method of teaching for the children.

Now, Sir, what is the principle of this Basic system of education? The main principle of Basic Education is learning by doing or learning through activities. Of course in India we have introduced a craft for doing and the craft is taken as a medium of instructions as far as possible. When a child grows he likes to learn by doing something with his hands than by committing to memory without having any experience of doing something which he hates by nature. This Basic education is no longer an experiment, but it is now an accomplished fact, it is an achievement in our country. And since the introduction of this Basic system of education in our country, from various reports received we are sure that this has been successful inspite of various handicaps and hindrances. It has not only been successful in itself but in villages, where Basic education was started the entire society, the entire community is going to be changed and remodelled. Of course there is dearth of well-trained teachers moreover between the ordinary primary schools and Basic primary schools. Some of our educational officers have not cared to study what the Basic system is and thus they are saying that this Basic system will be a failure and probably it will have to be abandoned ultimately. Another thing also is that our educational officers for primary education have not yet taken it seriously because they are not directly connected with Basic education and they can afford to ignore it as they are under a seperate School Board. Then by amalgamation of these two branches or departments, kept separately so long, we will prepare the country and specially the officers psychologically and create an atmosphere for acceptance of Basic education. After amalgamation, all the officers and persons responsible for primary education will know very well that the Basic education is not only going to stay in our country but it will be introduced in all of our primary schools. Also by this amalgamation at least the confusion and misrepresentation about the Basic education will be removed. Every educationist, whoever he is, whether the Secretary of the State Primary Education Board, Deputy Inspector or Sub-Inspector of Schools, or a teacher or a guardian, he will take it seriously and he will know that the introduction of Basic education is the policy of our Government. So, Sir, I emphasise that this amalgamation is very necessary and most essential and urgent at present. Unless we amalgamate, the separation will grow and the confusion will also grow more and more. In this connection I may read from the Planning Commission's First Five-Year Plan—at page 222: "In recent year, basic education has been accepted as the pattern for children in the age group 6-14 ; but work in this direction has only just begun. The foremost task in this field is the improvement

of technique and the development of methods by which it can be passed on to the vast majority of teachers of rather low educational qualifications. In another paragraph at the same page it is written: "In view of the poor return from ordinary primary schools the tendency to open new ones should not be encouraged and as far as possible, resources should be concentrated on the improvement and remodelling of existing primary schools on basic line in so far as it is possible to do this with the available staff. As an immediate step craft teachers should be trained on a large scale and crafts introduced into as many schools as possible." Thus, Sir, we find that remodelling of existing primary schools on basic lines has been stressed by the Planning Commission. Now, we are in a free country. So, we must change that system of education which was designed and prevalent at the time of our slavery. By introduction of Basic education, as has been recommended in the Zakir Hussain Committee's report known as "Basic National Education", we will be able to lay the foundation of building new citizenship on the basis of our ideal in various aspects of social, national, political, economic, cultural and moral life of our country. Sir, I want to read out a passage from the address delivered by our President of the Indian Union in the Parliament on the 11th February last: "The progress of a people and of a nation ultimately depends upon education. My Government views with much concern the present state of education in the country which suffers in many ways, both in quality and quantity, and too much attention is paid to the granting of diplomas and degrees and not to the real improvement of the individual in cultural, scientific and technical matters and, above all, in the training for good citizenship. Basic education has been adopted as the model, but progress in this has thus far been unfortunately slow." Our President has also said that Basic education has been adopted as the model, though progress is slow. But it requires a good deal of trained teachers and expert personnel to introduce this system. Of course I must say that our State Government is also trying its best to train teachers in Basic system and to increase the number of Basic schools in our State. But to make psychological atmosphere and to remove the confusion the present Basic Education Branch and the State Primary Education Board be amalgamated into one Department or Board and re-organised accordingly for successful implementation of our scheme for educational reconstruction.

I think, Sir, I am clear in my statements and I need not speak more now unless my Motion is opposed, and I hope the House will please accept my Motion.

**Mr. SPEAKER:** The Resolution moved is that "This Assembly is of opinion that the Basic Education Department and the

State Primary Education Board be amalgamated into one Department or Board.

**Shri RADHA CHARAN CHOUDHURY** : Mr. Speaker, Sir, as regards the principle of this Resolution, I am at one with Mr. Goswami because after the Independence we want to remodel our educational policy, but as the drafting of the Resolution, Sir, I have some objection. In the Resolution it is said "This Assembly is of opinion that the Basic Education Department and the State Primary Education Board be amalgamated into one Department or Board". Sir, in the words "Basic Education Department" basic education is included. It is not clear whether it is from junior basic to University basic, or basic training, or any basic college or basic school or senior basic school. If it means the entire Basic Department beginning from junior basic up to the university basic education then not only this Resolution, if it is passed, will not serve the purpose but it will create some anomaly. So, it will be absurd to amalgamate Basic Education Department beginning from the primary to the university stage with the State Primary Education Board which deals with only the primary schools of the State.

