

The Speaker

Shri Kuladhar Chaliha, B.L.

The Deputy Speaker

Shri Rajendra Nath Barua, B.L.

Panel of Chairmen

1. Raja Ajit Narayan Deb of Sidli.
2. Shri Hem Chandra Hazarika.
3. Shri Mahendra Nath Deka.
4. Shri Santosh Kumar Barua.

Secretary

Shri R. N. Barua, M.Sc., B.L.

**Proceedings of the fourth 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 Wednesday, the 26th August 1953.

P R E S E N T

Shri Kuladhar Chaliha, B.L., Speaker, in the Chair, nine Ministers, two Deputy Ministers, two Parliamentary Secretaries and seventy-two Members.

Oath of Allegiance

The following member was sworn in :—

Maulavi TAJUDDIN AHMED

Panel of Chairmen

Mr. SPEAKER : The following members will form the Panel of Chairmen for the present Session :—

1. Raja Ajit Narayan Deb of Sidli.
2. Shri Hem Chandra Hazarika.
3. Shri Mahendra Nath Deka.
4. Shri Santosh Kumar Barua.

Condolence on the death of Shri B. K. Bhandari

Shri BISHNURAM MEDHI (Chief Minister) : Mr. Speaker, Sir, may I be permitted to mention a sad event that took place to-day and break the news to the Members of this House? It is a sad and melancholy event! I refer to the death of the social worker, Shri B. K. Bhandari, who came to Assam in the year 1934 and started work amongst the plains tribal people. He devoted his life at Barama. He was a selfless social worker who came to Assam in those days when communications were bad and the place was infested with malaria. He suffered tremendously due to periodic attacks of malaria and he also lost his wife who died by an attack of malaria. Since then he has devoted his life entirely for the service of the people, identifying his interest with all the people of Assam, particularly the hills and plains tribes, and worked for their welfare. Though he came from South India, he identified himself with the interest of the tribal and backward people of this State and worked for the welfare of Assam as a whole. We mourn the loss of such a man.

He was to a great extent responsible for relieving the distress that was caused during the great earthquake and floods in North Lakhimpur. The entire area was in his charge. Besides that he started several labour and other social welfare centres amongst labour and the tribal people as well as other backward people of this State. He cared very little for his health and comfort and I can say that he has practically sacrificed his life. It will be very difficult to fill the vacuum caused by his loss in the social field. We, therefore, mourn the loss of this eminent social worker.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, on behalf of the Members sitting on this side of the House, I associate myself with the feelings expressed by the Leader of the House on the sad demise of Shri B. K. Bhandari. Shri B. K. Bhandari was not only a social worker but he led the way by which a man belonging to a different State can come and identify himself with the interests of the people living in this State and work for the upliftment of the backward people. Mr. Bhandari also kept above party politics in his work and did not identify himself with any party in his work in this sphere and during his life-time he tried his utmost to serve the interest of the tribal people of Assam. In a way he was rather a pioneer because before him we ourselves even failed to do that much of work which Mr. Bhandari did. He has shown that the way to uplift the people of the backward areas is not by making speeches but by doing real work for them, living with them and identifying with the urge and aspirations of these people. We, therefore, feel loser to-day by his death and we express our heart-felt condolence on his sad demise.

Mr. SPEAKER: I associate myself fully with what has been said by the Leader of the House and the Leader of the Opposition. I knew Mr. Bhandari from a long time. He was a humble worker who never pretended that he did anything. He had a great sense of duty which always oppressed him. He always felt that he had not done enough for the country in which he lived. At times he felt a sense of obsession that more ought to have been done by him and he could not do it. This oppressed him more and more and probably led to his tragic end. I again associate myself with the sentiments expressed by the Leader of the House and the Leader of the Opposition.

In view of the circumstances, some of the hon. Members have represented to me that they have not been able to study the Bills and other Motions. I have consulted with the Leader of the House and the Leader of the Opposition and have decided that to-day the afternoon Session will not sit. I think that will suit the convenience of the hon. Members.

Authentication of new Assembly Rules

Mr. SPEAKER: I hereby announce that I have signed a copy of the Rules made by the Assembly during its last Session under clause (1) of Article 208 of the Constitution of India for regulating the procedure and the conduct of business of the Assembly. These Rules shall have validity with immediate effect.

Statement regarding course of Private Member's Business for the August-September Session, 1953

Mr. SPEAKER: In pursuance of Rule 22 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Leader of the House, the following days for Private Members' Business during the present Session of the Assam Legislative Assembly.

Tuesday, the 1st September	} Bills, Motions and Resolutions.
Thursday, the 3rd September	...	...
Monday, the 7th September	...	...

Private Members' Business will also be taken up on the following days, if time permits, after disposal of Government Business for these days:—

Wednesday, the 26th August	} Bills, Motions and Resolutions.
Thursday, the 27th August	...	...
Friday, the 28th August	...	...
Tuesday, the 8th September	...	...
Friday, the 11th September	...	...
Saturday, the 12th September	...	...

Mr. SPEAKER: The Leader of the House will make a statement of Government Business.

Statement regarding course of Government business

Shri BISHNURAM MEDHI (Chief Minister): With your permission, Sir, I desire to make a statement about the course of Government business during this Session.

2. The Government business which is to be taken up today, tomorrow and day after tomorrow is shown in the agenda which has been placed on each Member's table. I need not detail them again. If the motions for taking into consideration of the Bills mentioned in the agenda are carried by the House either today, tomorrow or day after tomorrow, we propose that all these Bills be considered clause by clause and then passed on the 8th, 11th and 12th September 1953.

3. On the 4th September we propose to present the Report of the committee constituted for proper appreciation and full implication of the Estimates Committee and the need or otherwise of constituting such Committee and to move for consideration of the Committee's recommendations. If this motion is carried by the House on that day, we propose to have the Committee's recommendations considered either on the 8th, 11th or 12th September 1953 and then to move the motion for their adoption by the House. On that day (*i.e.* on the 4th September) we also propose to take up the following Government business :—

(1) Resolution for formation of the Assam Khadi and village Industries Board.

(2) Resolution for appropriation of Grants under (i) "18-B" and "68-B" N. E. D. Works, (ii) 50-C. W. Provincial (Excluding Establishment, Tools and Plants) and (iii) 50-C. W. Provincial Establishment, Tools and Plant.

4. On the 5th September we propose to take up the following Government business :—

(1) Discussion, if any of Supplementary Statement of Expenditure charged upon the Consolidated Fund of the State for 1953-54.

(2) Voting on Demands for Supplementary Grants.

(3) It is also proposed to introduce the Assam Appropriation Bill (No. III), 1953 on that day and to take up its Second and Third Readings either on the 8th, 11th or 12th September 1953.

5. Any other Government business which remains unfinished will be taken up on the 8th, 11th and 12th September, 1953.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, we find in the list of business that only one day has been allotted for the discussion of the Supplementary Demands. It is our experience that it is not possible to do full justice to these demands if they are to be completed within a day. Therefore, I request that at least two days should be allotted for the discussion of the Supplementary Demands. Moreover, Sir, there is no hurry about passing the supplementary demands as there is no fixed date for finishing the business.

