



Proceedings of the Sixth Session of the Second Assam Legislative Assembly assembled under the Provisions of the Government of India Act, 1935 as adapted.

The Assembly met in the Assembly Chamber, Shillong at 1-30 P.M. on Friday, the 11th March, 1949.

P R E S E N T

The Hon'ble Mr. Lakshesvar Borooah, Speaker, in the Chair, the eight Hon'ble Ministers and thirty-nine Members.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Grant of Annual and Periodic Pattas

Prof. P. M. SARWAN asked :

4. Will Government be pleased to state—

- (a) If they have ordered Sub-Deputy Collectors not to issue periodic *pattas* for lands covered by Annual *pattas* ?
- (b) Whether Government have any plan to protect backward people who hold annual *pattas* for lands occupied by them for many years ?
- (c) For whose fault have these backward people failed to obtain periodic *pattas* for the above lands ?
- (d) Whether Government propose to take steps to protect the above backward people by directing the Sub-Deputy Collectors to make no discrimination in issuing periodic *pattas* detrimental to the rights of the above backward people ?
- (e) Whether Government are aware that failure to issue periodic *pattas* to backward people in Tinkhow and Sepon Mouzas in Dibrugadh Subdivision is causing great distress and raising a sense of insecurity in the minds of the raiyats concerned ?
- (f) Whether Government propose to take necessary steps to allay the above distress and the sense of insecurity ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

4. (a) to (f)—In order to protect backward people from being exploited by non-cultivating speculators who deprive the poor, ignorant cultivators of their lands by first advancing money against their periodic land and then getting these lands transferred to themselves for nominal values, Government have been considering the question of tightening the rules for conversion into periodic of annual *pattas* which do not carry with them the right of transfer. In order to prevent passing or accumulation of large areas in the hand of non-cultivators and speculators pending a final decision on that question, orders have been issued to Local Officers to postpone conversion of annual *pattas* into periodic.

Government have so far received no report or representation of any distress or sense of insecurity from any particular community or area. Government, however, will see that no discrimination is made or hardship caused to the members of any backward community or for that matter, any other community.

Prof. P. M. SARWAN: Sir, in view of the excellent answer may I request the Hon'ble Revenue Minister to once more send a reminder to the Deputy Commissioners of Sibsagar and Lakhimpur Districts, in view of my question (e) "Whether Government are aware that failure to issue periodic pattas to backward people in Tinkhow and Sepon Mouzas in Dibrugarh Subdivision is causing great distress and raising a sense of insecurity in the minds of the raiyats concerned?"

The Hon'ble Srijut BISHNURAM MEDHI: If my hon. Friend gives some specific instance that any hardship has been caused to any individual tenant in these localities, I will take the first opportunity of definitely referring the matter to the Deputy Commissioner concerned and ask him that he should act in accordance with our policy as laid down in the circular letter, which says:—

"Reports have been received that after conversion of annual pattas into periodic, many cultivators sell their lands to speculators and non-cultivator capitalists for some immediate pecuniary gain to the detriment of their future interest. In the interest of the actual cultivators Government cannot allow this process to go on unchecked. They are therefore considering the desirability of tightening the rules for conversion of annual pattas into periodic, and in the meantime to postpone each conversion in areas where there is a danger of passing land on a large scale into the hands of the classes of people mentioned above in order to preventing accumulation of large area in the hands of individual money-lender or capitalist. Government, would, therefore, like you to render your considered views in the matter, and if you recommend it, to state the areas where it should be applied."

This circular was issued for the purpose of protecting the interest of these backward people ; but, I am surprised to hear my Friend, to say that this circular was not issued in their interest. I assure the hon. Member that any specific case of hardship or harassment to any individual in any of these Mouzas when brought to my notice will be enquired into.

Maulavi MUHAMMAD ABUL KASHEM: In reply the Hon'ble Minister has stated, "Government have so far received no report or representation of any distress or sense of insecurity from any particular community or area". Is it not a fact that I represented to the Hon'ble Minister on several occasions on the floor of this House about distress and insecurity caused to persons holding annual pattas for cancellation because they give out land on Adhi system to the people of Goalpara in the Garo Hills ?

The Hon'ble Srijut BISHNURAM MEDHI: I do not remember and this question relates to particular Mouzas ; but if my Friend brings to my notice any specific instance, I will surely take action.

Maulavi MUHAMMAD ABUL KASHEM: I had to ask this because the Hon'ble Minister has stated in the reply that no report from any particular community or area has been received by him.

The Hon'ble Srijut BISHNURAM MEDHI: The reply is given in reference to the question put.

Statement made by the Hon'ble Speaker regarding the allotment of time for voting on Demands for Grants for 1949-50

The Hon'ble the SPEAKER: Order, order.

With regard to the Demands for Grants to be considered by the House, hon. Members are now aware of the days that have been fixed for the purpose. I have got a time-table prepared allotting the time that should be devoted to the discussion of each of the Demands during this Session. Copies of the time-table have already been circulated to the Leaders of Parties. I would request them to examine the same and inform the Secretary of their views, if any, on the said time-table before 12-00 noon on the 12th March. Printed copies of the time-table will be circulated to the hon. Members as soon as it is approved. I may, however, inform the hon. Members that the last date and time for receipt of Cut Motions on Demands for Grants to be taken up by the House on the 19th March is before 2-00 P.M. on the 15th March, 1949.

Presentation of Amendments to the Assam Motor Vehicles Rules, 1940

The Hon'ble Srijut RAMNATH DAS: Mr, Speaker, Sir, I beg to lay out certain amendments to the Assam Motor Vehicles Rules, 1940, under section 133(3) of the Motor Vehicles Act, 1939. As the amended rules are already before the hon. Members of the House, I do not like to read them now.

The Assam Maintenance of Public Order (Amendment) Ordinance, 1949

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I beg to lay out copies of the Assam Maintenance of Public Order (Amendment) Ordinance, 1949, under section 88(2)(a) of the Government of India Act, 1935.

I do not like to take the time of the House in explaining the matter as this is being repealed by a Bill which will be introduced in this Session and it will be considered, clause by clause, in this House.

The Assam Rural Panchayat (Amendment) Ordinance, 1949

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to lay out copies of the Assam Rural Panchayat (Amendment) Ordinance, 1949, under section 88(2)(a) of the Government of India Act, 1935. This Ordinance has been converted into a Bill which will be presented before the House soon, and therefore I do not propose to take the time of the House by detailing the provisions.

The Assam Cement Control Ordinance, 1949

The Hon'ble Srijut OMEO KUMAR DAS: This Ordinance will be laid out by Srijut Bimala Prasad Chaliha.

Srijut BIMALA PRASAD CHALIHA (Parliamentary Secretary): With your permission, Sir, I beg to lay out copies of the Assam Cement Control Ordinance, 1949 under section 88(2) (a) of the Government of India Act, 1935. Copies of the Ordinance have been placed on the table.

Election of Members to the Public Accounts Committee

The Hon'ble Srijut BISHNURAM MEDHI: I beg to move that this Assembly do elect six members to the Public Accounts Committee under rule 111 of the Assembly Rules for the year 1949-1950.

The Hon'ble the SPEAKER: I put the question:

“That this Assembly do elect six members to the Public Accounts Committee under rule 111 of the Assembly Rules for the year 1949-1950.”

The Motion was adopted.

The Hon'ble the SPEAKER: Under the Rules, I hereby fix Tuesday, the 15th March, 1949, and 3 p. m. as the time or as soon as the business of the day is finished whichever is earlier, for holding the election to the Public Accounts Committee. The voting will be held on the floor of the House.

The Assam Finance Bill, 1949

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I gave an indication, at the time of presenting the Budget, that in order to meet the deficit in the Budget and in the absence of any scope for introducing any new measure we had to see the desirability of increasing the rates of Agricultural Income-tax without affecting those who are in lower income group. After due consideration of all the facts, I now place before the House, the Assam Finance Bill, 1949, and in introducing this increased rate, I have taken fully into consideration those concerns or individuals who have a lower income, so that they may not be burdened with additional taxation. Up to the amount of Rs.10,000 the existing rate will not be increased. Therefore persons with smaller income will not be affected at all.