**Shri OMEO KUMAR DAS (Minister)** : Mr. Speaker, Sir, the other day while we were discussing the Cut Motion on the Education Demand and the Resolution regarding Primary School teachers on Saturday last I mentioned that this question of amalgamation of basic education with primary education is being considered by the Government. Sir, I have no objection to accept the Resolution as it is. The other day, I mentioned that we have not laid due emphasis on primary education. It was mentioned that the directive principle of our Constitution is that people must be given free education up to a certain age, that is up to 11 years of age. This is the directive principle of our Constitution. As such we have to take steps to improve the standard of primary education. The Planning Commission, having gone into this question of primary education and having assessed the present position has recommended that basic education should be the type of primary education. The other day I mentioned before the House about the huge wastage that is being experienced in the Primary Schools. Only 40 per cent. of the total number of children of school-going age, between the ages of 6 and 11 years, take admission in the schools. That is the figure of whole of India. But in our State the figure comes to 35 per cent. of school-going children. Sir, it would have been better if this 35 per cent. continued in the schools to attain permanent literacy. But experience shows that only 20 per cent. of these children continue to attain permanent literacy and that is why the Planning Commission mentions this to be due to the method of teaching and so long there has been no steps taken for training the teachers.

The few training schools we had, could not cope with the demand but after the year 1948 some more training institutions were established and these training institutions are turning out trained teachers and the number of teachers so far trained in these institutions would be a little over 3,000 and if we adopt Basic education, our requirements will be very large and we have to take certain steps to have more training institutions and for that purpose we are taking steps and the question is being examined. But the resolution as it is that "This Assembly is of opinion that the Basic Education Department and the State Primary Education Board be amalgamated into one Department or Board" may be accepted. At present Basic education is under a Special Officer who is directly under the Director of Public Instruction. While after the passing of the Primary Education Act there is a Secretary for State Primary Education Board and the Primary Schools in the subdivisions are under the School Board, I have no objection to accept the resolution.

**Mr. SPEAKER:** There is another difficulty pointed out by Shri Radha Charan Choudhury which will occur in case Basic Education is amalgamated with the Primary Education Board.

**Shri OMEO KUMAR DAS (Minister).** There will be no difficulty because this question of co-ordination is being examined by the Secondary Education Commission. It is suggested to have multi-literal school at the Secondary Stage of the University.

**Shri RADHA CHARAN CHOUDHURY:** Whether this amalgamation will be practicable and workable?

**Mr. SPEAKER:** The Minister has replied to that.

**Mr. SPEAKER:** The question is that this Assembly is of opinion that the Basic Education Department and the State Primary Education Board be amalgamated into one Department or Board. The question was adopted.

**Resolution to increase the number of game sanctuaries in Forest Areas of Assam and particularly to open a game sanctuary including the "Chandubi beel" in the forest areas of South Kamrup.**

**Shri RADHA CHARAN CHOUDHURY:** Mr. Speaker, Sir, I beg to move that in view of the fact the wild beasts, birds, etc. of Assam are extinguishing day by day and year after year, this Assembly is of opinion that the Government of Assam do take necessary steps to increase the number of game sanctuaries in the forest areas of Assam considerably, and particularly to open a game

sanctuary including "the Chandubi beel" in the Forest area of South Kamrup immediately.

Sir, we all know that wild birds and beasts of Assam are extinguishing day by day and year after year due to various reasons. It may be mentioned that due to the deforestation of our jungles these birds and beasts are extinguishing but the main reasons I have seen is the brutal destruction of birds and beasts by our people. By natural instinct the people are more destructive than constructive.

**Shri BAIDYANATH MOOKERJEE (Minister):** Is that so. That is a very serious charge.

**Shri RADHA CHARAN CHOUDHURY:** So far I believe. It is a fact that they want to finish and destroy these wild beasts and birds at any time and at any moment.