Secondly, certain important items have been left out from the list of business on which people outside and this House want information and light from Government. One of these items is the Five-Year Development Plan. At least one day should be allotted for discussion of this important plan. Now that the Development Committee have discussed the plan, it should be placed before the House for their information. Then there are the Audit Report

of 1951 and the Audit Report of 1952, as well as the Public Service Commission's Report. All these Reports are important and a discussion on them would be beneficial for the House. So it would be better if a day is allotted for these purposes. I would also request the Leader of the House to see that these items are included in the business.

Shri BISHNURAM MEDHI (Chief Minister): As regards the Supplementary Demands, there are only a few demands to be passed in this Session. Even in the Budget Session the Supplementary Demands are finished in one day. So I do not think that more than one day is required for the Supplementary Demands. Now we will sit for 4½ hours a day and to my mind this time is more than sufficient for finishing the Supplementary Demands. If necessary, we can sit a little longer.

With regard to the Public Service Commission Report and the Audit Report, the idea is that unless any Member desires to raise a discussion on any point in accordance to rules of the Legislature, no discussion can take place. If any point for discussion is raised by a Member regarding the report, then the matter can be put in the list of business in consultation with you, Sir.

With regard to the Development Plan, I may point out that it is very difficult to deviate materially from the present Plan which had been accepted. It has been finalised and now it is only a question of finance, it is a question of availability of resources and how finance can be available for implementing the Plan. In view of the resolution that has been passed with the co-operation of Mr. Goswami, nothing now remains to be done except to find out what are the resources available to us. We are pressing the Government of India to place the entire resources at our disposal. On the other hand we propose also to have a Sub-Committee to prepare our plan for the next five years and when the Sub-Committee submit their report it would be placed before the House. That will be the more convenient way of dealing with the 5-Year Plan and the Plan had already been sent to Members and placed before the House.

Maulavi MUHAMMAD UMARUDDIN: Sir, so far as the Supplementary Demands are concerned, what we want to know first is the number and volume of these demands and the amount of money involved. Without knowing what are the demands that are going to be placed before the House, it is not possible for us to say whether one day will be sufficient for the discussion of the demands. It is only after the demands are placed before the House that we shall be able to place cut motions on them. Therefore, the discussion of this matter may not be finished in one day.

With regard to the 5-Year Development Plan, it is a matter of great regret that such an important matter has not yet been placed before the House and that the House should be kept ignorant of what the Government is doing in pursuance of this 5-Year Plan. We quite agree that money is a very important factor, but the House has a right to know details of the development Plan in the various spheres that this Government is going to implement.

Shri BISHNURAM MEDHI (Chief Minister) : But copies have been circulated to the hon. Members.

Maulavi MUHAMMAD UMARUDDIN : Sir, we do not know what are the projects which have been taken up by this Government in pursuance of this Five-Year Plan. They have not been placed before the House. I say it is a great omission on the part of the Government, Sir, to ignore this House in such an important matter as the implementation of the various projects under the Five-Year Plan. It is this House only, Sir, which is to guide the implementation of the Plan and it is this House which is to decide whether fresh taxation or other sources of revenue should be explored to meet the increased expenditure which the implementation of the various Development Plans will be involved. Therefore, I say, Sir, the views of this House should be taken on the implementation of the Plan as a whole. I do not think this sort of affair occurred in any other State in India. Because this Five-Year Plan is a momentous Plan and in it lies the economic destiny of the State ; it is therefore only appropriate for the Government to apprise the House as to the various projects contemplated to be implemented and if necessary to take certain suggestions of the House. Of course, when the Plan becomes a subject matter for discussion and various shades of opinion are expressed therein, then and then only a Sub-Committee can be constituted to take into account the various views expressed and then take steps for finalisation of the Plan if necessary, place it before the House again. This is of course, with regard to the next Five-Year Plan. That is why, Sir, I say that the fundamental considerations upon which the various projects which the Government have drawn up tentatively, should be placed before the House, for a discussion.

Mr. SPEAKER : I think the hon. Member has not understood the Leader of the House properly. His contention is that a Sub-Committee has been formed to examine and explore the Plan and its findings will be placed duly before the House when it will have every opportunity to discuss. Is it correct ?

Shri BISHNURAM MEDHI (Chief Minister) : I am much surprised to find that hon. Members were not given information about the 5-Year Plan. This as well as the Government of

India Plan have been circulated last time and the particulars pertaining to this Plan which have just been printed as well as details which we have collected, all these will be circulated to the hon. Members. We always welcome the views of hon. Members and their suggestions and opinions consistent with this scheme will be considered later on.

Maulavi MUHAMMAD UMARUDDIN : But most of these schemes are under implementation and two years have already passed.

Mr. SPEAKER : I think that is enough. Next item.

Committee on Petitions relating to Bills

Mr. SPEAKER : Under rule 84(1) of the Assembly Rules, I nominate the following Members to constitute a Committee on Petitions relating to Bills for the current Session of the Assembly :—

1. Shri Mohendra Nath Deka,
2. Shri A. Alley,
3. Shri Gaurisankar Bhattacharyya, and
4. Maulavi Faiznur Ali.

Under the Rules, the Deputy Speaker will be the Chairman of the Committee.

House Committee

Mr. SPEAKER : Under Rule 167 of the Assembly Rules, I nominate the following Members to constitute a House Committee for the August-September Session of the Assembly :—

1. Shri Biswadev Sarma,
2. Shri Kamala Prasad Agarwala,
3. Maulavi Mahmud Ali,
4. Shri Nilmani Phookan,
5. Shri Purandar Sarma, and
6. Shri Ramesh Chandra Barooah.

Library Committee

Mr. SPEAKER : Under Rule 168 of the Assembly Rules, I nominate the following Members to constitute the Library Committee :—

1. Shri Joybhadra Hagjer,
2. Shri Maham Singh,
3. Shri Pratap Chandra Sarma,
4. Maulavi Faiznur Ali,
5. M. Moinul Haque Choudhury, and
6. Shri Rajendra Nath Barua, Deputy Speaker, who shall be the Chairman.

The Secretary of the Assembly shall be the Secretary of the Committee.

Message from the Governor regarding Assent to Bills

Mr. SPEAKER : Information has been received from the Secretary, Legislative Department that, under the provisions of Article 200 of the Constitution of India, the Governor has assented to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in March-April 1953 :—

1. The Assam Appropriation (No.I) Bill, 1953.
2. The Assam Appropriation (No.II) Bill, 1953.
3. The Assam Local Board Elections (Emergency Provisions) Bill, 1953.
4. The Assam Finance Bill, 1953.
5. The Assam Contingency Fund (Augmentation of Corpus) Bill, 1953,
6. The Assam Maintenance of Public Order (Amendment) Bill, 1953.
7. The Assam Repealing and Amending Bill, 1953.
8. The Assam Forest (Amendment) Bill, 1953.
9. The Assam Displaced Persons (Rehabilitation Loans) (Amendment) Bill, 1953.
10. The Assam Betterment Fee and Mooring Tax (Dibrugarh) Bill, 1953.
11. The Assam Cinemas (Regulation) Bill, 1953.
12. The Assam Criminal Law Amendment Bill, 1953.
13. The Assam Maintenance of Public Order (Autonomous Districts) Bill, 1953,
14. The Press (Objectionable Matters) (Extension to Assam Autonomous Districts) Bill, 1953.
15. The Assam Management of Estates (Extension to Autonomous District of Garo Hills) Bill, 1953.
16. The Assam Co-operative Societies (Amendment) Bill, 1953.
17. The Assam Nurses' Midwives' and Health Visitors' Registration (Amendment) Bill, 1953.
18. The Assam Moslem Marriages and Divorces Registration (Amendment) Bill, 1953.

