

Proceedings of the Third Session of the Assam Legislative Assembly assembled after the Second 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 30th April, 1958.

PRESENT

Shri Dev Kanta Borooah, B.A., LL.B., Speaker in the Chair, the Nine Ministers, the Two Deputy Ministers and Eighty-two Members.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answer were given)

Erosion of Padam Gaon, etc., in Dibrugarh Subdivision by the Brahmaputra

Shri DEVENDRA NATH HAZARIKA (Saikhowa)
asked :

*219. Will the Minister-in-charge of Revenue be pleased to state—

- (a) Whether it is a fact that Padam Gaon, Mesai Gaon, Tengabari Gaon, Mekhela Herua Gaon and Borahi Gaon in Lahoal Mouza in Dibrugarh Subdivision have been eroded by the Brahmaputra since after the Great Earthquake of 1950 ?
- (b) Whether Government are aware that the people of these villages are now living in temporary shelters in the neighbourhood of those eroded villages ?
- (c) The number of uprooted families and total number of persons in those families ?

- (d) Whether it is a fact that most of these people belong to Miri Community ?
- (e) Whether Government are aware that they need immediate rehabilitation ?
- (f) Whether it is a fact that these people could be easily rehabilitated in Murkongselleck Transferred Area ?
- (g) Whether Government propose to rehabilitate them in that Transferred Area as early as possible ?
- (h) If not, whether Government have any alternative scheme to rehabilitate these people ?

Shri HARESWAR DAS (Minister, Revenue) replied :

219. (a)—Yes.

(b)—Government have no such information. But the erosion affected families were rehabilitated in the requisitioned lands of Nagaghuli and Oakland tea estates which are again being eroded.

(c)—150 families with a total population of 750 heads.

(d)—Only 37 families belong to Miri Community.

(e)—Yes.

(f)—The people do not like to go to Murkongselleck area as they find the land not suitable for cultivation.

(g)—Government have no objection if the people go there.

(h)—A proposal to rehabilitate these people in Dibru Forest Reserve is under consideration.

Shri DEVENDRA NATH HAZARIKA (Saikhowa) :
Whether Government know that cultivable land is available in the Murkongselleck area and whether Government may propose to take headmen of the Miri villages to Murkongselleck area to make them familiar with the area so that they can be persuaded to take land there ?

Shri HARESWAR DAS (Minister, Revenue): That is not possible for the Government but if the Member persuades them to go there Government will have no objections to give them land.

Shri DEVENDRA NATH HAZARIKA (Saikhowa): Whether Government propose to provide land to non-tribal erosion affected people there ?

Shri HARESWAR DAS: That is the general policy of the Government to provide land to erosion affected people.

Shri MOHI KANTA DAS (Barchella): Whether these people were granted loans for rehabilitating themselves ?

Shri HARESWAR DAS: No, only when alternate land is available for them rehabilitation is given.

Shri BHUBAN CHANDRA PRADHANI (Golakganj): May I know whether Government have any definite scheme to rehabilitate the deserving persons of the State in time of necessity ?

Shri HARESWAR DAS: When land is available a scheme is formulated but when it is not available it is difficult to formulate a scheme.

Shri DEVENDRA NATH HAZARIKA: Whether the Minister in-charge know rehabilitation of these people are outstanding for the last 5 or 6 years ?

Shri HARESWAR DAS: That we feel, Sir.

Employees of the Government of Assam deputed to North-East Frontier Agency

Shri NARENDRA NATH SARMA (Dergaon) asked:

*220. (a) Will the Chief Minister be pleased to state the total number of Officers of State Government deputed to work in North-East Frontier Agency Services ?

(b) Will the Government be pleased to state the step taken, if any, in safeguarding the interest of the Officers of the State deputed to work in North-East Frontier Agency ?

Shri BIMALA PRASAD CHALIHA (Chief Minister) replied :

220. (a)—The total number of Assam Government employees deputed to serve in North-East Frontier Agency so far is—

(i) Officers (including non-Gazetted Officers).	18
(ii) Ministerial Officers	16
(iii) Grade IV Employees (Office Peons, Jamadars, Interpreters).	10
Total	44

Out of them one non-Gazetted Officer and three Ministerial Officers have since been permanently absorbed in North-East Frontier Agency and the rest are still on deputation.