If I am permitted to say, in my locality I have seen hundreds and thousand of wild birds are captured and destroyed and not only this but some valuable beasts are also destroyed by our people without having regard to their value. Here, I may mention that Shri Shri Garmuria Goswami of Jorhat addressed a letter, dated 2nd March, 1953 to the hon. Members of this House. He said that some 8 rhinoes were killed at Majuli and said that if people destroyed such valuable beasts without any restriction, this rare variety of animal will extinguish soon, and not only that, but Government will also lose a good deal of money. So from his letter and from our experience we have seen that people destroy and kill birds and beasts recklessly. I think these birds and beasts are natural wealth of Assam and it is the duty of our Government to protect them as far as possible. Therefore, Sir, unless Government adopt some policy to conserve these natural wealths by way of game sanctuaries the time is not distant when these rare species of birds and beasts will disappear altogether. So, I would request the Government to increase the number of game sanctuaries in our forests areas considerably. Here, Sir, I have purposely written the word 'considerably', because I know Government will not be in a position to increase the number to a higher level because in doing so, some cultivable land will be affected. So, having regard to the cultivable land, without affecting such lands of cultivation, Government should increase such number of game sanctuaries to such extent that it should be possible for the Government to increase the number and keep at least some of the birds and beasts alive. Then, Sir, I have also mentioned to open a game sanctuary in the Chandubi beel area in the Forest area of South Kamrup immediately. It is known to the hon. Members that Chandubi beel which is in the south Kamrup is about 3 miles long and one mile broad. It is surrounded by jungles and this area is the

natural abode of some wild beasts and birds. Not only that it is also the natural granary of fishes. I think, if that area is selected as a small, as a modest game sanctuary, I believe some amount of birds and beasts and fishes will be saved. This area is surrounded by some forest villagers. They are quite innocent tribal people and if this area is selected, these tribal people will give sufficient help to the Government in protecting these birds, beasts and fishes. Sir, personally, I am fond of hunting and as I have stated before, human nature is more destructive than constructive, yet I am ready to forego this sort of enjoyment if Government undertakes to open the game sanctuaries as suggested by me. So, I would request Government to see their way to increase at least some amount of game sanctuaries in our State, having regard to the cultivable land of this State. I request the Members of this House to consider this resolution in the light I have spoken.

**Shri RAMNATH DAS (Minister):** Mr. Speaker, Sir, although I am thankful to Mr. Chaudhury for his moving this resolution in this House, yet I shall have to request him to agree with me to differ with him as it is not possible for me to accept his resolution. In this resolution, he wants Government to accept a policy that is to increase considerably the number of game sanctuaries in Assam and also specifically he wants that we should declare the Chandubi beel along with its neighbouring forests as game sanctuary. Sir, Government have been taking necessary steps already in this direction as whenever they find favourable circumstances in certain area for the creation of a sanctuary and feel need for it they do it. Therefore his request that Government should considerably increase the number of game sanctuary in view of the present system adopted by Government, is absolutely redundant. Therefore, I should not accept this portion of the resolution. Secondly, Sir, he wants that Government should declare the Chandubi fishery along with its neighbouring forest as a game sanctuary for protecting the wild animals and birds which take shelter in that area as wild birds and animals are decreasing in Assam. Sir, as far as my information goes, in this area there is not much wild animals and neither birds. So if we have to declare this portion of reserve forests as a game sanctuary, in that case we shall have to create game sanctuaries in all the forests areas in Assam as in all the areas we find wild animals and birds. Sir, in my opinion we should give emphasis to certain kinds of wild animals and birds and also certain areas of the State, but if we are asked to give emphasis on all without distinction then it will be an unpracticable proposition. Government is giving attention and special attention for preservation of certain species of wild animals and the specific one is the rhinoes which is rare not

only in India but in other parts of the world too. Therefore, in creating any sanctuaries we should give preference to areas where there are rhinos. Merely to protect some birds or wild animals in Chandubi beel areas, Government cannot and should not declare an area as a Game Sanctuary. On this ground also I oppose the resolution as I cannot accept the specific suggestion of Mr. Chaudhury. I, therefore, oppose the resolution at this stage and if I am asked to say further, I shall speak again.

**Mr. SPEAKER :** Mr. Chaudhury, do you agree ?

**Shri RADHA CHARAN CHAUDHURY :** Sir, in view of the assurance given by the Minister-in-charge, I beg leave of the House to withdraw my resolution.

**Mr. SPEAKER :** You have got the assurance that Government will consider.....

**Shri RAMNATH DAS (Minister) :** Sir, I have not committed that we shall create Game Sanctuaries whenever demand are made to that effect but what I have said is that Government do consider such proposals if they see favourable circumstances for creation of sanctuaries and need for them.

**Mr. SPEAKER :** I see. Then has he got the leave of the House to withdraw his resolution ?

*(After a pause)*

The resolution was withdrawn by leave of the House.

**Resolution regarding removal of all impediments to transfer of land to encourage land gifts to the "Bhoodan Yajna" started by Vinobaji so as to bring about a peaceful transformation in the economic life of the country.**

**Shri HARESWAR GOSWAMI :** Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that the Government of Assam do take necessary steps to remove all impediments to transfer of land to encourage land gifts to the Bhoodan Yajna started by Vinobaji so as to bring about a peaceful transformation in the economic life of the country.