(2) Intimation has also been received from the Secretary, Legislative Department that, the President of India has also assented under the provisions of Article 201 of the Constitution of

India the following Bills which were passed by the Assam Legislative Assembly in its meetings held in March-April, 1953 :—

1. The Assam Cement Control Bill, 1953.
2. The Code of Civil Procedure (Assam Amendment) Bill, 1953.
3. The Assam Nowgong and Sibsagar (Assimilation of Laws) Bill, 1953
4. The Assam Land Acquisition (Dibrugarh) Bill, 1953.
5. The Goalpara Tenancy (Extension to Autonomous District of Garo Hills) Bill, 1953.
6. The Assam Local Self-Government Bill, 1952.

Presentation of the Report of the Assam Public Service Commission for the year 1951-52.

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, I beg to lay out under Article 323(2) of the Constitution of India copies of the Report of the Assam Public Service Commission for the year 1951-52 together with a memorandum explaining as respects the cases, if any, where the advice of the Commission was not accepted and the reasons for such non-acceptance. Along with this I have also placed before the hon. Members a letter that has been addressed by the Public Service Commission. For the information of the House, I will read out this letter :—

“I am directed to forward herewith a copy of letter No.9112/LA, dated the 29th May 1953, from the Secretary, Legislative Assembly together with 120 copies of the Annual Report on the working of the Assam Public Service Commission for the year 1951-52 for favour of taking such action as you consider necessary with regard to the laying out of the report in the August Sessions of the Assembly this year.

From our records, there does not appear to be any case on which action contemplated in Article 323(2) of the Constitution is called for by non-acceptance of the Commission's recommendations”.

As I said, this letter was addressed by the Secretary, Public Service Commission to the Chief Secretary to the Government.

Presentation of the Notification under the Assam Municipal Act, 1923.

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Speaker, Sir, I beg to present the following Notification under Section 296 of the Assam Municipal Act, 1923 :—

Notification No.LML.191/51/49, dated the 20th May, 1953.

Copies of the Notification have been laid on the table of the hon. Members.

Presentation of the Finance Account 1950-51, Audit Report 1951, Appropriation Account, 1950-51, and the Audit Report, 1952.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to present the Finance Account, 1950-51 and the Audit Report, 1951. Copies of it are laid on the table of the hon. Members.

(After a pause)

Mr. Speaker, Sir, I beg also to present the Appropriation Account, 1950-51 and the Audit Report, 1952. Copies of it are also laid on the table of the hon. Members.

The Assam Non-Agricultural Urban Areas Tenancy Bill, 1953

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953.

The Select Committee was unanimous and this is their final report. The report was published in the Gazette on 19th August, 1953 and I beg to move that the Bill as reported by the Select Committee be taken into consideration.

Mr. SPEAKER: The Motion moved is that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953, as reported by the Select Committee, be taken into consideration.

Maulavi Md. UMARUDDIN: On a point of order, Sir, under Rule 70, sub-rule (1) (i), at page 19 of the Assembly Rules the provision is this: "that the Bill as reported by the Select Committee be taken into consideration, but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of member for seven days and such objection shall prevail unless the Speaker, in exercise of his discretion, allows the report to be taken into consideration."

Sir, this Report has reached us, as far as I am concerned, on the 21st August in the afternoon. So, between that date and to-day only 5 days have lapsed, instead of 7 days. This is a very important Bill and it has a chequered history and touches a very important subject. I hope, Sir, you would uphold my objection.

Mr. SPEAKER: I find that the Report was published in the Extra-ordinary Gazette of Assam on the 19th August, 1953 and sent to you on the 20th August.

Maulavi Md. UMARUDDIN: I got it on the 21st August. As is the practice, it must have been available to the members earlier than that, as they require time to study the Bill. So the consideration of the Bill may be postponed to a later date. There should be no hurry about it.

Shri HARESWAR DAS (Deputy Minister): I may point out, Sir, that my Friend Umaruddin Saheb cannot take this objection of 7 days as the hon. Member himself was a member of the Select Committee.

Maulavi Md. UMARUDDIN: That is immaterial, Sir
(laughter).

Shri HARESWAR DAS (Deputy Minister): It lies in the discretion of the Speaker. The Speaker may waive this seven days' notice.

Mr. SPEAKER: Will it do if Mr. Das takes up consideration of the Bill tomorrow ?

Maulavi Md. UMARUDDIN: I think it will be better if the consideration is taken up day after-tomorrow. The difficulty is that we have not got copies of it in due time for our examination and to make our observations. I think the Member-in-charge of the Bill will kindly agree to this.

Shri HARESWAR DAS (Deputy Minister): My point is that my Friend Maulavi Umaruddin studied the report earlier and that when he signed it in the Select Committee.

Maulavi Md. UMARUDDIN: I am speaking on behalf of all Members, Sir.

Shri HARESWAR DAS (Deputy Minister): When the report was passed in the Select Committee he signed the report and his limitation began to run from that date.

Mr. SPEAKER: This is a combined programme and we can adjust it, but in the meantime I shall call upon the Member-in-charge to speak about the consideration of the Bill and then other members will have time to think about it and they may speak on it later on.

Shri HARESWAR DAS (Deputy Minister): This Bill has got a chequered history and this is well known to my hon. Friend, Maulavi Umaruddin. The original idea was to draft a Bill to offer

occupancy rights on the tenants in urban areas in the line of the Sylhet Urban Areas Tenancy Act. The Sylhet Urban Areas Tenancy Act is now applicable in the subdivision of Karimganj only. So the objection of the people was that even in the District in which Karimganj subdivision now is, other people are not enjoying the same rights which are enjoyed by the people of Karimganj. The original idea was to draft the Bill in the line of the Sylhet Urban Areas Tenancy Act. That was done and was unsuccessful. Subsequently another Bill was drafted. That was also unsuccessful. This is the third Bill. This was drafted and as it falls within the concurrent list it was sent to the Government of India for previous approval, some months before the last Budget Session. But as public pressure grew and in spite of reminders we did not receive the opinion of the Government of India we introduced it in the last Budget Session and the House referred it to a Select Committee. Sometime, possibly about a week, after that Session was over we received the opinion of the Government of India, which again turned it down, on the ground that it came into conflict with the rights of the land owner, as provided in the Constitution. But as the Bill was referred to a Select Committee by this House the Select Committee was called and all these matters were put before the Select Committee and my Friend, Maulavi Umaruddin was a member of that Select Committee. They all discussed the pros and cons of this Bill and in view of the Government of India's stand it was for consideration in the Committee whether the Bill should be dropped or the Select Committee should make some alteration. Ultimately the Select Committee (and my Friend was one of the prime movers), was of opinion that the Bill should not be dropped and that it should be so drafted as to bring it in line with the opinion of the Attorney-General.

Maulavi MD. UMARUDDIN: I disagree here, Sir, (*laughter*).

Shri HARESWAR DAS (Deputy Minister): He cannot disagree. There is no note of dissent by him (*laughter*). There were others among prime movers and he was one of them.