Maulavi Saiyid MUHAMMAD SAADULLA: The Motion should be placed first, and then there should be explanation.

The Hon'ble Srijut BISHNURAM MEDHI: On the recommendation of his Excellency, under section 82 of the Government of India Act, I beg to introduce the Assam Finance Bill, 1949, for the consideration of the House.

Maulavi MUHAMMAD ABUL KASHEM: On a point of order, Sir. According to rules the Bill should be circulated among the members seven days before it has been submitted to the House.

The Hon'ble Srijut BISHNURAM MEDHI: I only introduce this Bill to-day. Hon. members will have 7 days' time before consideration motion is moved.

Maulavi ABDUL HAI: No, Sir, according to rule 58... ..

The Hon'ble the SPEAKER: Was it published ?

The Hon'ble Srijut BISHNURAM MEDHI: Finance Bill in all provinces is introduced only with the Budget speech, because till then it cannot be

published. That is why as an exceptional measure this was published yesterday and distributed yesterday.

The Hon'ble the SPEAKER: Where is the rule as Maulavi Abul Kashem said that it should be laid on the table seven days prior to introduction ?

The Hon'ble Srijut BISHNURAM MEDHI: I am only introducing the Bill.

Maulavi MUHAMMAD ABUL KASHEM: Proviso (2) to rule 58 says: "Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so available for seven days before the motion is made etc."

The Hon'ble the SPEAKER: Please read this in reference to (a), (b) and (c) of the rule, *i. e.*, seven days notice is necessary when a Motion for consideration, etc., is moved and not for introduction.

The Hon'ble Srijut BISHNURAM MEDHI: I am only introducing the Finance Bill to-day. It cannot be published earlier because Budget secrets cannot be divulged earlier. This Bill was circulated among the Members. I was giving an idea in view of the deficit. I am only briefly stating the facts. The rate is lower than that fixed under the Government of India Act, specially in higher income group.

The notice that I have got from the Assembly Department runs thus:—

"It is hereby notified for the information of the hon. Members that (i) the motion for consideration, (ii) consideration clause by clause and (iii) motion for passing of the Assam Finance Bill, 1949 will be taken on Friday, the 18th March, 1949. The hon. Members who desire to table amendments to this Bill should give their notice of amendments so as to reach the Assembly Department before 2 P.M. on 14th March, 1949."

The Hon'ble the SPEAKER: The notice was issued from my office. Now the hon. Members must have understood the position. Thus they get seven days notice before consideration of the Bill.

Maulavi MUHAMMAD ABUL KASHEM: Yes, Sir.

The Assam Local Board Elections (Emergency Provisions) Bill, 1949

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I beg to introduce the Assam Local Board Elections (Emergency Provisions) Bill, 1949, and to move that the Bill be taken into consideration.

Sir, the reason why the Local Board Election that had to be postponed for a short period, has been explained in the Statement of Objects and Reasons. I do not therefore think that I need anything more to say.

The Hon'ble The SPEAKER: Motion moved: "That the Assam Local Board Elections (Emergency Provisions) Bill, 1949, be taken into consideration".

Maulavi ABDUL HAI: Sir, from the Statement of Objects and Reasons I find something very funny. In the Statement of Objects and Reasons it has been stated—

“Legislative Assembly Electoral Rolls are largely used in Local Board Elections. As the Constituent Assembly did not take decision regarding qualification of general franchise earlier, the Electoral Rolls as well as the Election Rules for the Assembly Elections could not be revised even by the end of the year 1948 and consequently no steps could be taken for the revision of Local Board Electoral Rolls and Election Rules with a view to hold the Elections in 1949. Moreover, it would have been improper to introduce joint electorate system in Local Board Elections before Constituent Assembly took a decision in that behalf.”

Sir, it is known to all the hon. Members of this House that there were two bye-elections for this Assembly from the two Muslim constituencies—one from the Lakhimpur District and the other from the District of Darrang. If it is the case that joint electorate system is not going to be introduced now as it is not yet decided by the Constituent Assembly, is it not an injustice that was done by the Government of Assam in introducing that system at the time of Assembly bye-election? If that system could be applied in the case of Assembly bye-elections why the same procedure cannot be followed now in the case of Local Board election? It is therefore funny, Sir, as I have said before, when it is trying to evade the real object. If this is the real motive of the Government then I say that a great injustice had been done towards a community and when you, having a full majority, could have done this in the case of one community why cannot you have this applied to Local Board Election as well?

For this reason, Sir, I oppose this Motion.

Prof. P. M. SARWAN: Mr. Speaker, Sir, elections are matters of Central importance in democratic days or in days of representative Government. Now, elections should under no circumstances be evaded unless things are very very difficult. The Hon'ble Minister is now trying to bring in a Bill which will postpone an election for an indefinite period. I call it an indefinite period because elections that ought to have been held last year have been postponed till this year. There has nothing yet come out from the Constituent Assembly so that the Local Board election is sought to be virtually postponed indefinitely. It is doing a very gross injustice to the electorates who have no power to change things after they have participated in an election. It is most un-democratic to postpone an election. A great injustice has been done to a community, as has been pointed out by the last speaker. I therefore strongly oppose this Bill moved by the Hon'ble Minister for Local Self-Government.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker Sir, Government have already laid down a policy that Local Board election should be on the joint-electorate basis. That necessitates a fresh division of constituencies and preparation of fresh electoral rolls for the Local Board election. It has been stated in the Statement of Objects and Reasons that election could not be done as the Constituent Assembly did not take a decision in these matters. We also contemplated to hold election on joint-electorate basis. We took steps for division of constituencies and for preparing the lists of voters on joint-electorate system. As has been stated, that has taken a good deal of time and till the time of

the Local Board Election as it has been seen those pre-requisites for Local Board election were not ready. Government have therefore thought it necessary to postpone the election. These are the reasons, Sir, for postponing Local Board election. Local Bodies are already there. They were constituted on the voting of the general mass. There should not be any apprehension that justice will not be done to the public. It is for the public that Government have contemplated to hold the election on joint-electorate basis. It is also to be considered, Sir, whether Government could run election on communal or separate electorate basis. It has been pointed out that solidarity of population that is on the making will get a set-back if that step is taken at this time. So, it is for the good of the public, for the solidarity of the population, to bring the country up to the standard for which we have been fighting so long, that the Local Board election should be postponed. I therefore think, Sir, that there would be no apprehension of the kind that the two hon. Members have felt and expressed just now.

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

The question is:

"That the Assam Local Board Elections (Emergency Provisions) Bill, 1949, be taken into consideration".

The question was adopted.

The Assam Sales Tax (Amendment) Bill, 1949

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Sales Tax (Amendment) Bill, 1949 and to move that the Bill be taken into consideration. His Excellency the Governor has recommended this Bill under Section 82 of the Government of India Act. This Bill proposes to increase the rate from 9 pies to 1 anna regarding luxury goods. This Bill is introduced in accordance with the decision and recommendation of Finance Ministers' Conference of all Provinces held in Delhi last November. All the facts and circumstances were taken into consideration and they were all of the opinion that there should be a uniformity of rate as regards luxury goods and in consonance with that recommendation, I have introduced this Bill today for the consideration of this House. In place of 9 pies for luxury goods it is proposed to raise the rate to one anna. With these few remarks, Sir, I request the hon. Members of the House, as I have already stated in my budget speech, to pass this Bill unanimously so that some money may be found out for purposes needed for the development of the Province.

The Hon'ble the SPEAKER: Motion moved: "That the Assam Sales Tax (Amendment) Bill, 1949, be taken into consideration".

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I fully realise the difficulties of the Hon'ble Finance Minister in finding finances for the Province, but I cannot agree with him when he proposes to increase the rate of sales tax. The Sales Tax Act that was recently introduced has greatly affected the people and if we again want to increase the rate at this stage I do not know how the public will feel. My hon. Friend knows how the people will consider this and he will also be one with me that the public will object to this Bill. Without consulting public opinion we should not increase this rate at this stage. And as for the increase of the Provincial finances I can say that he will get that money only if he will ask his officers to be more vigilant and to realise the sales tax at the existing rate. It is seen that in many shops no cash memo. is given whereas at the same time they realise the sales tax. If the unrealised sales

tax is properly realised I can assure the Hon'ble Finance Minister that his purpose would be served and that the poor consumer would not suffer. Again he said that the tax would be levied only on goods of luxury, but 'luxury' is a word which is very misleading and this also touches even the poor masses in many cases. That is why I say that this Bill should not be introduced at this stage and with these words, Sir, I oppose this Bill.