(b)—The Officers deputed for service in North-East Frontier Agency retain their lien in the parent offices till they are confirmed in North-East Frontier Agency and this affords them full protection in respect of pay, promotion, etc., under the State Government. While they are in North-East Frontier Agency, their pay, promotion, etc., are regulated by the Rules of the North-East Frontier Agency Administration, but the officers can revert to their parent offices at any time if they feel any inconvenience.

Shri NARENDRA NATH SARMA (Dergaon): Whether it is a fact that cases of Assamese officers deputed by Assam Government are not considered by the N.E.F.A. at the time of promotion ?

Shri BIMALA PRASAD CHALIHA :
I do not think so.

Shri MOHI KANTA DAS (Barchalla): Is it a fact that some of these officers had to leave their services in the N.E.F.A. because of certain hostile attitude taken by the authorities there ?

Shri BIMALA PRASAD CHALIHA: This is a vague question. I do not think that there could be any hostile attitude of the N. E. F. A. authorities. If the hon. Member can refer to any specific case, we will look into it.

Shri NARENDRA NATH SARMA (Dergaon): Whether Government is aware that highly educated and experienced officers in N.E.F.A. deputed by the Assam Government had to leave their services in N.E.F.A. giving resignations due to the fact that their seniority was not considered at the time of promotion? Will the Chief Minister be pleased to state the names of these officers?

Shri BIMALA PRASAD CHALIHA (Chief Minister): If the hon. Member can mention any specific case then it can be replied.

Shri NARENDRA NATH SARMA: Whether Government is aware that Shrimati Indira Miri, Shri Jogen-dra Nath Saikia and Shri Ram Prasad Khound of the Education Department of N.E.F.A. returned to Assam due to non-recognition of their cases of their seniority at the time of promotion?

Shri BIMALA PRASAD CHALIHA: So far as the names mentioned, in respect of one case I know the reasons for which promotion was denied. For the other two cases, I will have to obtain information.

Shri CHATRA SING TERON [Mikir Hills-West (Reserved for Scheduled Tribes)]: Whether the Government is aware that it is the policy of the N. E. F. A. Administration to minimise the number of officers either deputed from the State Government or from among the indigenous people?

Mr. SPEAKER: I do not think that could be admissible in this question. How can the Government of Assam reply in respect of certain policy of the N.E.F.A. Administration? The House has got hardly any jurisdiction over N.E.F.A. The House may take into consideration the cases of those officers only who returned to Assam leaving their services in N.E.F.A.

Shri CHATRASING TERON: I am not discussing a policy of the N. E. F. A. Administration, but I am asking the Government whether the Government is aware of the policy followed by the N.E.F.A. Administration in this respect?

Shri BIMALA PRASAD CHALIHA: In course of my reply to another question in this House the other day, I submitted figures and showed that the percentage of service held by officers of this State in N.E.F.A. and the percentage was high.

Shri MOHI KANTA DAS (Barchalla): Will the Government be pleased to state the number of officers deputed to N.E.F.A. who had to come back to their parent Department ?

Shri BIMALA PRASAD CHALIHA (Chief Minister): I want notice for that question.

Shri RAM NATH SARMA (Lumding): May I know what is the number of officers deputed by the Assam Government and what number has returned ?

Shri BIMALA PRASAD CHALIHA: I require notice for that. The list I have shown contains only the number of officers who have been deputed there.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Housing Loan in Goalpara District

Shri BHUBAN CHANDRA PRADHANI (Golakganj) asked :

710. Will the Minister-in-charge of Town and Country Planning be pleased to state—

- (a) How many applications have been received by Government for house-loans in the district of Goalpara ?
- (b) Whether it is a fact that no house loans have been sanctioned for Goalpara district ?
- (c) If so, why ?
- (d) Whether Government admits the right of ownership of the applicants for housing loan ?
- (e) If so, why house loans are not granted to the applicants ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Town and Country Planning) replied :

710. (a)—Upto date 75 loan applications under the Low-Income Group Housing Scheme have been received in the Directorate of Housing from Goalpara district.