As a matter of fact if my Friend remembers aright, he and Maulavi Namwar Ali Barbhuiya were the two prime movers. Then the Select Committee took into consideration the Government of India's views and the opinion of the Attorney-General. According to the opinion of the Attorney-General two restrictions can be put, (1) on eviction of tenants and the other (2) on enhancement of rent of the holding. According to the Attorney-General, these two restrictions are consistent with the fundamental rights provided in the Constitution. So the Select Committee tried to bring this Bill in

this line. Many things were omitted, such as the rights of transfer and subletting. Whole chapter was deleted dealing with non-occupancy tenants, to bring it within the scope of the Constitution. The Bill was made a one chapter Bill. How far the Select Committee succeeded in bringing it within the meaning and scope of the Constitution remains to be seen. But as far as this Bill is now concerned, this is a Bill of this sort. The Select Committee tried to confine this Bill within the two restrictions suggested by the Attorney General. This is all that I have got to submit before the House and I hope the House will adopt it.

Shri HARESWAR GOSWAMI: If the Honourable Deputy Minister reads out the letter received from the Attorney General, it will be better, Sir.

Shri HARESWAR DAS (Deputy Minister): Am I to read the letter ?

Shri HARESWAR GOSWAMI: Yes.

Shri HARESWAR DAS (Deputy Minister): Opinion of the Attorney General was given to the Government of India and a copy of it was sent to us out of courtesy. His advice was not given to this Government. Therefore I have some doubt whether it will be proper to read out this letter in the House.

Shri HARESWAR GOSWAMI: My point is, Sir, the whole amendment of the Bill is based on the opinion of the Attorney General. So, unless this letter is read out the Members of the House will not be in a position to make a proper appreciation of the Amendment sought to be introduced. The letter may not, however, go into the proceedings.

Shri HARESWAR DAS (Deputy Minister): I am reading out the relevant portions, "The facts stated in the preceding paragraphs which one must assume to be true, would justify the imposition of restrictions on the landlords' right to eject the tenant and to enhance the rent of the holding. In my view, they would not justify conferring on the tenant the status of a permanent tenant with transferable and heritable rights in the land. Legislation imposing restrictions on the right to eject and the right to enhance rents has been common in urban areas by reason of the influx of population into these areas and the scarcity of buildings and building sites. Such restrictions would be reasonable restrictions in the interests of the general public. But the creation in the tenant of a transferable and heritable right in the land would not be reasonable restriction in the interests of the general public".

“The question whether restrictions imposed by a particular piece of legislation are reasonable is justifiable. The Supreme Court has held that ‘the phrase reasonable restrictions connotes that the limitation imposed on a person in enjoyment of the rights should not be arbitrary or of an excessive nature, beyond what is required in the interests of the public. The word ‘reasonable’ implies intelligent care and deliberation, that, the choice of a course which reason dictates. Legislation which arbitrarily and excessively invades the right cannot be said to contain the quality of reasonableness and unless strikes a proper balance between the freedom guaranteed in Article 19 (1) (g) and the social control permitted by clause (6) of Article 19, it must be held to be wanting in that quality.’ It is further said that ‘the determination by the legislature of what constitutes reasonable restrictions is not final or conclusive, it is subject to supervision by this Court (1950) (S. C. R. 759 at Ps. 763 and 765). No doubt in judging of the reasonableness of the restrictions one of the elements which the court will consider would be the fact that the legislature representing the people of the State has deemed the restrictions to be necessary. However, this will be only one of the many elements which the court will take into consideration.

“Applying the test laid down by the Supreme Court, I consider the provisions of Sections 4 and 9 and in part of Section 5 as offending against the fundamental right conferred on the landlord by Article 19 (1) (f) of the Constitution.”

There are other things, but these are the relevant portions.

Mr. SPEAKER: The question is that the Assam Non-Agricultural Urban Areas Tenancy Bill, 1953, as reported by the Select Committee, be taken into consideration.

Shri HARESWAR GOSWAMI: Sir, there is a difficulty here. If the motion is passed there is no question discussing the Bill in consideration stage. Our request is therefore Sir, to give some time. The Motion should be placed tomorrow.

Mr. SPEAKER: The Bill will again be discussed to-morrow.

(The Motion was put as a question and adopted)

• The Assam Embankment and Drainage Bill, 1953.

Mr. SPEAKER: Mr. Sarma.

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir I beg to present the report of the Select Committee on the Assam Embankment and Drainage Bill, 1953 and to move that the Bill as reported by the Select Committee be taken into consideration.

Sir, this Bill was introduced in the last March Session of the Assam Legislative Assembly and referred to a Select Committee,

and the Select Committee discussed this Bill for 3 days, from the 2nd June to 4th June, 1953 and submitted an unanimous report recommending certain changes on the clauses of the Bill. Sir, in the Preamble only a minor change has been made. The changes recommended in clauses 2, 3, 4, 5, 6, 7, 8, 9, 11 and 13 are minor in nature. The clause 10 is substituted by new draft clause for disposal of claims to compensation. In clauses 11, 13 and 15 there are minor changes and there is also no change in clause 12. In clause 16 a new sub-clause is substituted ; a new clause 17 was newly introduced to meet any case of accident happening or being apprehended to any embankment or drain. The existing clauses 17, 18, 19 and 20 are renumbered as clauses 18, 19, 20 and 21 respectively. These are minor changes and the report is unanimous. Sir, I, therefore, commend my motion for the acceptance of the House.

Mr. SPEAKER : I have received a message from the Governor of Assam as follows :

“ I recommend under Article 207(3) of the Constitution of India that the Assam Embankment and Drainage Bill, 1953 be taken into consideration by the Assam Legislative Assembly.

Sd. JAIRAMDAS DAULATRAM,
Governor of Assam,
Raj Bhavan, Shillong,
13th August 1953.”

Shri SIDDHINATH SARMA (Minister) : Sir, I beg to move that the Assam Embankment and Drainage Bill, 1953 as reported by the Select Committee be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Embankment and Drainage Bill, 1953 as reported by the Select Committee be taken into consideration.

Maulavi Md. UMARUDDIN : On a point of order, Sir, as I said in case of another Bill, all these considerations should be put off for to-morrow or day after. There should be sufficient time between the presentation of the report of the Select Committee and the consideration stage, Sir.

Shri SIDDHINATH SARMA (Minister) : Sir, my Friend Mr. Umaruddin was a member of the Select Committee (*laughter*), The Bill was also published in the Gazette.

Mr. SPEAKER : May I know whether the hon. Member received the Gazette ? It was published in the Gazette in time.

Shri BAIDYANATH MOOKERJEE (Minister): That point should be made clear, Sir. Some hon. Members may say that they received the copies of the Gazette late and so on. But it should be made known that the date of despatch (whether it is despatched from your Secretariat or from the Department concerned), should be taken as the date for this purposes. For instance, a Member coming from Lungleh where it takes about 21 days for the mails to reach a Member may say that he got the copy of the Bill or the Gazette late, and such objection may be raised.

Mr. SPEAKER: The rule is very clear. The words "made available" means when it is received. Your observations, though they are valuable do not carry us very far.

I believe the hon. Members will contribute their quotas in the discussion and for this purpose they are expected to come prepared and not ask for time.