Maulavi ABDUL HAI: Mr. Speaker, Sir, of course regarding this Bill I have no objection; but as regards the items of luxury I desire to make some observations. I find here that there are items which are actually not goods of luxury, I mean fountain pens and torchlights. Sir, torchlights are required in the villages most. In the villages where there are no good roads people have to pass sometimes through water and mud at night where there is apprehension of snakes and other things. Use of torchlights there is essential. As such torchlights should in my opinion be excluded from the operation of this Bill. Then again, as regards fountain pens, they are a necessity and cannot be said that they are goods of luxury. It has often times been said that our villagers do not know how to read and write because they could not even sign their signatures. So the Mass Literacy Campaign was inaugurated and some of them have been able at least to sign their names and also may use fountain pens for their use. So I maintain that it is a necessity for them to own a fountain pen. I therefore, say that these two items should be excluded from the operation of this Bill.

Mr. J. S. HARDMAN: Mr. Speaker, Sir, today I wish to draw the attention of hon. Members to a phenomenon which is becoming of increasing importance. There is a tendency of both the Central Government and the Provincial Governments to select the same articles for purposes of taxation. We realise that Assam's revenue position is far from satisfactory, and that opportunities to increase the Province's income cannot be easily resisted by a necessitous Hon'ble Finance Minister. This increased tax on motor cars comes at the time when the Government—the Central Government—have imposed a further tax of 3 annas per gallon of petrol. It has followed the action of the Central Government in increasing the import duty on motor cars to, I believe, 60 per cent. of their imported value. Is it correct, Sir, to regard motor cars as luxury in a country of vast distances where public arrangements for communications are so ineffective? Should not a distinction be made between cars which are available for the poorer sections and cars which are available for the rich and should not we adopt a principle that luxury cars, high-priced cars pay the higher tax as is the case, I believe, in England where an amount of one thousand pounds, *i.e.*, thirteen thousand rupees is taken as the demarcation line? Even, Sir, if we concede to the Hon'ble Finance Minister that any one who drives a car has a luxurious impelment, may we for a moment admit that a motor vehicle used as a motor lorry is a luxury? Why, Sir, should a motor lorry be regarded as an article of luxury? It is used for carrying goods, it is used for transport of passengers and the additional tax will be passed on to the public in the form of increased charges, and to the passengers in the form of increased fares.

Again, Sir, I would ask this House to consider whether it is really desirable to increase the tax on radio-sets. I can agree with the Hon'ble Finance Minister that it is possible to regard radio-sets as an article of luxury, but the Hon'ble Minister for Publicity has, I understand, been devoting considerable energies towards the development of rural broadcasting. The Central Government have at great expense established in Shillong and Gauhati broadcasting stations. Is it, Sir, desirable that more people or less people should listen to the broadcasts which go forth from these stations? Is it not an easy method for disseminating news of

public value, for giving information of educational value, and even in an emergency for preventing baseless rumours from spreading? Would it not be wise to consider on the other hand instead of taxing radio-sets, to subsidise them? We should have more radio listeners in Assam rather than less. We believe this would further the object which the Hon'ble Minister for Publicity has at heart.

We are doubtful also whether this measure will bring in much revenue so long as persons are able under the Bengal Sales Tax Act, to buy things of luxury in Calcutta for export from that Province. When it is a matter of buying an expensive car, a person will think twice before he decides to patronise a dealer in Assam when he knows that he can buy the same car from a reputed firm in Calcutta without payment of any sales tax, because I understand that if a car is purchased there and subsequently exported, the purchaser will be entitled to a rebate of the sales tax.

We have, Sir, no intention of opposing this measure, but we would ask the hon. Members of this House to give the proposal contained in this very simple Bill their earnest consideration.

Prof. P. M. SARWAN: Mr. Speaker, Sir, I am opposed to this Bill for the reason not yet stated by the previous speakers. Hon. Mr. Hardman has very ably put the case for postponing this Bill. I am opposed to this Bill on another account. I ask Government whether they have been put in power to burden the people with tax after tax. Was that the promise made by the present Government to the people that they are going to burden them with tax after tax? That does not mean that I am asking Government not to tax people, but I am saying that it is very undesirable to light-heartedly tax the people when the people have been expectant of lightening of the burden of taxation. I do not approve of no-tax; I do think that the people have to bear tax to receive all the facilities that a civilized Government can provide. But I do suggest that Government do balance their budget on expected receipt. If they cannot balance their budget I would first request the Government to cut down some of the schemes that have just been taken up and wait for some time. I request Government to face the electorate that sent them into power and ask whether they want more taxation or not. The people have placed the Congress in power because people wanted them, but whether they are ready to pay all the taxes that Government are proposing should be put before the people before the Government take up all these schemes and spend crores and crores of rupees. First Government should face the electorate, if they have courage to do so, and dissolve the Assembly.

The Hon'ble Srijut BISHNURAM MEDHI: To my mind, all that has been spoken by my hon. Friends does not strictly come within the scope of the amendment which has been proposed in the Bill. The amendment is confined only to the change of rate from 9 pies to 1 anna. What things should be in the list of luxury goods, does not come within the scope of this amendment. In case any particular Member desires to express his views regarding inclusion of certain article in the list of luxury goods, it is open for him to do so either by moving a formal resolution and by introducing an amendment of the original Act. We are at present not discussing any such resolution or amendment. No one has opposed the enhancement of the rate. As far as I could understand from the speech that was delivered by Mr. Abul Kashem, he said that these luxury goods purchased by the villagers would be affected by this proposal. But what luxury goods are purchased by the villagers? 90 per cent. of our people live in villages and how many of them can afford to purchase a motor car? The village people

will not be affected in the least by this enhanced taxation. On the other hand we would like to get as much money as possible from those who can afford to pay. Instead of allowing accumulation of huge amount of money with such classes of persons as can afford to purchase a car for Rs. 12,000, the Bill proposes to charge only one anna in the rupee which he should easily and voluntarily pay for the benefit of the province and the people (*hear, hear*). If a gentleman can afford to pay Rs. 550 for a radio set, at any rate he can afford to pay 550 annas for the benefit of the province, for the establishment of schools, for the extension of primary education and for similar other social services. This Bill is only introduced to get more money from those people who can afford to pay. Our idea is not to tax those who are unable to bear the burden. In view of these circumstances, I hope the House will take the Bill into consideration.

Maulavi ABDUL HAI: Is it a fact that in his Budget Speech the Hon'ble Finance Minister mentioned about fountain pen and torch light ?

The Hon'ble Srijut BISHNURAM MEDHI: When the Budget Speech comes for discussion it may be relevant to talk about that. But the present amendment does not relate to the items of luxury goods. The list is increased or decreased by notification after taking all facts into consideration. In my speech I gave some indication that these are the things that are likely to be included in the list. Maulavi Abul Kashem and Maulavi Abdul Hai mentioned about torch lights. Are they aware that the torch light batteries are not available in the villages ?

Maulavi MUHAMMAD ABUL KASHEM: I can tell the Hon'ble Minister that torch lights are used more in the villages than in the towns.

The Hon'ble Srijut BISHNURAM MEDHI: We consider this is an indirect taxation and it is for the purpose of improving the finance of the province and also for providing money for the nation building departments.

In view of what I have stated, I appeal to the hon. Members to consider this provision in the Bill dispassionately and accept my motion for consideration unanimously.

The Hon'ble the SPEAKER: The question is :
"That the Assam Sales Tax (Amendment) Bill, 1949, be taken into consideration".

The question was adopted.

The Assam State Acquisition of Zamindaris Bill, 1948

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam State Acquisition of Zamindaris Bill, 1948, and to move that the Bill as reported by the Select Committee be taken into consideration.