Sir, the other day, in course of my speech in connection with my resolution regarding putting a ceiling of holding, Mr. Bora said that there are three isms prevailing in our State to-day—the Congressism, Socialism and the Communism. Among them he said that the policy of the Congress is the best because that policy is based on bringing about a special transformation in our society. He characterised the Socialist methods as the methods of thieves and the communist method as method of the dacoits.



But to-day I am speaking neither about Socialism nor about Communism, and therefore I am not going to dialate upon the principles that Mr. Bora has enunciated in this House. I am speaking of an entirely diffrent matter to-day. Sir, to-day a great movement is going on in this country, and this has been started by no less a person than Binoba Vabe, an ardent and faithful disciple of Mahatma Gandhi. Only the other day, the Prime Minister of India, Shri, Nehru, in a speech in Delhi said, "We should extend all our co-operation to the Bhudan Yajan and wished its principle to succeed. Sir, I have my doubt about the efficacy of this movement whether it will be able to solve the land problem. Bhudan movement is an attempt to solve the land problem in our country. It draws the attention of the people to a novel method to solve the land problem and also to the acuteness of the problem. Yesterday Shri Binoba Vabe has said in a meeting that if this land problem is not solved, the country will be thrown open to anarchy, and the Government will not be able to put down the subversive element by bayonets and bullets. Therefore, Sir, something must be done as soon as possible. This is the reason why the Congress has also lent its support to this movement. To-day in our State Shri Sankar Rao Deo is moving from door to door asking the people to give land to Bhudan movement. I quite agree that there is not enough land in Assam. But to-day when Shri Sankar Rao Deo is moving in our State, when this movement has already been started in Assam, what steps are we taking to encourage the movement? Should we to pay leap service only to the movement or offer pious platitude to the success of the movement, we can surely do certain things to remove difficulties regarding transfer of lands. Bhudan movement is an extra Governmental measure to solve the land problem of our country. If we really believe in the efficacy of such an extra governmental machinery, I think it is quite necessary to remove the impediments that are existing at present in the matter of land transfer. Annual lands can't be transferred. But this should be allowed in case of this movement. There are certain difficulties regarding registration of land. These things must be removed. The Uttar Pradesh Government have not only lent its support to the Bhudan movement, but also passed legislation making transfer of land easier. I have not gone into details of this legislation, but I am refering to it just to show how Government can take effective steps to make the movement a success. If these impediments are removed, if this matter is made easier I feel it will be successful. We know at times we had certain difficulties in collecting money for noble purposes. What did we do in these cases? We exempted the amount donated from income-tax and this gave a filip to the donations made. The State Government as well as the Central Government should move in this direction. Moreover Sir, the Central Government as well as the Prime Minister themselves

have subscribed to make this movement successful. It is better for us also to do it immediately so that Shri Sankar Rao who is touring our State will be able to collect land sufficiently. That will only mean business.

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

**Shri MOHENDRA NATH HAZARIKA :** মাননীয় অধ্যক্ষ মহোদয়, শ্রীযুত হৰেশ্বৰ গোস্বামী ডাঙৰীয়াই, এই সদনত যি প্ৰস্তাৱ আনিছে, সেই বিষয়ে মই দুই চাৰি আঘাৰ কথা কব খুজিছো। অৱশ্যে তেখেতে সেই প্ৰস্তাৱত বিনোভা ভাবেৰ ভূদান যন্ত্ৰৰ বিষয়ে যিটো কথা কৈছে, সেইটো আমি সৰ্বান্তঃকৰণে সমৰ্থন কৰিছো। আজি গোস্বামী ডাঙৰীয়াই এই সদনত যিটো কথা উত্থাপন কৰি অসম চৰকাৰক একচনীয়া মাটি বিলাক এই ভূদান যন্ত্ৰত অপন কৰি ভূমিহীন মানুহক বিতৰণ কৰি দিবলৈ ইচ্ছিত দিছে তাৰ পৰা চৰকাৰৰ মাটি বিতৰণ কাৰ্য্যত বাণী পৰিব বুলি মই ভাবো। আজি আমাৰ চৰকাৰে স্বাধীনতা পোৱাৰ পিচৰে পৰা যি বিলাক মাটি এতিয়ালৈকে বিতৰণ কৰিছে সেই বিলাকৰ ভিতৰত প্ৰায় বিলাকেই মাটি হীন মানুহ যি সকল মাটি থকা মানুহ, তেওঁবিলাকক দিয়া হোৱা নাই। মহাত্মা গান্ধীৰ মাটি বিতৰণ নীতি অথবা ভূদান নীতিকেই অৱলম্বন কৰি যি বিলাক মাটিহীন মানুহ, সেইবিলাকক মাটি দিয়া কাৰ্য্যত আমাৰ চৰকাৰ অগ্ৰসৰ হৈছে। আমাৰ চৰকাৰৰ যিবিলাক পতিত মাটি আছে, সেইবিলাক মাটিহীন মানুহক দিবলৈকে স্পষ্ট নীতি গ্ৰহণ কৰিছে। এটা কথা এই খিনিতে কব খোজো—ভূদান যন্ত্ৰৰ উদ্দেশ্য হৈছে—আজি যিসকল মাটিগীৰিৰ বহুতো মাটি আছে—সেই সকলৰ স্বইচ্ছাই, এই যন্ত্ৰৰ হকে তেওঁলোকৰ অতিৰিক্ত ভূমি উচণা কৰা আৰু এইদৰেই বিভিন্ন মাটিগীৰিৰ পৰা অহিংস উপায়ে ভূমি সংগ্ৰহ কৰি বিবাট মাটিহীন কৃষক জনতাৰ মাজত বিতৰণ কৰা ; আৰু দেশক আৰ্থিক সমতালৈ আঙুৱাই নিয়া।