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, I have already pointed out that this Bill as introduced in the last March Session of the Assembly and the Bill was referred to a Select Committee. The Select Committee sat from 2nd June to the 4th June and it examined every clause of the Bill thoroughly and they made certain minor changes here and there. They submitted an unanimous report recommending these changes. As I have pointed out, already in the preamble only a minor change is made—a word 'and' was added. In clauses 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 18, 19, 20 and 21 minor changes are made with a view to improve the language and make the provisions explicit by substituting a word or adding a word or clause or deleting a word or clause and the like. Clause 10 has been substituted by another clause as explained already. There are not any material changes but certain minor changes which were made either to improve the language or to make it more clear. I therefore, commend my motion for the acceptance of the House.

Mr. SPEAKER: The Motion moved is that the Assam Embankment and Drainage Bill, 1953, as reported by the Select Committee, be taken into consideration.

I keep it open for further consideration so that the hon. Members may get opportunity to give their views.

**The Assam Sales of Motor Spirit and Lubricants Taxation
(Amendment) Bill, 1953**

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, I beg to introduce the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953, and to move that the Bill be taken into consideration.

The Assam Sales of Motor Spirit and Lubricants Taxation Act, 1939 compels only retail dealers to register themselves. The returns of the retail dealers cannot be checked and verified properly unless similar returns are also obtained from the manufacturers and whole-sale dealers. The scope of the Act is sought to be widened by deleting the word "retail" wherever it occurs and thereby providing for registration by other dealers also.

The definition of the term "sale" has been brought in line with the provision of Article 286 of the Constitution.

These are Objects and Reasons of the Bill.

Mr. SPEAKER: Before this, I think, I should have read the message of the Governor.

"I recommend under Article 207(I) of the Constitution of India that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953 be introduced and moved in the present Session of the Assam Legislative Assembly.

JAIRAMDAS DOULATRAM,
Governor of Assam".

Shri MOTIRAM BORA (Minister): Sir, I beg to introduce the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953.

Mr. SPEAKER: The Motion moved is that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953, be introduced.

Shri MOTIRAM BORA (Minister): Sir, I beg to move that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953, be taken into consideration.

I have already read out the Statement of Objects and Reasons of the Bill and I need not spend further time of the House to read it again.

Mr. SPEAKER: The Motion moved is that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953, be taken into consideration.

Maulavi MUHAMMAD UMARUDDIN: On a point of order, Sir. This Bill was also received by us on the 21st afternoon. This being an important Bill, consideration of this Bill may be put off till day after tomorrow.

Mr. SPEAKER: I am sorry that the hon. Members had no time to study the Bill.

Maulavi MUHAMMAD UMARUDDIN: As a matter of fact I have got only today the copy of the original Act and it is not easy to comment on the scope or merit of the Bill just now. The matter requires study. It is a fact that the Bill has been published in the Gazette, but we might not have time to look through the Gazette. It may be that in the Gazette hundreds and thousands of such Bills are published. It is only when the provisions of a Bill are sent to us as a special document that our attention is drawn to it and then we can study it. All these amendments must be studied before we can express our opinion on them. This legislation being an important one, Members should be given sufficient time to study it.

With these words, I would request you to put off consideration of the Bill to some other day.

Mr. SPEAKER: I think, the House would be benefited if consideration of the Bill is taken up now.

Shri MOTIRAM BORA (Minister): I have already read out the Statement of Objects and Reasons of the Bill, which explains the necessity as to why Government has to bring in this measure. It has become difficult on the part of the Government to check and verify the returns of the retail dealers unless the manufacturers and whole-sale dealers can be compelled to submit returns to Government and for this purpose these manufacturers and whole-sale dealers are required to register themselves in Assam like the retail dealers and then it will be possible for Government to ask them to furnish returns. This is an important matter in the sense that the Government of Assam will be able to have detailed information from the whole-salers and manufacturers as to the quantity received and sold in Assam by them. Unless a true picture of the whole thing can be obtained, it is not easy to check the returns of the retailers. With this end in view we have come with this Bill so that Government can ask the manufacturers and whole-salers to furnish informations to Government.

Say, for instance, a particular agency selling oil and other things in the State of Assam has furnished certain figures to the Government of Assam. Without getting corresponding figures from the dealers and manufacturers how can we verify whether the figures furnished to us are correct or not? Under the existing law, the whole-salers and manufacturers are not bound to supply any figures to us. We have, therefore, introduced this Bill to compel them to furnish figures to us. I feel, Sir, that this is a very useful measure and I hope the House will accept it.

Maulavi MUHAMMAD UMARUDDIN : Mr. Speaker, Sir, I would like to make a few observations. The Finance Minister said that by this Bill he wanted to compel the whole-sale dealers and manufacturers of petroleum and other products which are consumed in this State to register themselves. He said that under the existing law only the retail dealers were required to submit returns, but then in the absence of figures from the whole-salers and manufacturers, as the case may be, the said returns could not be checked and verified. He, therefore, wants to rope in the whole-sale dealers and manufacturers as well.

Sir, we know that the distribution of petroleum and other products is done on a world-wide scale. In Assam we get petroleum not only from the Assam Oil Company but also from other concerns like the Standard Vacuum and Caltex, etc., whose offices are situated outside the State of Assam, *e. g.*, in Calcutta, Bombay and other places. By mutual arrangement with the Assam Oil Company they bring oil into Assam for distribution and consumption. Will it be within the competence of the Assam Government to call upon the whole-salers, who have their offices outside Assam, to submit returns? This is one thing. I do not know, Sir, whether the Government have carefully examined the system of distribution of oil, whether by the Assam Oil Company or by Companies having their offices outside Assam like, as I said before, the Standard Vacuum Oil Company, the Caltex and other Companies who have their offices in Calcutta, Bombay and other places but who bring oil into Assam by mutual arrangement with the Assam Oil Company for distribution and consumption in this State. Sometimes instead of sending oil from outside they get their supply from the Assam Oil Company itself and the Assam Oil Company also get their oil from these companies for distribution in certain other centres of India. It is a complicated arrangement. I do not know whether the Government of Assam before drafting this measure have taken into account the machinery of distribution of petroleum, diesel oil and other products, which, under this law, come for assessment to Sales Tax. The Standard Vacuum Oil Company have got agencies at Dhubri, Nowgong and

some other places, who act as retailers in this State. But their head office is situated outside the State. I want to know whether the Government of Assam can compel the principals of the company to furnish figures to the Assam Government. I would like the Finance Minister to enlighten us on this point.

The second point is with regard to the question of shortage. The third proviso to clause 2 states : "Provided further that any shortage in excess of one per centum of the quantities of motor spirit or lubricant received into stock by a dealer for retail sale shall, unless the contrary is proved, be deemed to be a sale for purposes of this Act". Sir, here the maximum allowance given is not adequate. We know that petroleum is a volatile substance and is liable to evaporation in course of handling and transit. Then, Sir, dealers who bring petroleum in drums are often faced with heavy leakage. Suppose the shortage due to evaporation, leakage, etc. has been 2 per cent., but under this Amendment Bill a dealer will have to pay sales tax for the additional 1 per cent. (maximum allowance on this account being 1 per cent.), which he actually did not sell. I would, therefore, like to know whether Government had called for reports from the various agencies and distributors of petroleum and other products to ascertain the average extent of shortage due to evaporation, leakage and handling in transit.

Mr. SPEAKER : What is the general allowance ?

Maulavi MUHAMMAD UMARUDDIN : In the proviso, the maximum has been put as one per cent.

Mr. SPEAKER : What is your suggestion ?