Sir, in moving this motion, I congratulate the hon. Members of this House for accepting the principle of the Bill and for referring it to the Select Committee with the desire that the views of different interests in the locality affected by this Bill will be taken into consideration by the members of the Select Committee and after due consideration they were requested to submit their Report as soon as possible after the Bill was referred to the Select Committee. Before the Select Committee actually visited the places, and as the criticisms on this Bill was considered to be very vague, and in order to have first-hand infor-

mation of the views that were being expressed by the different interests, I went to Dhubri and Goalpara to explain to the different interests, how this problem should be tackled and why it was essential to satisfy every interest in order and to bring about an adjustment between the landlords and the tenants and the intermediaries. Wherever I went I advised the different interests that instead of passing vague resolutions on the Bill it will serve the best interest of all the parties concerned if they would submit memorandum drawing specific attention to different clauses of the Bill, to help the members of the Select Committee to appreciate fully their views by drawing specific attention to the objectionable feature of the Bill at the time of the consideration of the Bill by the members of the Select Committee clause by clause. For this purpose, at the request of different interests, the time for submission of memorandum was extended, and they were also told that after receipt of memorandum the Select Committee would fix dates to give opportunity to all parties concerned and different interests to place their views on the Bill before the members of the Select Committee and for that purpose this Bill was being printed in English and Assamese and distributed free to different organisations and kept in the localities for sale at a very nominal price (most probably annas 2 per copy). Dates were afterwards fixed and the Select Committee visited the localities and heard and received as many as 30 memoranda of different interests and held their meeting at Gauhati, Dhubri, Goalpara and Shillong. I am glad to inform the House that the Select Committee came almost to a unanimous decision on all important matters. Only with regard to one or two minor points Srijut Santosh Kumar Barua and Maulavi Abul Kashem submitted their notes of dissent.

Now, Sir, before going into the main features of the Bill, I would like to deal with the main objection that is noted by Srijut Santosh Kumar Barua. He says that the word "compensation" is illusory and the method for assessing compensation as adopted in Madras, should have been followed in this Bill and that was his main objection. He says, "To my mind, the introduction of the slab system both in deducting the cost of management and that of beneficial work, and for capitalising the net income offends against the explicit provisions of the Section 299 (2) of the Government of India Act."

He says that there should not be any slab system and the multiple should be as high as that of Madras. The Madras multiple is 25 to $12\frac{1}{2}$ times and our multiple is much less. But I may be permitted to point out to the Members of this House that had we accepted the principle of Madras for the purpose of assessment of compensation we would have been able to acquire the entire Zamindari area in Assam at about one-third the amount of compensation as calculated under the present Bill. I would show by actual calculation how he was not fully acquainted with the basis of assessment under the Madras Bill. His attention, unfortunately, was drawn to the multiple only. I propose to show later by actual calculation how even if the higher multiple is taken the compensation works out to be less. On the question of payment of compensation in connection with the abolition of Zamindari there are two extreme views, *viz.*, (i) confiscation without compensation and (ii) payment at market rates, which have been rejected by all the provinces as well as the House when the Bill was referred to the Select Committee at the time of introduction of the Bill and it was rightly rejected by the House. Payment of full compensation at market rate would perpetuate the present inequitable distribution of wealth and is likely to cripple the Provincial Finances to such an extent that it may not be possible to carry the present administration, let alone the putting into operation of any larger plan for economic rehabilitation or development of the Province. Compensation to be

equitable must be reasonable so that reasonable return may be derived by the intermediaries for the loss of their property and provide them a reasonable standard of living and an opportunity for their economic rehabilitation. The volume of opinion for confiscation without compensation is growing and if acquisition of Zamindari is delayed for a longer period a time may come when the country may not be in a mood to pay any compensation. Hence it is for the interest of the Zamindars as a whole to allow acquisition of their rights as early as possible with such compensation as the Province can afford to pay at the same time affording reasonable livelihood to the Zamindars and the intermediaries whose land is proposed to be acquired under this Bill.

We as Congressmen stand for payment of compensation from a practical consideration and do not want to throw out the proprietors or the tenure-holders out of employment by acquisition of their rights without reasonable compensation but want to ensure that the compensation for loss of property should be reasonable and adequate and provide a reasonable standard of living to the proprietors and the intermediaries and an opportunity for their economic rehabilitation and the ability of the State to shoulder the financial burden. Such burden involved in the amount paid as compensation should not however jeopardise the financial position of the Province. We want to pay them adequate compensation for affording them a reasonable standard of living so that they may serve the country and be useful citizens of the Province. We do not want to keep them isolated from the general economic development of the Province, subject of course to the ability of the State to shoulder the financial burden of compensation. With these objects in view the slab system of compensation has been introduced in this Bill. With the rate of compensation allotted to the Zamindars, it is the intention of Government not to segregate them into a class of "do-nothings", but all efforts are being made in this Bill so that the Zamindars and the intermediaries who have been earning such huge unearned income so long may now be assimilated in the new social order as soon as possible. For that purpose they have been allowed to retain 400 bighas of private land and the Government is prepared to give allotment of larger areas provided the land-lords and the tenure-holders desire to bring those areas under cultivation by improved method of cultivation with the help of mechanised implements by investing the compensation money that will be placed at their disposal in such ventures. The Select Committee after considering all these aspects has fixed a higher multiple for those with smaller income and raised the multiple from 10 to 15. The graded rates of compensation was accepted in the United Provinces after a prolonged enquiry. Almost all the witnesses, who came to give evidence, suggested that the smaller land-lords should get comparatively higher rate of compensation and the multiple should be graded accordingly, the highest being applicable to those with small incomes and the lowest to those with the largest. It will have the effect to a certain extent of reducing the gross disparity in income between the various classes and minimise the present inequitable distribution of wealth. The principle of grading incomes according to their size and of imposing a more severe burden upon large incomes than upon small ones is universally recognised as equitable. In assessing income tax, for instance, persons with small incomes are treated much more leniently than those with large incomes. A distinction between big and small Zamindars would, therefore be in accordance with the universally accepted principle of public finance and equity. Besides, even a low multiple applied to a large estate will assure a reasonable income, while the same low multiple applied to a small estate would give such a ridiculously

small amount that it would be hardly better than confiscation. That is why different slabs have been introduced in this Bill consistent with the provincial finance.

According to the Madras system, two-thirds of the rent received by the different landlords is left out of consideration for the purpose of ascertaining the basic income. Only one-third of the rent received *plus* income from fisheries, markets, etc., are taken into consideration. Out of this amount $8\frac{1}{2}$ per cent. is deducted as collection charges and another 5 per cent. for beneficial works. Now, Sir, our total rental from the Zamindari estates comes to about 31 lakhs. Out of that two-thirds are taken away, leaving roughly 10 lakhs. Then out of this, collection charges at the rate of $8\frac{1}{2}$ per cent. and charges for beneficial works at the rate of 5 per cent. are deducted, and these two take away about 1 lakh and 33 thousand. Then, the total basic income of the different land-lords in the permanently-settled areas comes upto roughly $8\frac{1}{2}$ lakhs. Now if the maximum multiple is taken into consideration, i.e. 25, the total compensation payable comes to about 2 crores and $12\frac{1}{2}$ lakhs only. But according to the slab system that we have introduced at least 5 crores will be given to the Zamindars as compensation. If the minimum multiple of $12\frac{1}{2}$ is considered, the total compensation, according to the Madras system, will come to about 1 crore and $6\frac{1}{4}$ lakhs, which is only one-fourth of the amount of compensation which they will get under the present slab system recommended by the Select Committee. Then, Sir, it may be examined from another point. The Madras system is much more stringent, and as a matter of fact the Agrarian Reforms Committee recommended adoption of the Madras system only on consideration that less compensation would be paid to the land-lords. But, Sir, we ourselves took the local conditions into consideration and wanted to give more benefit to the land-lords, so that they might earn their living and maintain their present standard of living. The Madras Bill proposes to push down the rent of the permanently settled areas to the Raiyatwari level and then the sum-total of the total rents so payable in respect of any estate together with the income of fisheries, forests, mines and minerals is taken to be the gross Raiyatwari demand. From one third of this demand, again the following deductions are made as stated above:—

(1) $8\frac{1}{2}$ per cent. as establishment charges, and

(2) 5 per cent. as cost of maintaining irrigation works.