শ্রীযুত গোস্বামী ডাঙৰীয়াৰ কিছু সময়ৰ পূৰ্বে এই সদনত ১০০ বিষটকৈ পুনৰ মাটি বিতৰণ কৰা প্ৰস্তাৱত জমিদাৰ সকলৰ প্ৰতি এই ভাৱ ধাৰাৰ কথা উল্লেখ থকা হলে ভাল হলেহেতেন। যি নহওক, এই বিষয়ে মাননীয় উপমন্ত্রী মহোদয়ে তাৰ উত্তৰ দিছে। আজি ভূদান যন্ত্ৰৰ হকে যি, ভাবে, ইচ্ছা কৰে যে, যিসকল লোকৰ অজুশ মাটি আছে, সেই সকলে যেন স্বইচ্ছাই সেই মাটি দান কৰে আৰু তেতিয়া হলে তেওঁলোকৰ এই কাৰ্য্যই তেওঁলোকৰ উদাৰতা আৰু মনৰ মহত্ত্ব প্ৰমাণ কৰিব। আনফালে সমাজৰ আৰ্থিক সাম্যতাৰ ফালে আঙুৱাই দেশত গান্ধীজীৰ সাম্যবাদ প্ৰতিষ্ঠা কৰি জগতৰ শান্তি প্ৰতিষ্ঠাত সহায় কৰিব। গতিকে চৰকাৰৰ যিবিলাক একচনীয়া মাটি আছে সেই বিলাক দিয়াৰো কোনো অথ নহব কাৰণ আমাৰ চৰকাৰে উক্ত ভূদানৰ মূল নীতিকেই গ্ৰহণ কৰি ভূমিহীন লোকক ভূমি বিতৰণ কৰি উক্ত আন্দোলনক সহায় কৰিছে। যিবিলাক মানুহৰ বেচি মাটি আছে, তেওঁলোকে যদি দেশৰ মঙ্গলৰ হকে স্বইচ্ছাই সেইবিলাক দান দিয়ে তেনেহলেহে এই উদ্দেশ্য সফল আৰু কাৰ্য্যকৰী হব আৰু মহাত্মা গান্ধীৰ যি নীতি সেই নীতিৰ সহায় কৰা হব আৰু তেখেতক সন্মান দেখুৱা হব।

অধ্যক্ষ মহোদয়, এই বিষয়ে মই আৰু বেচি কব নোখোজো। মাত্ৰ মই, আমাৰ চৰকাৰ আৰু কংগ্ৰেচৰ পক্ষৰ পৰা, ভাবেৰ এই ভূদান সংকল্প অন্তঃকৰণে সমৰ্থন কৰো। শ্রীযুত গোস্বামী ডাঙৰীয়াৰ প্ৰস্তাৱৰ এই ধাৰাটো, যিটোত ভূদান কৰিব লাগে বুলি কৈছে, সেইটোৰ বাহিৰে বাকী কথা খিনি আমি সমৰ্থন কৰিব নোৱাৰো বৰং সেই বিলাকৰ বিৰোধীতাহে কৰো। আজি যি বিনোবাজীয়ে এই মহত উদ্দেশ্যেৰে যি কষ্ট কৰিব লগা হৈছে সেই কষ্ট লাঘব কৰিবৰ কাৰণে, আমাৰ চৰকাৰে হাতত থকা পতিত মাটি, মাটিহীন মানুহৰ মাজত বিতৰণ কৰিবলৈ হাতত লৈছে আৰু সেই পথত আগ বাঢ়িছে, সেই কাৰণে মই চৰকাৰৰ কাৰ্য্য সমৰ্থন কৰো।