Maulavi MUHAMMAD UMARUDDIN : In my opinion, the shortage will be more.

Mr. SPEAKER : What is the percentage ?

Maulavi MUHAMMAD UMARUDDIN : I have no definite idea; it may be 2 or 3 per cent. I know, Sir, in a particular case at Dhubri some drums came half empty due to shortage, theft and other reasons. Now, if such a dealer is assessed to sales tax on the entire quantity the drums are supposed to contain, *minus* the maximum allowance of 1 per cent. provided for in this Bill, it will mean a great hardship on him. I would, therefore, like to know whether Government in fixing the maximum allowance have called for report from the various agents and examined them and arrived at this figure, from a practical point of view or from experience.

Sir, you have disallowed a more detailed discussion of the Bill at a later date. But I find that there are far more important changes in the Bill than what the Finance Minister read out in the Statement of Objects and Reasons. Therefore, Sir, it would have been better if the Bill were subjected to a little more discussion by the House. At any rate, Sir, I would like to be enlightened on the two points I have raised with regard to this Bill.

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, from the speech of my hon. Friend, I find that he is not opposed to the principle of the Bill. He only wants certain information. He wants to know whether Government have taken any opinion from the dealers regarding what percentage should be allowed for shortage, leakage, etc. I do not feel, Sir, there was any necessity to obtain the opinion of the dealers. So far as the Government is concerned, I can tell this House that we did not get any objection from any quarter on this score. I do not know, Sir, whether my Friend holds any brief from any dealer. But so far as this Government is concerned, we have not got any objection on this score. I do not, therefore, see any necessity of calling for any opinion from the dealers.

Secondly, my Friend wants to know whether we shall be able to rope in those dealers whose offices are outside the State of Assam. The hon. Member will notice that the definition of the word "sale" has been changed so that we can rope in those dealers and I can assure my Friend that those persons who deal in U. S. A. or Persian oil in Indian Union and sell the same in Assam will also be included. They will also be compelled to furnish the relevant figures to us.

Maulavi MUHAMMAD UMARUDDIN: But sales tax is leviable only on the products brought to Assam for consumption. What about quantities despatched?

Shri MOTIRAM BORA (Minister): How can we compel the Persian King to furnish figures? What is possible by us should be done. What is not possible for us should not be attempted. Suppose we want to rope those people who are in Persia or England, how can we do it when we are in Assam? So we must be satisfied with whatever is possible for us to do so that we can get more revenue or more information pertaining to these things.

Mr. SPEAKER: The question is that the Assam Sales of Motor Spirit and Lubricants Taxation (Amendment) Bill, 1953 be taken into consideration.

(The Motion was adopted).

The Assam Requisition and Control of Vehicles (Amendment) Bill, 1953

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, I beg to introduce the Assam Requisition and Control of Vehicles (Amendment) Bill, 1953. Sir, the Assam Requisition and Control of Vehicles (Amendment) Act, 1952, will expire on the 30th September, 1953, and since it is necessary to have this for some time more to meet any emergency as may be caused by breakdown of transport system of communications due to various reasons including natural calamities, it is necessary to make suitable provisions to have this power for another year, *i.e.*, upto 30th September, 1954. The Bill seeks to meet that purpose. This Bill was published on the 3rd August, 1953.

Mr. SPEAKER: Motion moved is that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1953, be introduced. (The Motion was put as a question and adopted).

Mr. SPEAKER: I have got this message from the Governor—“I recommend under Article 207(3) of the Constitution of India that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1953, be taken into consideration by the Assam Legislative Assembly.

JAIRAMDAS DOULATRAM,
Governor of Assam”.

Shri SIDDHINATH SARMA (Minister): Sir, I beg to move that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1953 be taken into consideration. Sir, the object of this Bill is to requisition vehicles when emergency arises on payment of compensation and Government by this Bill, will have power to meet any emergency where transport is necessary. It seeks to extend only for one year, *i.e.*, till 30th September, 1954.

Mr. SPEAKER: Motion moved is that the Assam Requisition and Control of Vehicles (Amendment) Bill, 1953, be taken into consideration.

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

The Assam Liquor Prohibition (Amendment) Bill, 1953

Rev. J. J. M. NICHOLS-ROY (Minister): Mr. Speaker, Sir, I beg to introduce the Assam Liquor Prohibition (Amendment) Bill, 1953. Sir, this Bill was published on the 3rd of August 1953. Section 17(1) of the Act gives power to the Commissioner to set up a Prohibition Committee or Committees consisting only of non-officials. It was represented to me at Barpeta when I was there last July that

it is desirable that officials also should be in the Committee, and the non-official gentlemen who met me in the meeting held in the Sub-Divisional Officer's room were unanimous in having officials also in the Prohibition Committee at Barpeta. These are the reasons why we have brought in this Bill because, as I said, the present Act gives power to the Commissioner to appoint only non-officials, but by this Bill officials will also be included.

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

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

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

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

The Assam Local Authorities Compensatory Grants (Charged) Bill, 1953

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Local Authorities Compensatory Grants (Charged) Bill, 1953.

Mr. SPEAKER : I have received this message from the Governor—"I recommend under Article 207(1) and(3) of the Constitution of India that the Assam Local Authorities Compensatory Grants (Charged) Bill, 1953, be introduced, moved and considered in the Assam Legislative Assembly.

**JAIRAMDAS DOULATRAM,
Governor of Assam."**

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, I beg to move that the Assam Local Authorities Compensatory Grants (Charged) Bill, 1953, be introduced.

Mr. SPEAKER : Motion moved is that the Assam Local Authorities Compensatory Grants (Charged) Bill, 1953, be introduced.

Shri MOTIRAM BORA (Minister): Sir, I beg to move that the Bill be taken into consideration.

In moving for consideration of this Bill, I have a few words to speak. The Compensatory grants payable to the local bodies in lieu of certain receipts credited to the State revenues were charged upon the revenues of the province under Assam Act II of 1940. It is necessary to treat these items as 'charged' upon the Consolidated Fund of the State of Assam. Under Article 202 (3) (f) of the Constitution this item can be treated as charged only if a legislation to this effect is passed by the State Legislature acting under the Constitution.

Since the passing of the Assam Act II of 1940, many new local authorities including Rural Panchayats have also been set up, to which compensatory grants are to be paid. These local authorities could not be included in the previous Act. Hence a provision has been made giving the State Government powers to pay compensatory grants to such local authorities by order and that on such order such compensatory grants shall also be charged on the Consolidated Fund of Assam. These are the Objects and Reasons for this Bill, Sir.

Mr. SPEAKER: Motion moved is that the Assam Local Authorities Compensatory Grants (Charged) Bill, 1953, be taken into consideration.

Maulavi MUHAMMAD UMARUDDIN: Sir, this is a very important amendment which Government seeks to pass with a view to assume authority to charge certain expenditure upon the Consolidated Fund of the State of Assam, without putting it to the vote of the House. In other words by this amendment Government wants that any compensatory grants that may be paid to any local authority will be in the nature of expenditure which will be charged straight-a-way to the Consolidated Fund of Assam by Government without the vote of the House. This is a very big power which Government seeks to take upon itself. Therefore, I say, Sir, that we have not been able to understand fully the implications of this Bill at this stage. It should therefore be considered very carefully on a subsequent date. Some Act has also been mentioned here namely, Act II of 1940—we do not know what that Act is. So, before we concede this power to Government we must know the full implications of the Bill. So, Sir, I maintain that without fully investigating the full implications it will be dangerous on our part to give this far-reaching power to Government. I therefore

oppose the consideration of the Bill without an opportunity for a detailed discussion by the House.