The residue is called the basic annual sum. The compensation to be paid is a multiple of this basic annual sum ranging from $12\frac{1}{2}$ times to 25 times. It will be noted here that while the multiple scale appears too liberal, the basic annual sum is a very much smaller figure than the net income proposed in our Bill. This has the effect of pushing the total compensation in Madras to a much lower figure than under the proposal of this Bill. For example, Madras will have to pay only Rs. 12 crores for an area of $128\frac{1}{2}$ lakh acres, or at Rs. 9 per acre, whereas in Assam we will have to pay Rs. 5 crores for an area of about 17 lakh acres only, or at the rate of Rs. 29 per acre or $3\frac{1}{4}$ times more than Madras. Had Mr. Barua accepted the Madras system from the beginning to the end the Zamindars and intermediaries would have been the greatest losers. Under the circumstances for the best interest of the Zamindars and intermediaries whom he wanted to represent would be served by accepting the present slab system recommended by the Select Committee. We consider that it would be more reasonable and to the best interest of the Zamindars to accept the slab system recommended by the Select Committee.

Then, most probably my hon. Friend, Abul Kashem Saheb, could not fully follow the principles of this Bill that came for discussion in the Select Committee. He is under an erroneous impression that the rights of the Goalpara, tenants have been jeopardised by the introduction of this Bill, but I would ask him to go deeply into the sections, in which he will find that Goalpara tenants are given greater rights than other tenants. In Goalpara, a tenant acquires occupancy right over the land by remaining in occupation for 12 years whereas under the present Bill he will acquire right of occupancy in 10 years. The tenants who had acquired occupancy rights on land at the time of the introduction of the Bill will continue to have that right. This principle has been unanimously accepted by the members of the Select Committee. I think, he will now fully appreciate in the light of the amendments accepted by the Select Committee that his Note of Dissent is unnecessary.

Before going further, I want to convey my wholehearted thanks on behalf of the Government and the people to the hon. Leader of the Opposition for offering his wholehearted co-operation in coming almost to unanimous decisions in all important matters in the Select Committee.

Now, I propose to point out the salient and more important changes that has been made in the Bill. In the original Bill charitable purpose was not defined and the charitable institutions, such as, dispensaries, educational institutions were not properly described or defined. After careful consideration, Select Committee has added a new item (f), defining "charitable purpose". Provision has also been made for payment of nominal compensation for buildings used for public and charitable purposes.

After hearing the parties we found that under the Goalpara or Sylhet Tenancy Acts private land of many of the Zamindars and intermediaries has not been recorded as such. In order to obviate the difficulty, the definition of "private land" has been so modified as to include land used as private land of all classes. The amended clause runs as follows—"private land means the land described as proprietor's private land under section 123 of the Goalpara Tenancy Act, 1929, and section 143 of the Sylhet Tenancy Act, 1936, or lands in possession of a proprietor of 'acknowledged estates' within such estates for the purpose of cultivating it by himself or by the members of his family or by servants or hired labourers."

Then under-raiyat was not defined in the Bill, but when it was brought to the notice of the Select Committee that there are under-raiyats who acquire certain rights over certain land under the Goalpara Tenancy Act, the Committee agreed to give such right as it existed at the time of the introduction of the Bill.

On the representations of the difficulty of vesting of any buildings as mentioned in item (iv) of clause 4(1) in case they were situated within the homestead, the Select Committee added a new proviso in clause 4 (1), e.g., "provided that no building mentioned in item (iv) of this sub-section which forms part of any homestead of a proprietor or tenure-holder shall be deemed to vest in the Crown", so that such building may not vest under clause 4. The Select Committee has also provided for payment of nominal compensation not exceeding Rs.100 for building used for public or charitable purpose. The maximum limit of private land allowed to be retained by Zamindars and tenure-holders has been raised to 400 bighas from 300 bighas and provision accordingly has been made in the Bill by the Select Committee. In case of individual tenure-holders or tenants the limit has been raised from 100 to 150 bighas.

The decision of the Deputy Commissioner during the transitional period has been made appellable to the High Court in the exercise of Revenue Jurisdiction.

Another provision has been made that, "Provided that a raiyat having occupancy right under the Goalpara Tenancy Act, 1929 (as amended) or the Sylhet Tenancy Act, 1936 (as amended), or a raiyat who has held the land continuously as a raiyat for a period of not less than ten years prior to the date of notification under section 3 of this Act, shall have the status of a land-holder as defined in the Assam Land and Revenue Regulation, 1886".

This clause will remove the doubt that lingers in the mind of Maulavi Abul Kashem that tenants' rights have been taken away by this Bill. By this clause the landholder will be entitled to the land under his possession unless it is acquired for Government purposes which can only be done under the Land Acquisition Act. The rights of the under-raiyats has also been protected by the following proviso: "the under-raiyat shall have the status of an under-raiyat as defined under the Assam (Temporarily-settled Districts) Tenancy Act of 1935: provided that an under-raiyat who has already acquired a limited right of occupancy under section 41-A of the Goalpara Tenancy Act, 1929 (as amended), shall continue to have that right", *vide clause 9 (2) (iii)*.

Then another proviso has been substituted, under clause 9 (2) (V):—

"Provided that the limit of 150 bighas may be relaxed (i) in the case of a Co-operative Society formed either for the purpose of large-scale farming or consolidation of holdings, (ii) in the case of a family consisting of more than twenty members, or (iii) in the case of individuals taking up large-scale cultivation by mechanical appliances: provided further that the limit of 150 bighas shall apply again whenever such large-scale farming or cultivation ceases to exist, and the Government may, by notification, resume the excess on payment of compensation calculated on the basis of rent prevailing in similar lands in the neighbourhood with similar advantages, and such rent shall be included for assessment of the gross income under section 11 of this Act".

If any man cannot cultivate his own land the portion that remains fallow can be taken over by Government and such person will be entitled to compensation.

Provision has also been made to remove the erroneous impression that land held for special cultivation will be acquired under this Bill to the effect that the lease for special cultivation will continue as before under the Crown and the following new item (vi) has been added.

"Lands held for the purpose of special cultivation and the lease for such cultivation shall continue under the Crown under the same terms and conditions as existed before the vesting of such lands in the Crown till the termination of the existing lease: provided that any land held for the purpose of special cultivation by a proprietor or tenure-holder without any lease shall be offered for settlement with such proprietor or tenure-holder subject to payment of revenue at the rate prevailing for similar lands in the neighbourhood with similar advantages".

By this amendment the apprehension that the land-owners for tea industry will be deprived of their land has been removed.

Then for the purpose of liberalisation of payment of compensation the maximum cost of management has been reduced from 17½ per cent. to 15 per cent. Under the present amendment the minimum is fixed at 5 per cent. in place of 12½ per cent. in the original Bill. Accordingly a large number of slabs have been added. Where the gross income does not exceed Rs.2,500 the rate will be 5 per centum of such gross income and where the gross income exceeds Rs.20,000 the rate will be 15 per centum and so on. The expenditure on beneficial works has also been reduced considerably. It has been provided that where the gross income does not exceed Rs.2,500 there will be no deduction and where the gross income exceeds Rs.2,500 but does not exceed Rs.5,000, the rate is 2 per centum of such gross income. This has been provided in the present amendment to give relief to those with smaller income.

Another provision has been made by sub-clause (8) of clause 13, for such estates as are governed by law of primogeniture. A provision for appeal to the High Court as well as to the District Judge has been made against the decision of the Claims Officer. So, persons aggrieved by the decision of the Claims Officer will have opportunities of going up to the High Court for redress of their grievances.

Provision has been made for payment of compensation either wholly in cash or in bond or partly in cash or partly in bond. The form in which the compensation will be paid has been kept open so that rules may be framed in accordance to the law that is passed by the Constituent Assembly.

In view of the fact that all the Members of the Select Committee practically came to a unanimous decision on all important points and made necessary improvement not only to retain reasonable right of tenants, under-tenants and intermediaries but also tried their utmost to do justice to all interests affected by this Bill, I hope the hon. Members will unanimously pass this Bill in this Session of the House so that the much needed agricultural reform can be taken in hand as early as possible.