**Shri DHARANIDHAR BASUMATARI:** মাননীয় অধ্যক্ষ মহোদয়, আমাৰ বিৰোধী দলৰ নেতা শ্ৰীযুত গোস্বামীয়ে এই সদনত যিটো প্ৰস্তাৱ আনিছে সেইটো বৰ ভাল প্ৰস্তাৱ। এই ভাল প্ৰস্তাৱটোৰ ব্যাখ্যা কৰোতে যিখিনি কথাৰ অৱতৰণা কৰিলে— তাৰহে অৰ্থ একো বিচাৰি নাপালো। আছিল এই সদনত ভূ-দান যন্ত্ৰৰ বিষয়ে তেখেতে প্ৰস্তাৱ অনাটো superfluous বুলি মই ভাবো কাৰণ, এই ভূদান সম্পৰ্কে কংগ্ৰেচৰ বৰকাঁ: কমিটিত যথাযথ নীতি গ্ৰহণ কৰা হৈছে আৰু ভাৰতৰ প্ৰধান মন্ত্ৰী শ্ৰীনেহেৰুৱে ইয়াৰ নীতি কাৰ্য্য ক্ৰমনিকা ভালকৈ উপলব্ধি কৰিছে আৰু পৰিকাৰ নীতি অবলম্বন কৰি নিৰ্দেশ দিছে। যদি এই কাৰ্য্যৰ কোনো সাৰ নাথাকিলহেঁতেন তেন্তে নিখিল ভাৰতীয় কংগ্ৰেচৰ বৰকাঁ: কমিটিত এই প্ৰস্তাৱ নললে হেঁতেন। সেই কাৰণে কওঁ, মই, শ্ৰীযুত গোস্বামীৰ এই প্ৰস্তাৱৰ অৰ্থ কিবা থাকিব পাৰে বুলি মই নাভাবো। ইয়াৰ লগতে মই এইটো কথাও নকৈ নোৱাৰো যে, বিৰোধী দলৰ সদস্যসকলে কেতিয়া কি কয়, একো তাৰ ঠিক নাই আৰু সেই বিলাকৰ সঙ্গতি বিচাৰি উলিয়াবলৈ টান পাওঁ। সেইটোও এটা কাৰণ, যি কাৰণে, তেওঁবিলাকৰ উক্তি বিলাক বুজিবলৈ টান হৈ পৰে। এদিন যদি কিবা সমস্যাত জেৰ দি—কয়—পিছ মুহূৰ্ত্ততে আকৌ তাৰে বিৰুদ্ধে কবলৈ আবল্ভ কৰে। অলপ আগতে, তেওঁবিলাকৰ পক্ষৰ পৰাই মাটিহীন মানুহক মাটি দিবলৈ গোস্বামী ডাঙৰীয়াই মাটি মাটি কৰি চিৎকাৰ কৰিলে আকৌ তেওঁবিলাকৰ মাজৰে পৰাই ভালুক-বান্দৰ, বাঘ আদি বন্যজন্তুৰ কাৰণে উপযুক্ত বাসভূমিৰ দৰ্কাৰ বুলি শ্ৰীযুত চৌধুৰী ডাঙৰীয়াই চান্দ দূৰিত গেই'ম চেংসুৰী লাগে বুলি—প্ৰস্তাৱ দাঙি ধৰিলে। এইবিলাক প্ৰস্তাৱ আৰু আলোচনাৰ দ্বাৰাই তেওঁলোকে সকলো কালে সামৰিব খুজিছে—যদিও তাৰ দ্বাৰাই তেওঁলোকে অগুং বগুং প্ৰকাশ কৰি এই সদনত হাহিব হে সফুৰা খুলিছে। আমি এইবিলাক কথাৰ দ্বাৰাই দেশৰ মঙ্গল হব বুলি বিবেচনা নকৰো। কাৰণ মাটি হীন মানুহকে মাটি দিবলৈ দেশত মাটি নাই।