Mr. SPEAKER : The Motion moved is that the Assam Local Authorities Compensatory Grants (Charged) Bill, 1953, be taken into consideration.

(The Motion was put as a question and adopted)

The Shillong (Rifle Range and Umlong) Cantonments Assimilation of State Laws Bill, 1953

Shri MOHI KANTA DAS (Parliamentary Secretary) :
Mr. Speaker Sir, I beg to introduce the Shillong (Rifle Range and Umlong) Cantonments Assimilation of State Laws Bill, 1953.

Mr. SPEAKER : The motion moved is that the Shillong (Rifle Range and Umlong) Cantonments Assimilation of State Laws Bill, 1953, be introduced.

The Bill was introduced.

Shri MOHI KANTA DAS (Parliamentary Secretary) :
Sir, I beg to move that the Shillong (Rifle Range and Umlong) Cantonments Assimilation of State Laws Bill, 1953, be taken into consideration.

While moving this Motion, Sir, I beg to submit that the object of this Bill will be found in the Statement of Objects and Reasons of the Bill. Before "the United Khasi and Jaintia Hills District" was constituted under the Constitution, we had the Khasi Jaintia Hills District and the Khasi States. After the commencement of the Constitution, under paragraph 20 (2) of the Sixth Schedule of the Constitution, "The United Khasi and Jaintia Hills District" has come into being comprising the territories formerly known as the Khasi States and the Khasi Jaintia Hills District excluding any areas for the time being comprised within the Cantonment and Municipality of Shillong but including so much of the areas comprised within the Municipality of Shillong as formed part of the Khasi State of Myllem. As such the Shillong Rifle Range and Umlong Cantonments which formed part of the Khasi State of Myllem before the commencement of the Constitution has been excluded from and do not form part of the United Khasi and Jaintia Hills District. Neither in the past nor at present they form part of the Khasi and Jaintia Hills District (Non-Autonomous) but

that is the only district to which these areas have been incorporated. With the incorporation of the areas in the said Khasi and Jaintia Hills District it is desirable to assimilate the laws in force in the cantonments to the laws in force in the Khasi and Jaintia Hill District and the special set of laws and regulations now in force in these areas should cease. The Bill proposes by clause 3 (1) to repeal all laws in respect of State list in force in the cantonments and by clause 3 (2) extend there to all laws in respect of State list in force in the Khasi and Jaintia Hills District. Hence the necessity of the Bill. I hope the House will accept my motion.

Mr. SPEAKER : The motion moved is that the Shillong (Rifle Range and Umlong) Cantonments Assimilation of State Laws Bill, 1953, be taken into consideration.

(After a pause)

The question is that the Shillong (Rifle Range and Umlong) Cantonments Assimilation of State Laws Bill, 1953, be taken into consideration.

(The Motion was adopted.)

The Assam Local Rates (Amendment) Bill, 1953

Mr. SPEAKER : I have a message from the Governor which I am reading :

“I recommend under Article 207(1) of the Constitution of India that the Assam Local Rates (Amendment) Bill, 1953 be introduced and moved in the present Session of the Assam Legislative Assembly.

JAIRAMDAS DOULATRAM,
Governor of Assam.”

Shri HARESWAR DAS (Deputy Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Local Rates (Amendment) Bill, 1953 and to move that the Bill be taken into consideration.

The Bill was published on 7th August last.

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

(After a pause)

The question is that the Bill be taken into consideration.
(The Motion was adopted.)

The Assam State Acquisition of Zamindaris (Amendment) Bill, 1953

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to introduce the Assam State Acquisition of Zamindaris (Amendment) Bill, 1953.

Maulavi Md. UMARUDDIN: On a point of information, Sir, is it not necessary to have the assent of the President of India in advance, in addition to that of the Governor, before moving the Bill, the character of the Bill being such?

Shri HARESWAR DAS (Deputy Minister): It is not necessary. After the Bill is passed by this House the Bill will have to be sent to the President for assent. It is not provided in the Constitution that previous approval of the President is necessary.

Mr. SPEAKER: The Motion moved is that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1953 be introduced.

The Bill was introduced.

I have received a message from the Governor which runs as:—

“I recommend under Article 207 (1) of the Constitution of India that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1953 be introduced and moved in the present Session of the Assam Legislative Assembly.”

Maulavi Md. UMARUDDIN: Then my objection is correct, Sir.

Shri HARESWAR DAS (Deputy Minister): He speaks about the assent of the President. It is a Finance Bill. In some cases, namely, a Bill containing expenditure from Consolidated Fund Governor's assent for introduction and also for consideration is necessary. But previous approval of the President is not necessary as my Friend says.

Maulavi Md. UMARUDDIN: On a point of order, Sir. This is a very important Bill, as is known to all the members of the House, and this has a chequered history. As a matter of fact many important amendments have been proposed and while we are as anxious as the Government in expediting abolition of Zamindaris, it is necessary for us to know the implication of the various amendments which Government seek to pass through this Bill. Therefore Sir, the period of 7 days must elapse before considering the amendments with reference to the provision of the principal Act. So, Sir I

say that the motion for consideration of this Bill be taken up day-after-tomorrow at least. I hope all the members will agree with my suggestion that there should be no hurry in regard to the examination of and deliberation on the Bill.

Shri HARESWAR DAS (Deputy Minister): Sir, this Bill was published on 7th August last in the Gazette and copies of the Gazette were sent to all the Members so that the Members can read them. If any Member does not read them there is a dereliction of duty and that cannot be made a point of objection.

Maulavi Md. UMARUDDIN: Sir, it is the legal duty to send us copies of the Bill in time.

Mr. SPEAKER: It was sent on the 12th August last.

Maulavi Md. UMARUDDIN: I got it on the 21st August only. The Bill should be made available to the Members at least 7 days earlier before it is considered in the House. But it has not been done so. Will you kindly give a ruling in this regard? Publication of the Bill in the Gazette is not enough. The copies of the Bill must be made available to the Members on a particular date, seven days after which only the Bill can be taken into consideration. This is a very important Bill and most of the Members are concerned with this Bill.

Shri HARESWAR DAS (Deputy Minister): Sir, the point is not on which date the hon. Members actually received it. If he moves about and does not remain in his residence for long he may receive it 3 or 4 months after the Bill was delivered in his residence.

Maulavi Md. UMARUDDIN: Sir, I was in my residence when it came to my place for the first time. I can show the post mark on the cover in which it came to me. There is date on which I have initialled it.

Shri MOTIRAM BORA (Minister): If the Bill was sent out from the office timely, will you in that case consider that the Bill was timely made available to you?

Maulavi Md. UMARUDDIN: No, Sir.

Mr. SPEAKER: I have got the matter verified by now. It was sent to you on the 12th August. However, as the Member did not receive the Bill in time in spite of all possible care

taken by the Assembly Secretariat, in the interest of the general Members I allow the time sought for. Next Motion may now be taken up.

Shri HARESWAR DAS (Deputy Minister): I beg to move that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1953 be taken into consideration.

Shri HARESWAR GOSWAMI: This Bill can be left over for tomorrow, Sir.