The Hon'ble the SPEAKER: Motion moved: "That the Assam State Acquisition of Zamindaris Bill, 1948, as reported by the Select Committee, be taken into consideration".

Maulavi MUHAMMAD ABUL KASHEM: Mr. Speaker, Sir, I had no intention of taking part in this discussion, as I was a member of the Select Committee, but unfortunately as there was none from my District to speak anything from this side of the House I want to say something on behalf of the tenants of my District.

My Hon'ble Friend, the Revenue Minister, has mentioned that I had some erroneous idea and that is why I have raised this note of dissent. I am very sorry, Sir, that he could make such a remark. I hold land both in the temporarily settled areas and in the permanently settled areas and as such I know the difficulties of the tenants.

The Hon'ble Srijut BISHNURAM MEDHI: Is there, Sir, any temporarily-settled land in the District of Garo Hills?

Maulavi MUHAMMAD ABUL KASHEM: Yes, Sir, there is.

The Hon'ble Srijut BISHNURAM MEDHI: But that is quite different.

Maulavi MD. ABUL KASHEM: In our area one who possesses land shall not be deprived of his land. But here in this Bill provision has been made for giving him periodic patta for those who have been keeping land for ten years. But those who have purchased or acquired or reclaimed land afterwards will be deprived of it. Moreover, even the tenants who will be periodic patta-holders, whether they pay revenue to the Zamindars or to the tenure-holders, are too anxious to retain the present right of tenancy. Sir, ours is a District, the people of which are too poor and find it difficult to pay rent in time and inspite of that they do not feel much hardship in the matter of recovery of revenue by the landlords. But when they would come under the proposed Act their land revenue will be realised direct by Government in which they would find much hardship when they would fail to pay the same in time.

In regard to mutation in other districts not only of annual patta lands but also of periodic patta lands there are some difficulties. But in our District it is not so. The successors of the land can enjoy any land even without changing the owners name. But this privilege is going to be affected by the present Bill.

I may be wrong in saying that the people of the Goalpara District are going to lose their rights by the introduction of this Bill, but all the associations and organisations who came on behalf of the tenants and others to give evidence before the Select Committee, were not so. The Dhubri District Congress, Goalpara District Association, South Salmara Jotdar Proja Association, Chapar Proja Sava, Bahalpur Tenants Association, Parbatjoar Proja Sava, Jamadarhat Proja Association, North Salmara Proja Sammilon, Chunarri Krishak Samiti, etc., emphatically demanded for retention of all the rights of the tenants under the Goalpara Tenancy Act. Had it been a good measure then they would have certainly congratulated the Hon'ble Revenue Minister for giving them the opportunity to have that right under the Assam land and Revenue Regulation,—they wanted rather to retain their rights under the Goalpara Tenancy Act. I maintain Sir, that the rights of the tenants have been curtailed and I will be doing a great wrong if I do not say that injustice has been done to the tenants of Goalpara. They are now thrown into the mercy of the executive because they have very few members to represent their case here in the Assembly and thus an injustice has been done to them. Even if all hon. Members of the Treasury Bench who come from Goalpara search their hearts in a right spirit they will feel pain in their hearts for such a Bill, but only because of party discipline they would not say so and would rather allow the tenants to suffer. The question of abolition of the Zamindari system, Sir, was in the interest of the tenants and it is but natural that the people of the soil should expect more rights from the Government than from the Zamindar, but now at this stage that right is curtailed by the Government who claimed to represent the people. It is no wonder that the people would have lesser faith in the Government. So I would request all hon. Members of this House to consider the representations submitted by different organisations from the Goalpara district to see and verify the few points expressed by them and by going through those representations the hon. Members would fully realise the situation. I think it should not be difficult on the part of the Government to send spare copies to all the hon. Members so that they may go through them and find for themselves if there are some reasonable grounds for amendment because without going through them they will not be in a position to see and judge whether the Hon'ble Revenue Minister is right or I am right. So I would appeal to the Government as well as the hon. Members.....

The Hon'ble Srijut BISHNURAM MEDHI: On a point of information, Sir. Has not all hon. Members of the House got copy of this Bill long ago?
(Voices—yes, yes).

Maulavi MUHAMMAD ABUL KASHEM: No, Sir, I mean copies of the representations submitted by different organisations to the Select Committee. I request that the substance of those representations be circulated to all hon. Members so that they will be in a position to understand the situation.

Srijut GAURI KANTA TALUKDAR: On a point of information, Sir, Will the hon. Member tell us whether those representations were placed before the Select Committee?

Maulavi MUHAMMAD ABUL KASHEM: Yes, Sir. But my point is that the Select Committee consists only of a few Members of the House. I want that all Members of the Assembly.....

Srijut SARAT CHANDRA SINHA: Does he want a bigger Select Committee?

Maulavi MUHAMMAD ABUL KASHEM: It is not a question of a Select Committee, but I want that all Members of the House should be acquainted with those representations so that they may be in a position to realise the injustice done to the tenants of Goalpara.

Srijut GAURI KANTA TALUKDAR: The hon. Member may move an amendment before the House for consideration whether the tenants are really hard hit.

Maulavi MUHAMMAD ABUL KASHEM: The difficulty is that unless the hon. Members are acquainted with what has been said by the people of Goalpara, my amendment will not be accepted; but if they realise that such and such amendments are reasonable and that I have actually expressed the views of the people, then they will be in a position to accept my amendment. That is why I want that all hon. Members should be in the know of things.

Srijut SARAT CHANDRA SINHA: মাননীয় সভাপতি মহোদয়, মৌলভী আবুল কাচেম চাহাবে যি কেইটা প্ৰশ্ন তুলিছে সেই প্ৰশ্ন কেইটা কিয় যে তেখেতে সেইদৰে তুলিছে মই বুজিব পৰা নাই। প্ৰথমতে খাজানা আদায় সম্বন্ধে তেখেতে কৈছে যে দুখীয়া ৰায়তে বছৰে বছৰে খাজানা দিব নোৱাৰে; জমিদাৰৰ তলত থাকিলে তিনি বছৰলৈকে খাজানা নিদিয়াতকৈ থাকিব পাৰে—সেই কাৰণে তেখেতৰ মতে সেই অৱস্থাটোৱেই ভাল। মই কওঁ যে, যি বিলাক ৰায়তে বছৰি খাজানা শোধ কৰিব নোৱাৰি তিনি বছৰ খাজানা একেলগে দিবলৈ বাট চাই থাকে, তেওঁলোকে একেলগে বছৰত টকা খাজানা দিব লগা হোৱাত—দিব নোৱাৰাৰ ফলত নিজৰ ভেটি মাটিৰ পৰা উচ্ছন্ন যাব লগীয়া হৈছে। তেখেতে যি বিলাক প্ৰজাসভাৰ কথা উল্লেখ কৰিছে সেই প্ৰজাসভাবিলাকৰ কোনো গঠনতন্ত্ৰ আছেনে? তেখেতে জানেনে সেই প্ৰজাসভাবিলাক কেতিয়া স্থাপিত হৈছিল? যেতিয়া জমিদাৰী বাস্তৱিকৰণ বিল এই ব্যৱস্থা পৰিষদত উত্থাপন কৰা হয়, তাৰ লগে লগে জমিদাৰ সকলে আৰু প্ৰতিক্ৰিয়াশীল দলবিলাকে লগ লাগি গোটেই খন জিলাতে তুমুল আন্দোলন চলায় যাতে জমিদাৰী পুখা উঠি যাব নোৱাৰে। সেই সময়তেই এই প্ৰজাসভা বিলাক গঠিত হয়। এই প্ৰজাসভা বিলাকৰ কোনো স্থায়িত্ব নাই আৰু আগেয়ে আমি কেতিয়াও এই প্ৰজাসভাবিলাকৰ কথা শুনাও নাই। কিন্তু জমিদাৰী বাস্তৱিকৰণ বিল ব্যৱস্থা পৰিষদত উত্থাপন কৰাৰ লগে লগে এই বিলাক সভাৰ সৃষ্টি হল আৰু এই সভাবিলাক জমিদাৰৰ সৃষ্টি—জমিদাৰ বা জমিদাৰৰ ভেৰণীয়া মানুহৰ সৃষ্টি আৰু তেওঁলোকৰ দ্বাৰাই এই বিলাকক ৰায়তৰ representative বুলি আখ্যা দিয়া হৈছে। Select Committee ৰ আগত যি সকলে আহি কথা কৈছিল তেওঁবিলাকৰ ভিতৰতো বেচিভাগ জমিদাৰৰ মানুহেই আছিল ইয়াতে মই