মাটি সম্পৰ্কীয় ব্যাপাৰত শ্ৰীযুত গোস্বামীয়ে আকৌ কৈছে আচৰ্য্য বিনোভা ভাবে। শিষ্য শীশঙ্কৰ বাও দেউ ভূমিদান সংগ্ৰহৰ কাৰণে আমাৰ অসমলৈ আহিছে তেখেতক আমি সহায় কৰা উচিত। আলোচনা প্ৰসঙ্গত যে এই কথা কৈ গল মোৰ বোধেৰে সেইটো কোৱাৰ কোনো আৱশ্যক নাছিল। এইবিলাক কথা কোৱাৰ লগে লগে তেখেতৰ যে লাখ লাখ বিষয় মাটি আছে বা অন্ততঃ গৌহাটত যিবিলাক মাটি আছে সেইবিলাককে যদি দিলেহেঁতেন তেতিয়াহে আমি ভাল পালোহেঁতেন আৰু তেখেতেও প্ৰস্তাৱটো অনাৰ সাৰ্থক হল হেঁতেন। নিজে দিয়াৰ লগে লগে যদি মানুহবিলাককো কলেহেঁতেন যে আহক বাইজ সকল সকলোৱে মাটি দান দিয়ক তেতিয়াহে আমি দেখিলোহেঁতেন তেখেতৰ কথাৰ মূল্য। কাৰণ আপুনি জানে যে উপদেশতকৈ আৰ্হী শ্ৰেয়। কিন্তু তেখেতে কৈছে ভূমি সংগ্ৰহৰ কাৰণে চৰকাৰে যথোচিত ব্যৱস্থা কৰা উচিত। গতিকে মই এই প্ৰস্তাৱৰ কোনো অৰ্থ নেদেখিলো। সেই কাৰণে এই প্ৰস্তাৱৰ অৱতৰণা কৰাৰ কোনো সাৰ্থকতা নাই—ইয়াক উঠাই লোৱাই ভাল।

**Shri HARESWAR DAS (Deputy Minister):** Sir, the speech of my Friend the non. Leader of the Opposition is an instance where two persons holding—the same opinion may quarrel due to misunderstanding. My Friend has presumed that Government is against this movement. But that is not so. Government is definitely in favour of this movement and will do everything in their power to encourage it. Now I may tell him that even in December last at the instance of the Hon'ble Chief Minister the question of bringing a Bill in this session was examined. In U. P. a Bill was introduced on the subject which has now become an Act. In Hyderabad Government have framed certain rules under their existing land law, regulating this matter. In Madhya Pradesh they

have introduced a Bill. These were examined. The main point is exemption of Stamp Duty and Registration fee. The U. P. Act provides constitution of a Committee, the members of that Committee are to be nominated by Sir, Vinoba Bhave or failing him by the Government. The Committee are to make necessary arrangements for distribution of the donated land. But in Hyderabad Government are to make the distribution and Rules have been framed to that effect. In Madhya Pradesh Bill there is a provision under which the allottee of gifted land is to get occupancy right by ten years possession. The problem is what status the allottee will get. If the cultivator to whom the land is allotted to day fails to get occupancy right then this movement will fail. If occupancy right is given straight way he may transfer the land. In case of annual land this difficulty will not arise in our State. In our State if the area be small say, 200 or 500 bighas, we can deal with it by framing rules. But if it be more, if a considerable quantity of land is involved then we shall have to come up with a Bill.

My Friend has raised the point of annual land that can be dealt with through the rules. But with regard to periodic lands, a Bill will be necessary. If what is published in the newspapers is correct Shri Shankar Rao Deo refused to accept an address as it was found that the donors of some lands there donated them as they could not take possession. If things go on like that, it will be useless to have any Bill. We are watching this movement. If sufficient response is received from the people surely Government will come with a Bill to encourage it. I would rather request my Friend himself to donate some of his land as charity begins at home and see what happens.

**Shri HARESWAR GOSWAMI:** I have no land, not even a single katha.

**Shri HARESWAR DAS (Deputy Minister):** You may not have land to day, but you may have it tomorrow, (আশা রাখিয়ে—আশা রাখিয়ে) or you may execute a document donating your share. Any way, I can assure my Friend that if there be sufficient response from the people, Government will certainly come up with a Bill. So I request my Friend to withdraw his Resolution.

**Shri HARESWAR GOSWAMI:** After what the Deputy Minister has spoken, I beg leave of the House to withdraw my Resolution.

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

(Voices—Yes, Yes)

The motion stands withdrawn by leave of the House.

**Resolution regarding creation of Veterinary dispensaries in every ten miles (on average) on the Rural areas inhabited mostly by cultivators**

**Shri RADHA CHARAN CHOUDHURY :** Mr. Speaker Sir, I beg to move that in view of the fact that the existing Veterinary Dispensaries of Assam are quite inadequate to fight out and cure the different diseases of cattle, this Assembly is of opinion that the Government of Assam do take immediate steps to create such dispensaries in every 10 (ten) miles (on average) of the Rural areas inhabited by the cultivators.

Sir, my Resolution is self-explanatory and so I want to speak only a few words on it. Sir, because the number of Veterinary dispensaries in Assam is quite inadequate and even in an area of 50 miles there is no such dispensary—in this connection I may be permitted to refer to an area from Palasbari to Nagarbera which is about 45 miles apart, where there is not a single Veterinary Dispensary.