(b)—No. 27 loans for a total sum of Rs.1,30,250 have so far been sanctioned in Goalpara District.

(c)—Does not arise.

(d)—An applicant for housing loan must have title and possession over the land offered as security either as proprietor or land holder or he must have occupancy rights over the land.

(e)—Does not arise.

Shri BHUBAN CHANDRA PRADHANI (Golakganj) : Will Government enquire into the fact that the title for land admitted by Goalpara Tenancy. Act has been dishonoured by Government and loans have been refused ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Town and Country Planning) : We do not dishonour any title. If we find that the title is enough then we accept it.

Shri MOHANANDA BORA (North-Lakhimpur) : Do Government admit that the rate of interest on this loan is high enough for people of the low income group ?

Shri KAMAKHYA PRASAD TRIPATHI : We are rather handicapped in this matter. This is Government of India's money which we get as loan. The interest becomes high because of the transfer from the Government of India to us and then to the loanee.

Shri MOHI KANTA DAS (Barchalla) : Out of 75 loan applications, only 27 loans have so far been sanctioned in Goalpara District. What has happened to other applicants ? (Laughter).

Occupancy Transferable and Heritable Right over Land in Gauripur and Kokrajhar in Goalpara District

Shri BHUBAN CHANDRA PRADHANI (Golakganj) asked :

711. Will the Minister-in-charge of Town and Country Planning be pleased to state—

(a) Whether it is a fact that some applicants from urban areas, like Gauripur, Kokrajhar in the district of Goalpara have lately been refused payment of house loans ?

(b) Whether it is a fact that the Director of Housing rejected the applications on the ground that applicants had no occupancy, transferable and heritable right on their land in urban areas though they are in possession of the same lands for more than 12 (twelve) years ?

(c) Whether Government are aware that mutation have been granted in the name of the applicants and their right of sale is also admissible in courts and section 5 (1) of Assam non-Agricultural Urban Areas Tenancy Act, 1953 ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Town and Country Planning) replied :

711. (a)—Payment of loan to only 7 applicants of urban areas in Goalpara district is held up pending confirmation that these applicants possess permanent, transferable and heritable right of occupancy over the land offered as security.

(b)—None of the 7 cases mentioned above has yet been rejected by the Director of Housing.

(c)—Mutations have been granted but that alone is not sufficient to indicate what rights the tenants acquire thereby. The Assam Non-Agricultural Urban Areas Tenancy Act does not create or confer any right of sale. Section 5 (1) of the Act merely gives protection against eviction in certain cases.

Shri BHUBAN CHANDRA PRADHANI (Golakganj):

When these applicants have been received and what is the number ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister, Town and Country Planning): I do not have the figure with me.

Shri BHUBAN CHANDRA PRADHANI: When a person cannot be evicted, whether he is entitled to permanent occupancy right or not ?

Shri KAMAKHYA PRASAD TRIPATHI: It does not give him right to sell and unless there is right to sell, obviously it is not worth while so far as the Department is concerned. Therefore it may be good enough for the individual but so far as the loan is concerned it is not enough.

Necessary qualification for the Class I Posts in the Department of Statistics

Shrimati KOMOL KUMARI BARUA (Katonigaon)

asked :

712. Will the Minister-in-charge of Statistics be pleased to state—

- (a) The minimum educational qualification necessary for the Class I posts in the Department of Statistics ?
- (b) Whether such posts are filled up by promotion or by recruitment from outside through advertisement ?
- (c) What is the procedure followed in filling up by promotion within the Department ?
- (d) Whether senior, experienced and permanent men are given chance ?
- (e) Whether it is a fact that the Department of Statistics has recommended one junior and temporary Investigator for appointment as a Research Officer, which is a Class I post ?

(f) Whether Government feel that such Class I posts should be filled up by proper advertisement so that men with higher qualifications may take the chance ?

Shri KAMAKHYA PRASAD TRIPATHI (Minister of Statistics) replied :

712. (a)—Second Class Masters' degree in Statistics, Mathematics, Economics or Commerce.

(b)—By promotion as well as by direct recruitment through advertisement by the Assam Public Service Commission.