এটা উদাহৰণৰ উল্লেখ কৰিব খোজে। ধুবুৰীৰ পৰা এটা পক্ষ বোধ হয় গোৱালপাৰা district association এই হব, আহি গোৱালপাৰা জিলাৰ ৰায়তক represent কৰা বুলি কৈছিল। মাননীয় ৰাজহ মন্ত্ৰী ডাঙৰীয়াই যেতিয়া শুধিলে যে তেওঁলোকৰ মাজত পৃথক পৃথক খেতিকা—নাঙলৰ মুঠিত ধৰি খেতিকা মানুহ আছে, তেওঁলোকে উত্তৰ দিলে “হয়, দুজন আছে” আৰু তেওঁলোকে দুজনক দেখুৱাই দিলে। কিন্তু দুৰ্ভাগ্যবশতঃ সেই মানুহ দুজনক শিকনি দিব পৰা নাছিল। সেই কাৰণে মাননীয় ৰাজহ মন্ত্ৰীয়ে যেতিয়া শুধিলে— “আপোনোলোকৰ খেতিকা মাটি কিমান আছে?”, তেতিয়া এজনে কলে যে তেওঁৰ ৩,০০০ বিঘা আৰু আন এজনে কলে যে তেওঁৰ ২,০০০ বিঘা মাটি আছে। এনে বিলাক মানুহ লৈয়েই তেওঁলোকে ৰায়তক represent কৰাৰ দাবি কৰিছিল। এইটো কেনেকুৱা কথা আপোনালোকে ভাবি চাওক।

Mutation সহজে তেখেতে যি কথা কৈছে সেই কথাটো পূজাৰ পক্ষে কিমান ক্ষতি-কৰ তাক বোধকৰে। তেখেতৰ নিজৰ ‘জোত’ থকাৰ কাৰণে তেখেতে বুজা নাই। কিন্তু পৃথক যি খেতিয়ক তেওঁবিলাকে বুজিছে যে জমিদাৰী পুখাৰ তলত থকাত আজি খাৰিজ দাখিল সহজে তেওঁবিলাকে কোনো বকম সুব্যৱস্থা পোৱা নায়। একেখিনি মাটিৰ ওপৰত জমিদাৰে double আৰু triple settlement দিয়া উদাহৰণ বিৰল নহয়। তাৰ কাৰণে court ত মোকদ্দমা চলিয়েই আছে: তাৰ উপৰিও তাৰ নিমিত্তে খুন-খাৰাপি পর্যন্ত হৈ গৈছে। জমিদাৰৰ তলত যি বিলাক ৰায়ত আছে সেইবিলাক ৰায়তৰ সহজে পৃথকপক্ষে অনুসন্ধান কৰিলে এই বিলাক কথা ভালকৈ জানিব পাৰিব। Temporary settled district act যেতিয়া চলিব তেতিয়া এনে বিলাক কথা কেতিয়াও হব নোৱাৰিব। তেখেতে কৈছে যে তেখেতৰ নিজৰ নামতেই হওক বা পূৰ্বপুৰুষৰ কাৰো নামতেই হওক তেখেতে মাটি ভোগ দখল কৰিব পাৰিছে। খাৰিজ দাখিল কৰাৰ প্ৰয়োজন হোৱা নাই কিন্তু কেনেকুৱা ভোগ দখল কৰা হৈছে? কিছুমান ক্ষেত্ৰত যাৰ জোৰ আছে তেৱেঁইহে ভোগ দখল কৰিব পাৰিছে। আজি জমিদাৰী এলাকাত কিছুমান ক্ষেত্ৰত ৰায়তে তেওঁবিলাকৰ মাটি নিশ্চিত ভাবে চিহ্নিত কৰি দেখুৱাই দিব নোৱাৰে। মই এনেকুৱা বহুত case জানো য’ত জমিদাৰৰ বিভিন্ন Surveyor এ ৰায়তক বিভিন্ন ঠাইত মাটি দেখুৱাই দিছে। তাৰ ফলত ৰায়ত সকলৰ মাজত যথেষ্ট মামলা-মোকদ্দমা হৈছে আৰু সেই মামলা-মোকদ্দমা কৰি তেওঁবিলাক দুখীয়া হৈ যাবলৈ ধৰিছে। এই বিলাক কথা বিশেষ ভাবে বিবেচনা কৰি চালে ডাঠি কব পৰা যায় যে আমাৰ জমিদাৰী ৰাষ্ট্ৰীয়কৰণৰ যি আইন প্ৰণয়ন হব এই আইনৰ পৰা গোৱালপাৰা জিলাৰ ৰায়তৰ যথেষ্ট বকমে উপকাৰ হব। মোঃ আবুল কাচেম চাহাবে কৈছে যে এই আইনৰ দ্বাৰা পূজাসাধাৰণৰ স্বার্থ ব্যাহত হব, কিন্তু তেখেতে সেইটো কোনো বকম উদাহৰণ দি দেখুৱাব পৰা নাই। তেখেতে কৈছে যে যি বিলাক সদস্য গোৱালপাৰা জিলাৰ পৰা আহিছে, Party discipline ৰ কাৰণে হয়তো তেওঁবিলাকে মুখ খুলি একো কব পৰা নাই। মই খেতিয়কতকৈয়ো খেতিয়ক—মই কৈছোঁইয়াত Party discipline ৰ কথা হোৱা নাই। মই অন্তৰৰে সৈতে অনুভৱ কৰিছোঁ যে সচাকৈয়ে যেতিয়া-লৈকে জমিদাৰী পুখা থাকিব তেতিয়ালৈকে কেতিয়াও গোৱালপাৰা জিলাৰ উন্নতি নহব। আজি গোৱালপাৰা জিলা পিচপৰা—ইয়াৰ কাৰণ জমিদাৰ। তেওঁবিলাকৰ ভিতৰত জাতীয়তা বোধৰ অভাৱ পৰিলক্ষিত হৈছে। এই কথাটো তেওঁবিলাকৰ বৰ্তমান কিছুমান কাৰ্যকলাপ পৰীক্ষা কৰি চালেই বুজিব পাৰি। তেওঁবিলাকে দেখিছে যে Estate বিলাক তেওঁবিলাকৰ হাতত নাথাকিব সেই কাৰণে তেওঁবিলাকে ফৰেষ্টৰ কাঠ কাটি খাস্তাং কৰিলেই।

যি বিলাক কাঠ কোনো ভাল কামত ব্যৱহাৰ কৰিব নোৱাৰে সেই বিলাকো কাটি খৰি হিচাপে বজাৰত বেচিছে। এনেকুৱা মনোবৃত্তি লৈ জমিদাৰে যি জমিদাৰী চলাইছে, তাত পূজাই কেতিয়াও সুখ শান্তিৰে থাকিব নোৱাৰে। তেখেতে কেইখনমান পূজা সভাৰ নাম উল্লেখ কৰিছে। কিন্তু বিভিন্ন ঠাইৰ পূজাসকলে এই জমিদাৰী পুখা যে উঠি যাব লাগে তাৰ কাৰণে আজি নহয় আজি কেই বছৰ মানৰ পৰাই আন্দোলন কৰি আহিছে। এই আন্দোলনৰ ফলত গৱৰ্ণমেন্টে

যেনে বকম ব্যৱস্থা হাতত লৈছে তাৰ কাৰণে মই মোৰ নিজৰ পক্ষৰ পৰা নহয়, যি খেতিয়ক সকলৰ মই প্ৰতিনিধিত্ব কৰোঁ, সেই খেতিয়ক প্ৰজা সকলৰ পক্ষৰ পৰা মই গৱৰ্ণমেন্টৰ শ্লাগ লৈছোঁ।

পক্ষান্তৰে, মৌ: আবুল কাছেম চাহাবৰ কথা যিনি যুক্তিহীন বুলি ভাবোঁ।

Srijut HARESWAR DAS (Parliamentary Secretary): Mr. Speaker, Sir, the Hon. Mr. Kashem has thrown a challenge—he has charged the hon. Members from Goalpara that they think in one way and act in another way. My point is to deal with the objections in his Minute of Dissent. In fact from the day that he submitted that Note of Dissent I have very carefully thought over the points raised by him. Actually in his Note of Dissent he has not dealt specifically with anything in the Bill. He has simply said that the Select Committee Report has curtailed the rights of the tenants which they enjoy under the Goalpara Tenancy Act, but how those rights were curtailed he has not dealt with it.