Shri HARESWAR DAS (Deputy Minister): Sir, my Friend will be able to discuss the Bill when the time for considering the Bill clause by clause comes.

Mr. SPEAKER: I shall read out a message received from the Governor.

“RAJ BHAVAN,
SHILLONG,

The 24th August, 1953.

I recommend under Article 207 (3) of the Constitution of India that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1953 be taken into consideration by the Assam Legislative Assembly.

JAIRAMDAS DOULATRAM,
Governor of Assam.”

Shri HARESWAR DAS (Deputy Minister): The Objects and Reasons are there. Our main object is this. After this Bill became an Act in 1951, there has been various judgments in the High Court and in the Supreme Court interpreting different articles of the Constitution. In view of these interpretations we have got to amend our Act. Again, almost in all States these abolition measures have been enforced. We have not been able to do it. So, we are in a hurry. Because after the passing of this Bill, it will have to be sent to the President for assent. If the assent is received, some time will be necessary for framing rules and the like. We will have to complete these within February next. Because the Bill will have to be enforced from the 1st of *Baisakh*, i.e., middle of April next. If the first day of the agricultural year is passed we will have to wait for one year more. We cannot enforce it, after the first day of the agricultural year. As my Friend, the Opposition Leader, is a lawyer, he is quite aware of what interpretations are being put by the Supreme Court and other High Courts. So, these Amendments only aim to bring our Act in line with these interpretations. For example, in our Act in computing the net profit there is a provision that certain percentage of the income of the Zamindaris will be deducted as cost for beneficial purposes. This provision is in our Act. In the Bihar Act also there is a similar provision. This has been declared void

by the Supreme Court. There is another provision, on the vesting of an estate all arrear rents, cesses, etc., are to vest in Government. This has also been declared void by the Supreme Court. We have got to delete. Then there is a provision in our Act that on the vesting of an Estate the rights of the ryots which they acquired under the Goalpara Tenancy Act or the Sylhet Tenancy Act will be extinguished. This is interpreted as repugnant to the Constitution. The Amendments in this Bill are of this nature. The hon. Members will get ample opportunity to discuss this matter when clause by clause consideration comes. With these few words, Sir, I beg to move my motion.

Mr. SPEAKER : Motion moved is :

“That the Assam State Acquisition of Zamindari (Amendment) Bill, 1953 be taken into consideration.”

Maulavi Md. UMARUDDIN : Mr. Speaker, Sir, this should be deferred to later days, because it will require a great deal of discussion. Sir, my Friend said that these Amendments have become necessary as a result of the orders of the Supreme Court on a similar Bill from Bihar and it is necessary to bring the provisions of the Principal Act in conformity with the findings of the Supreme Court. Sir, we do not know what the actual findings or judgment of the Supreme Court are. This House was, in a similar case, of the opinion that the relevant portion of the opinion of the Attorney General should be read out in the House. Sir, unless we know what is the judgment we cannot give our suggestions nor can contribute our quota properly. The House must be given all the relevant documents so that they may examine the proposed provisions in the light of the observations of the Supreme Court and come to a conclusion. Unless we get these references we cannot make any useful comment. It is the duty of the Government to give us all the facts. But this is not being done and this is the handicap, Sir. All these things must be considered and examined very carefully so that there is no mistake or loophole which may give rise to litigation afterwards and thus hinder the progress of actual execution of the law. So, Sir, let us not be in a hurry. Let us be very careful now so that we may go ahead uninterrupted in future. It may not be out of place to mention our past experiences in connection with the measure. In 1948 Government was in great haste in rushing legislation to abolish Zamindaris. But difficulties came in the way and the progress was retarded. The Zamindars took advantage of the obvious loopholes in the fact then hastily passed and filed Civil Suits. There is a saying Sir, “More haste more speed”. So the Government must proceed cautiously and devise the provisions in such a way that there is no more scope for

further delay through litigation by the objected Zamindars. With these words, Sir, I submit that the discussion of the Bill be deferred to a later date.

Shri HARESWAR DAS (Deputy Minister), Mr. Speaker, Sir, my Friend, Mr. Umaruddin was a Magistrate (*laughter*) and he knows very well that the judgment of a court is not kept confidential. As soon as a judgment is passed, it is printed and published and made known to the whole world, whereas the opinion of a lawyer is a confidential matter not known to any one except the client. So I may read the latter not the former. If my Friend is to discharge his function properly he should read these judgments himself.

Mr. SPEAKER: As he was a Magistrate, probably he wants to know the facts from you (*laughter*).

Shri HARESWAR DAS (Deputy Minister): Sir, possibly he has taken this stand here. But I am sorry I cannot act as a lawyer here (*laughter*). Sir, I do not understand why my Friend is so excited over this matter. We are not in such a hurry as to keep loop-holes in the provisions of the Bill. Of course we are in a hurry to abolish the Zamindari. But we are very careful to see that the clauses of the Bill are drafted properly and there is no loop-hole which may give rise to unnecessary litigation. My Friend has made some uncharitable remarks against the Government, *viz.*, that the Government is bent upon carrying through this Bill without giving the Members opportunity to study it. Sir, it is not correct. It was published in the Gazette on the 7th August. The copies were duly sent to the hon. Members who have got ample time to study it. Still such remarks are being made by my hon. Friend.

Sir, whether it is a good Bill or a bad Bill, litigation will be there. Nobody can prevent the proprietors to go to law court. A Zamindar who is going to lose his Zamindari may go to court; nobody can prevent him from doing so. Abolition of Zamindaris is long overdue and Government want the co-operation of the hon. Members in the matter of abolition of the Zamindari. Such co-operation will enable Government to do this work with the least possible delay.

Shri HARESWAR GOSWAMI: My request is that it should be done to-morrow.

Mr. SPEAKER: As I have already said, Members are expected to come prepared and contribute their quota. If they always ask for time I feel myself in a predicament. However, let us see,

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**The Assam Land (Requisition and Acquisition)
(Amendment) Bill, 1953**

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to introduce the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1953.

Mr. SPEAKER: The motion moved is that the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1953 be introduced.

(The Bill was introduced).

Now, I have received a message from the Governor of Assam as follows:—

“Raj Bhavan,

Shillong the 24th August, 1953.

I recommend under Article 207(3) of the Constitution of India that the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1953 be taken into consideration by the Assam Legislative Assembly.

JAIRAMDAS DAULATRAM,
Governor of Assam.”

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to move that the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1953 be taken into consideration.

Sir, it is a simple measure. The Statement of Objects and Reasons are there, so I do not like to dilate on it more.

Mr. SPEAKER: The motion moved is that the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1953 be taken into consideration.

Mr. SPEAKER: Here is an announcement

Under Rule 4 of the Assam Legislative Assembly Rules framed under Article 208(1) of the Constitution, a daily attendance Register is kept in the Assembly Chamber near the Secretary's table which the Members, other than the Ministers shall sign.

Adjournment

The Assembly was then adjourned till 10 A.M., on Thursday, the 27th August 1953.

SHILLONG:

The 9th January, 1954.

R. N. BARUA,

Secy., Legislative Assembly, Assam.

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AGENTS IN INDIA

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3. Messrs. S. K. Lahiri & Co., Calcutta.
4. Messrs. R. Cambay & Co., 6 and 8/2, Hastings Street, Calcutta.
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16. Messrs. Law Book Society, 4A, Wellington Square, Calcutta.
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