(c)—By selection in consultation with the Assam Public Service Commission on the basis of seniority *cum* merit.

(d)—Yes.

(e)—No. It has been decided to fill up the posts by advertisement through Assam Public Service Commission.

(f)—Since these are technical posts requiring some experience it may sometimes be necessary to fill up some of the posts by promotion from Class II posts of the Department. Moreover, it is necessary to give the deserving officers of Class II, some scope to rise higher as otherwise their prospect will be very limited and consequently efficiency may suffer. Therefore, some Class I posts may be required to be filled up by promotion when the procedure of advertisement is not resorted to.

Shrimati KOMOL KUMARI BARUA (Katonigaon) : Is it a fact that two officers of the Department tendered resignation ?

Shri KAMAKHYA PRASAD TRIPATHI: I am not aware of the resignation.

Shrimati KOMOL KUMARI BARUA: Will Government kindly enquire about the matter ?

Shri KAMAKHYA PRASAD TRIPATHI: I am not aware of it. Certainly I would enquire if any suggestion is made that somebody has resigned.

Shrimati KOMOL KUMARI BARUA (Katonigaon) :

Is it a fact that some posts are lying vacant in the department from a long time ?

Shri KAMAKHAYA PRASAD TRIPATHI (Minister, Statistics) : There are some vacancies for which we are going to advertise.

Shri MOHI KANTA DAS (Barchalla) : When the officers resigned whether the Minister has to be informed ?

Diara-Populbari Road in the subdivision of Dhubri

Maulavi KOBAD HUSSAIN AHMED (Mankachar) asked :

713. Will the Minister-in-charge of Public Works Department be pleased to state—

- (a) When was the Diara-Populbari Road in the Subdivision of Dhubri taken up for construction ?
- (b) What is the length of the road ?
- (c) Whether it is a fact that the construction of the said road has not yet been completed.
- (d) If so, why ?

Shri DEBESWAR SARMAH [Minister, Public Works Department (Roads and Buildings Wing)] replied :

713. (a)—Diara-Populbari Road 5th to 7th mile was taken up in 1953 and 3rd and 4th mile was taken up in 1955.

(b)—7 Miles.

(c) & (d)—The length taken up as stated in (a) above have been completed except some bridges. First 2 miles and the bridges and culverts between mile 3rd to 7th could not be constructed for want of fund. However the proposal will be placed at the next Assam Road Communication Board's meeting for consideration.

Shri BHUBAN CHANDRA PRADHANI (Golakgani) : Whether the Government have undertaken any scheme which is bigger than this particular road and completed the same after 1955 ?

Shri DEBESWAR SARMAH (Minister, P.W.D.) : Many other projects much bigger than this and at heavier expenditure have been completed. But the fact of the matter is that originally, as I said on the floor of the House, when hon. Members from different Subdivisions pressed upon the Hon'ble Minister for Public Works Department, he had no alternative but to distribute the available amount among the several Subdivisions just like পূজাব প্রসাদ।

For example, if a lakh of rupees was available and 10 Subdivisions claimed for it, every Subdivision got Rs.10,000 and the hon. Members were asked to see as to what road they would like to have. Naturally when the money allotted for different Subdivisions proved to be inadequate there remained some gaps to be filled and bridges and culverts to be constructed in that very road, and Providence alone knows when these can be constructed.

Shri KHAGENDRA NATH BARBARUAH (Amaguri) : In answer to (c) and (d) it has been said that some roads are not completed and some have been completed except some bridges and some culverts which could not be constructed for want of fund. Government say that these will have to be placed before the Assam Road Communication Board for consideration. May I know whether it is necessary to consult the Assam Road Communication Board for fund ?

Shri DEBESWAR SARMAH : For allotment of fund it is necessary.

Shri KHAGENDRA NATH BARBARUAH : The road has already been made, only some bridges are to be made. Was there no provision made for the bridges along with the road ?

Shri DEBESWAR SARMAH : The hon. Member is partially right that so far as the construction of the road is concerned it was done with the approval of the Assam Road Communication Board but so far as the bridges and culverts are concerned they did not give this approval because they give priority to some other bridges and culverts.