I shall deal more specifically and more elaborately as I am a man from Goalpara and I know something of the Goalpara Tenancy Act. This Bill, the Assam State Acquisition of Zamindaris Bill, wants to bring all the raiyats under the Assam Land and Revenue Regulation. I know something of the Land and Revenue Regulation also; so I want to discuss in details this matter. Now, if we inquire into this point, *viz.*, the rights of the raiyats, it will be found that the principal right of a tenant over the land can be divided into two categories—his right of use and of occupancy. This right of use and occupancy again consist of three main elements, namely, permanency, the right of heritability and the right of transfer. These are the three main elements which the raiyats enjoy under the Goalpara Tenancy Act. This right of use and occupancy is retained under the Bill, the land should be transferable, heritable and should be made permanent. Now the landlord enjoys that right under the Land and Revenue Regulation and also he enjoys the occupancy right under the Goalpara Tenancy Act. So I would ask my Friend, the Maulavi Saheb, in what way these rights of the raiyats have been taken away by the Select Committee Report.

It may be mentioned here that of these three elements, *viz.*, permanency, heritability and transferability—it has been seen that unrestricted transferability and heritability have done more injury to the raiyats than good. They have led to fragmentation and creation of uneconomic holdings and consequently caused increase in cost of production and rural indebtedness. The latter again have led to the loss of those very holdings with those valued rights which are enjoyed by the raiyats. Unrestricted transfer of holdings has contributed to the increase in cost of production and has driven the poor raiyats into the hands of moneylenders. How to prevent this increased cost in production, rural indebtedness and increase of landless population among our cultivators is the main problem which those in charge of agrarian reforms are trying hard to solve. A comprehensive legislation about agrarian reform has become the crying need of the hour. But no such legislation and no remedy are possible unless all raiyats are brought under direct control of Government and those rights restricted.

We may discuss here some of the provisions of the Goalpara Tenancy Act and see how they are better than those rights enjoyed by the tenants under the Temporarily-settled areas.

The amended section 83 of the Goalpara Tenancy Act makes the right of the tenant on land lost by diluvion subsist for 20 years from the date of diluvion. This right seems to be illusory. The poor raiyat, who is thus rendered landless cannot wait for 20 years for reformation of the land. This calamity generally happens in the riverine areas, mostly inhabited by immigrants. In Goalpara

there are Jotedars who possess land from 500 to 2,000 bighas. What the raiyat, thus rendered landless, usually does, is to shift elsewhere, in search for land. There is no provision in the Goalpara Tenancy Act to provide him with land. This provision benefits the rich Jotedars and not the poor raiyats. The resolution accepted in July 1945, does not apply to the permanently-settled areas and the settlement policy of the Government is vague and only in the temporarily-settled areas the resolution of July 1945 provides for allotment of land not exceeding 30 bighas to such raiyats. Then again the amended section 20 of the Goalpara Tenancy Act provides transfer of occupancy rights and confer right of mutation. As regards transfer, section 9 of the Assam Land and Revenue Regulation makes landholder's right of use and occupancy transferable. But to control unrestricted transfer there are certain provisions in the executive instructions for the benefit of the raiyats controlling transfer of certain type of land to non-agriculturists. This is a salutary provision. Even Goalpara Tenancy Act (section 25) controls transfer by usufructuary mortgage.

Then my Friend raised another point in his Note of Dissent and possibly he referred to these two points—that is with regard to mutation. As regards mutation the Goalpara Tenancy Act has created more complications. I would like to say that when a part or share of a holding is transferred, the landlord mutates the name of the transferee along with the name of the transferor. Section 76 prevents division of tenancy without consent of all parties. If the landlord does not give his consent the transferee has got no alternative but to go to Civil Court and spend large amount of money or pay the rent of the portion he did not purchase.....

Maulavi MUHAMMAD ABUL KASHEM: That was sufficient for barring the transfer.

Srijut HARESWAR DAS (Parliamentary Secretary): Then another point is raised by my Friend which is very illusory. As regards right to trees the Assam Land and Revenue Regulation already conferred what the amended section 84 of the Goalpara Tenancy Act now confers. Section 95A provides suspension of enhancement of rent for 10 years from 1st July 1943 (date of commencement of the amended Act). This period expires by 1st July 1953. No comment is necessary. (Maulavi Abul Kashem—The grounds are there).

Then, Sir, I shall deal with sections 30, 31 and 32 limiting the enhancement of rent to $\frac{3}{16}$ of the previous rent and fix 15 years as the period of interval between two enhancements. $\frac{3}{16}$ means $18\frac{3}{4}$ per cent., *i. e.*, $37\frac{1}{2}$ per cent. in 30 years. Under the Assam Land and Revenue Reassessment Act the total revenue assessed on an assessment group is not to exceed 10 per cent. of the gross produce of the group, the term not to be less than 30 years and the incidence of revenue is not to exceed 24 per cent. of the incidence immediately before settlement. The principle governing assessment under the latter Act is more scientific. The Floud Commission, in paragraphs 86-88 of their report remark—"Rent in Police Station areas is not paid on any scientific principle and have no relation to the quality of the land or value of its produce."

In some areas the rate may be low, but owing to subletting and free right of transfer (I am quoting from Floud Commission's Report) the actual cultivators are being converted in an increasing extent to Bargadars and agricultural labourers losing their hereditary and permanent rights. The Zamindar has got to realise rent through the dilatory and expensive processes of the Civil Court. Rent therefore is allowed to accumulate, which swells into big sums, beyond the capacity of the raiyat to pay. The result is that there are frequent sales of holding-lands accumulating in the hands of speculators and raiyats

losing their permanent and hereditary occupancy rights." Some members of the Floud Commission maintain that unless the permanent settlement system is changed there will be a complete breakdown of the whole system. So, it will appear that what are generally stated to be better rights under the Goalpara Tenancy Act are really detrimental to the interest of the raiyats. It should be borne in mind that the principles governing the two Acts are different. The Goalpara Tenancy Act aims at protecting the raiyat from the clutches of the Zamindar. The rent or its increment goes to swell the coffers of a private individual. The raiyat derives no benefit from it; it impoverishes him, while the Assam Land Revenue Reassessment Act aims at regulating the relation of the raiyat with the Government. The revenue or its increment returns to him in the shape of beneficial works done by Government and enriches him. On the other hand, executive instruction rules 104, 107 and 113 of the Assam Land and Revenue Regulation (these provisions are not to be found in the Goalpara Tenancy Act) make provision for suspension and remission of revenue in case of hardship due to local calamity or even to private calamities like fire, sickness and loss of cattle. The Goalpara Tenancy Act contains no such provisions. In another respect the Select Committee's report confers better rights on cultivators, inasmuch as it confers occupancy right on 10 years' possession, whereas the Goalpara Tenancy Act requires 12 years. Under the circumstances it will be incorrect to say that the Committee curtailed the rights and interests of tenants which they enjoy under the Goalpara Tenancy Act.

(At this stage the clock struck 3-30 p.m.)

The Hon'ble the SPEAKER: Order, order. We shall continue the debate tomorrow. Before we adjourn I have an announcement to make.

Notices of amendments for the Assam Finance Bill, the Assam Local Board Election (Emergency Provisions) Bill and the Assam Sales Tax (Amendment) Bill, 1949, should be submitted to the Assembly office before 2 p. m. on 14th March, 1949. Notices of further amendments to the Amendments on the Assam Motor Vehicles Rules, 1940, should also be submitted before 2 p. m. on 26th March, 1949.

Adjournment

The Assembly was then adjourned till 10 a. m. on Saturday, the 12th March, 1949.

SHILLONG:
The 30th April, 1949.

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