**Mr. SPEAKER :** Can you give an idea how many dispensaries will be required in Assam ?

**Shri RADHA CHARAN CHOUDHURY :** I have not made a survey Sir. That is for the Government to do.

Now Sir, this is not only the case in Kamrup district but in other districts also there is want of such dispensaries. Sir, in my Resolution I have laid stress on the rural areas and I have laid stress on the cultivators, because so far it is seen now the Veterinary Dispensaries are rather confined to municipal and town areas. But the people in the town and municipal areas do not rear cattle so I say that these dispensaries should be extended to rural areas and mostly to such areas where cultivators inhabited. Sir, the real benefit from Veterinary dispensaries should invariably go to the cultivator class because this section of the people are the main people who rear cattle and who depend for their life on plough cattle and cows. As such these Veterinary dispensaries should be extended to the rural areas mostly inhabited by cultivators, as I have said. Sir, as you know when epidemic diseases spread out it is the cultivator class who mostly suffer. The sudden death of a plough bullock during the cultivating season will render the cultivator quite helpless and his whole family will suffer. So Sir, I stress that the real benefit from these dispensaries should go to the cultivator class.

I have also stated here that it should be the duty of the Government to open one such dispensary in every ten miles on average. Sir, I know it may not be possible to open so many dispensaries in a year, but with this end in view Government should make it a point to start the work immediately for implementation of this idea. It may take some years, but the plan should be started immediately for the real benefit of the common people.

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

**Mr. SPEAKER:** The Resolution moved is that 'In view of the fact that the existing Veterinary dispensaries of Assam are quite inadequate to fight out and cure the different diseases of cattle, this Assembly is of opinion that the Government of Assam do take immediate steps to create such dispensaries in every 10 miles (on average) of the rural areas inhabited mostly by the cultivators.

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** Mr. Speaker, Sir, as it has already been started by me, we have not yet the adequate machinery to fight the different cattle diseases. I agree with Mr. Choudhury when he says that the number of Veterinary dispensaries that exists at present in the State is not sufficient. Government by this time would have taken steps to open more such dispensaries, but Government are at a great disadvantage owing to the dearth of trained personnel. We have not sufficient doctors even now to carry on our present work and we have even gone to the length of re-employing several of our retired doctors. This is not the fault of the Government that there is comparatively a small number of dispensaries and that they have not established sufficient dispensaries by this time. I have already submitted in this House that sufficient steps have been taken to increase the number of doctors and to establish more dispensaries and for this very purpose the Veterinary College was established. We have by now two batches of doctors passed from this College and as we are in great dearth of doctors we have already absorbed these doctors in various schemes. We have trained also sufficient number of Veterinary Field Assistants. The idea the Mover of the Resolution has in his mind is that dispensaries should be established in every 10 miles on average in the State. It will certainly take a long time to reach that standard in our State. This year on account of our College being turned into 4 years course college we will not have any batch out from this college next year. Supposing, Sir, we take steps to establish more dispensaries then they will be either without any doctors or one doctor will have to be instructed to remain in charge of two or more dispensaries. Our Field Assistants cannot take charge of our dispensaries. I want to impress upon the Mover of

the Resolution that Government have already felt the necessity for establishing more dispensaries and they are quite conscious of the needs and demand of our people. The demand has come from all sides, it is true, but at the same time we must have the proper machinery to establish more dispensaries. It is also not possible to get doctors from outside because the live-stock movement has been given a new impetus everywhere. Every State has taken a move to improve the livestock, and so no doctor is available from outside the State. Considering these factors I request my Friend to wait patiently till we have more doctors out from our College and in the meantime we will have, as suggested, a survey as to the number of dispensaries that will prove adequate for the State. That will be done in due course. But even when we have ascertained the number of dispensaries that will be required we cannot establish dispensaries unless we have doctors to take charge of them. As the doctors will be coming on we will make other preliminaries to establish more dispensaries in future. At the present as I have submitted, without having more doctors and trained personnel, establishment of more dispensaries will not serve any useful purpose. In order to meet the demand of our people as far as possible we have already made provision in the budget for 15 new dispensaries, and I want to inform the House that even to manage these dispensaries retired doctors are being re-employed.

In view of the facts that Government are already conscious of the needs and requirements of our people and that are taking steps to meet them, I request Mr. Choudhury to withdraw his Resolution.

**Mr. SPEAKER:** Does the Mover of the Resolution want to withdraw his Motion?

**Shri RADHA CHARAN CHOUDHURY:** Yes, Sir, I withdraw my Motion.  
The Resolution was, by leave of the House, withdrawn.

(Adjournment)

The Assembly was then adjourned till 10 A. M. on Tuesday, the 7th April, 1953.

SHILLONG,  
The 23rd November, 1953.

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

A.G.P. (L.A.) No. 98/53—126—25-11-1953.

*Rn*  
23/11/53

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