Shri MOHI KANTA DAS (Barchalla): Is it not a fact that the distribution of fund in the Road Communication Board is made according to the Star and Grid formula ?

Shri DEBESWAR SARMAH (Minister, P. W. D.): I will take a little time to instruct myself about that big thing.

Shri RAMNATH DAS [Dergaon (Reserved for Scheduled Castes): May I know from the Honble Minister when the estimate for this road was made whether the estimates for different bridges were not taken up ?

Shri DEBESWAR SARMAH: That is the most unfortunate part of the thing. From the file I gather that estimates for bridges and culverts were not made. What is that Star and Grid formula, I will take a little time to think over it.

Shri TAJUDDIN PRODHANI (Dhubri): ১৯৫৩ চনতে এই বাস্তব কাম আৰম্ভকৰি ১৯৫৮ চনলৈকে শেষ কৰিব পৰা নাই আৰু ইয়াৰ দিবলগীয়া নানা (culvert) আৰু দলং (bridge) বিলাক অসম্পূৰ্ণ হৈ থাকাই জনসাধাৰণৰ অসুবিধা হৈছে বুলি মন্ত্ৰী মহোদয়ে বিবেচনা নকৰেনে ?

Shri DEBESWAR SARMAH. If you would kindly per mit me there is one matter which I want to explain. This road is 7 miles long and the 1st and 2nd miles were not taken up and perhaps these 1st and 2nd miles may not be taken up by the P.W.D. until and unless the South Salmara Bund is made. Because this road passes through a very low lying area, it will not stand unless the E. and D. Department build up the Bund.

Shri TAJUDDIN PRODHANI: মন্ত্ৰী মহোদয়ে স্বীকাৰ কৰেনে যে ধুবুৰীৰ দক্ষিণ অঞ্চলটো neglected area ?

Shri DEBESWAR SARMAH: সেইটো স্বীকাৰ কৰো।

Shri MOHI KANTA DAS: Sir, when I refer to the Star and Grid formula.

P. W. D. Minister's Statement regarding reply given to Unstarred Question No.548 asked by Shri Mohananda Bora

Mr. SPEAKER Order, order, the Hon'ble Minister says he does not know what that formula is. We need not go into that. Now, we have finished the questions. The Hon'ble P. W. D. Minister will make a statement in respect of unstarred Question No.548.

Shri DEBESWAR SARMAH (Minister, P. W. D.): Mr. Speaker Sir, in connection with the Unstarred Question No. 548 asked by Shri Mohananda Bora on 10th April 1958, a supplementary question was put by Shri Karka Ch. Doley on the above question on 10th April 1958 last, on the floor of this House. I assured the hon. Member and the House that I should personally inspect the road and examine its present condition and the progress of necessary repair works done so far. I did it on 16th April 1958 last, accompanied by the hon. Members Shri Doley, Shri Bora and some others. It was found that the breaches caused by the last flood have been closed long before and that further raising of the road embankment above the high flood level is already in progress.

It is however, necessary that some protective measures should be taken up soon to safeguard the road from any further damage or danger by the river Dikrong. In this connection it is mentioned that some proposals for training the river by short circuiting some of its curves and also by putting up some other protective measures is under the active consideration and examination of the Government under the Flood Control and Embankment and Drainage Wing of the Public Works Department. After my personal examination, a note in this respect has also been submitted to the Chief Minister for his necessary instructions for expediting those river-training and protective works.

Calling attention regarding impending strike of the sweepers of the Shillong Municipality

Shri MOHI KANTA DAS (Barchalla): Mr. Speaker Sir, recently when I visited the Bhangi colony here in Shillong and also their office I could learn that the K. and J. Hills Harijan Mazdoor Sangha which is an organisation of the sweepers of the Shillong Municipality has served notice on the Vice-Chairman of Shillong Municipal Board on 18th April 1958 to go on strike on or from 7th May 1958 owing to the failure of the Shillong Municipal Board to redress the long-felt grievances of the sweepers. If steps are not taken for the redress of the grievances of the sweepers and strike is allowed to take place, then a very unpleasant situation may arise to the great inconvenience of the public.

So, Sir, I beg leave of you under Rule 54 of the Assembly Rules to call the attention of the Government to this matter of urgent public importance with a view to know what the Government propose to do under the circumstances.

Shri FAKHRUDDIN ALI AHMED (Minister, L. S.G.):
Mr. Speaker, Sir, I welcome this opportunity to acquaint the House with the present situation in this connection. Sir, a strike notice was given by the General Secretary of the Khasi and Jaintia Hills Harijan Mazdoor Sangha on the 1st April 1958 and the proposed strike is to take place on or from 7th May 1958. A copy of the strike notice was received by me only on 25th April last and as soon as I got it I directed Secretary, L. S. G. to get a report from the Municipality without delay. As soon as this instruction was issued a letter was sent by the Secretary to the Municipal Board through the Deputy Commissioner asking them to furnish a detailed report in the matter immediately. No report was received till yesterday when I got the notice of this motion. Again, I directed the Secretary, L. S. G. to contact the Vice-Chairman of the Shillong Municipal Board. Thereafter the Member in charge of the Shillong Municipal Board came to see me yesterday. Although we have not got the report we had asked for from the Municipal Board, yet from the discussion I had with the Member in charge and also from the papers that have been seen by my Secretary, the following facts emerge which I should like the House to know.

The demand sent by the Sangha to the Vic-Chairman on the 22nd February 1958 were as follows:

- (1) Minimum wages of Rs.100 per month with proportionate annual increment.
- (2) The minimum wages for Head Jamadars to be fixed at Rs.125 per month with proportionate annual increment.
- (3) The minimum wages of the Conservancy Lorry Drivers to be fixed at Rs.90 per month with proportionate annual increment and trip allowance of Rs.2 minimum per diem and minimum wages of Tandal at Rs.60 with proportionate annual increment and trip allowance of Rs.2 per diem minimum.

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- (4) Uniforms for the workers are to be supplied free of charge both for the winter season (warm) and other season (cotton) with footwear.
- (5) Paid weekly holidays of $1\frac{1}{2}$ (one and half) days. If the Harijans are to be engaged during this $1\frac{1}{2}$ day, wages on overtime basis are to be paid.
- (6) *Leave* (i) Casual leave of 15 days in a year, (ii) privilege leave of not less than 30 days after completion of 12 months services, (iii) Medical leave of 45 days on full pay in a year (iv) paid festival holidays for 7 days.
- (7) *Bonus* : 4 months' pay in a year.
- (8) *Gratuity* and old age benefit ; 1 month's pay in a year of service.
- (9) *Provident Fund Scheme* to be introduced with equal contributions by the Board and the workers.
- (10) *Travelling allowances* for journey to and from leave.

Similarly many other demands were made. The Member in charge asked the General Secretary of the Sangha to meet him in his offices at 1 P.M. on the 10th March 1958 in connection with these demands. It appears that the General Secretary of the Sangha together with some members of his Executive Committee including Shri Sarbeswar Bordoloi, M.L.A., went to see the Member in charge on that date. Though no minutes of the discussion was recorded by the Member in charge, it appears from a letter dated 22nd March 1958 from the General Secretary of the Sangha to the Vice-Chairman that no discussion about the settlement of these demands was held. Now an ultimatum has been served particularly because some objections were taken whether this Sangha properly represents all the members or not. It also appears that the Member in charge was not very willing to recognise the Sangha as the only representative body of the Harijans of Shillong on the ground that the Municipal Workers Union is the only body recognised by the Shillong Municipality. The Member in charge has requested the Labour Commissioner to let him know whether the Khasi and Jaintia Hills Harijan Mazdoor Sangha is the

only representative body of the Harijans in Shillong. After this it appears that a special meeting of the Board was convened where all these questions were discussed and the Board has reiterated its previous decision contained in a previous resolution.

Sir, I need not go into the details of this previous decisions adopted by the Board but it appears that some time in June 1957 practically all the demands made in the representation of the Harijan Mazdoor Sangha were more or less rejected by the Board. So now the position is this that on the one hand there are demands from the Sangha and on the other hand, the Municipal Board have decided not to accept those demands.

In view of this, Conciliation Proceedings have been started by the Labour Department. I think the Conciliation Proceedings will take place at 11 A.M. tomorrow. The Labour Officer has requested the parties to maintain the status quo during the pendency of the Conciliation Proceedings. I would, therefore, request the honourable Member not to press me for my views now and to await the report of the Conciliation Proceedings. The Government will watch the result of the Conciliation Proceedings and will take such actions as are necessary in the circumstances.

Motions to elect Members to various Committees

M. MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): Mr. Speaker, Sir, I beg to move that this Assembly do elect two Members to the present Committee on Estimates to fill in the casual vacancies for the unexpired portion of the Committee under rule 194(3) of Rules of Procedure and Conduct of Business in Assam Legislative Assembly in place of two persons who have ceased to be Members of that Committee in pursuance of proviso to Assembly Rule 244.

Sir, at the time when the programme of the Assembly was drawn up there were two vacancies due to the fact that under the Assembly Rules a Minister which term includes a Deputy Minister and a Parliamentary Secretary cannot be a Member of the Committee. So there were two vacancies, one in place of the Finance Minister and the other caused by the

appointment of Shri Biswadev Sarma as a Deputy Minister. By the time we are going to fill up the vacancies, there is another vacancy caused by the recent appointment of Shri Radhika Ram Das as a Deputy Minister.

Mr. SPEAKER: The motion moved is that this Assembly do elect two Members to the present Committee on Estimate to bill up two casual vacancies.

(After a pause)

(The question was put and adopted.)

Mr. SPEAKER: I have to inform the House that there are equal number of vacancies for the equal number of candidates.

The following Members are therefore elected as Members of the Estimates Committee :

1. Shri Bhuban Chandra Pradhani.

2. Shri Prabhat Narayan Choudhury.

M. MOINUL HAQUE CHOUDHURY (**Minister, Parliamentary Affairs**): Mr. Speaker, Sir, I beg to move that this Assembly do elect seven Members under Assembly Rule 242 to the Committee on Public Accounts to function from the 15th of June 1958.

Mr. SPEAKER: The motion moved is that this Assembly do elect seven Members to the Committee on Public Accounts.

(After a pause)

(The question was put and adopted.)

M. MOINUL HAQUE CHOUDHURY (**Minister, Parliamentary Affairs**): Mr. Speaker, Sir, I beg to move that this Assembly do elect ten Members under Assembly Rule 244 to the Committee on Estimates to function from the 15th of June, 1958.

Sir, this is necessary because the present Committee on Estimates will cease to function from that date and there should be continuity.

Mr. SPEAKER : The motion moved is that this Assembly do elect ten Members to the Committee on Estimates.
(After a pause)

(The question was put and adopted)

The Assam Legislative Assembly Members' Salaries and Allowances Bill, 1958

Mr. SPEAKER : I have got a message from the Governor. This is in connection with item No.5 of the List of Business.

"I recommend that under Article 207 (I) of the Constitution of India, the Assam Legislative Assembly Members' Salaries and Allowances Bill, 1958, be introduced in the Assam Legislative Assembly."

M. MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs) : Mr. Speaker, Sir, I beg to introduce the Assam Legislative Assembly Members' Salaries and Allowances Bill, 1958.

Sir, the Statement of Objects and Reasons has clearly laid down the purpose for bringing this Bill before the House.

The pay of the hon. Members of this Legislative Assembly is Rs.150 per month. In fact, the existing pay of the hon. Members of the Legislative Assemblies in other States of India is higher than the pay of the honourable Members of this Legislative Assembly. For example, in Punjab the pay is Rs.300 per mensem, in Orissa Rs.200, in Madhya Pradesh Rs.200, West Bengal Rs.200, Rajasthan and some other provinces Rs.200 or so. In Lok Sabha the pay is Rs.400 per mensem.

The work for the Members of the Assembly has increased inside the House because of the pressure of legislative duties. This is one of the reasons why our honourable Members of the Assembly have got to pay more attention to the legislative work apart from discharging their normal functions as Member of the Assembly in the Constituencies. Therefore, Sir, it has been thought fit to bring this Bill before the House. In fact, there is a non-official Resolution. Resolution No.21 moved by Shri G. Talukdar of the Opposition recommending that the pay of the Assembly Members

should be raised to Rs.300 per month. The whole matter was examined dispassionately and it was considered that the pay of the Members should be raised to Rs.250 per month. Hence this Bill is introduced before the House.

Mr. SPEAKER : The motion moved is that the Assam Legislative Assembly Members' Salaries and Allowance Bill, 1958 be introduced.

(After a pause)

(The motion was put and adopted.)

The Assam Ministers' and Deputy Ministers' Salaries and Allowances Bill, 1958

Mr. SPEAKER : I have got a message from the Governor.

“I recommend that under Article 207 (1) of the Constitution of India, the Assam Ministers' and Deputy Ministers' Salaries and Allowances Bill, 1958, be introduced in the Assam Legislative Assembly.”

M. MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs) : Sir, I beg to introduce the Assam Ministers and Deputy Ministers' salaries and Allowances Bill, 1958.

Sir, the Statement of Objects and Reasons has clearly laid down the causes for bringing this Bill before the House.

Now in this Bill the first change which is sought to be made is this : so long the pay of the Chief Minister was Rs.1,500 per mensem ; this Bill, which is introduced, is going to reduce the pay of the Chief Minister by Rs.500 per mensem, as it is proposed to provide for a uniform salary of Rs.1,000 for all Cabinet Ministers including the Chief Minister.

By another provision in the Bill, the house rent allowance for the Deputy Ministers has been raised by Rs.50 per mensem. As there is acute shortage of residential accommodation in Shillong, for Rs.150 or so, it is difficult to get rented house for the Deputy Ministers. Therefore, the house rent allowance for the Deputy Minister has been increased by Rs.50 per month,

Furthermore a provision in the Bill has been made for a service allowance in addition to the house rent allowance for the Ministers and the Deputy Ministers, when they, not being provided with official residence, live in their own houses. Formerly there was no limit to the expenditure incurred on the maintenance of official residences for the Ministers. Since there was no limit to the expenditure, the expenditure was too high. Now in this Bill a provision has been made so that the expenditure may not be incurred at the sweet will of the individual Ministers. Now a Minister must live in a house within the maximum limits of those expenditures which will be fixed under the rules.

Similarly, Sir, there was no provision for cars for the Deputy Ministers although they used to have car allowances. It was considered anomalous. It was also found that the Deputy Ministers were very much handicapped for want of State vehicles at their disposal. Hence a provision has been made accordingly. Cars have become costly affairs. Hence car allowance for those who maintain their own cars have been raised in order to induce them to keep their own cars instead of State cars.

Formerly there was no provision for a Minister or Deputy Minister to stay after he ceases to be a Minister or a Deputy Minister in the official residence. The rule was rather anomalous as one can not live in a house on the day he ceases to be so. It is intended by this Bill to fix a period to allow him to stay for sometime after he ceases to be a Minister or a Deputy Minister in the official residence. In this connection since there had been some misunderstandings in some circles, I would like to clarify the position. Sir, so far as the pay of the Ministers is concerned, it is one of the lowest in India so far Assam is concerned and this Bill seeks to make it still lower. For example, in Bombay a Minister gets Rs.1,100 per mensem, in Bihar he gets Rs. 1,500 per mensem, in Uttar Pradesh he gets Rs.1,200 per mensem, in Punjab Rs.1,500 per mensem. The Union Minister gets Rs.2,250 per mensem plus a sumptuary allowance of Rs.500 per mensem. Even a Union Deputy Minister gets Rs.1,750 per mensem. So I beg to point out that the pay of the Minister in Assam is not only one of the lowest in India but it is sought to be reduced further by this Bill. In the statement of objects and reasons it will be found that due to the introduction of this Bill although there will be some

increases here and there in the allowances of the Deputy Minister in the shape of Rs.50 per mensem as car allowance and Rs.50 per mensem as house rent, the overall expenditure of the State will be much less than what it has been so long, due to the savings in other heads, particularly due to the reduction of pay of the Chief Ministers and the fixation of service charges.

Mr. SPEAKER: The motion moved is that the Assam Ministers and Deputy Ministers' Salaries and Allowances Bill, 1958 be introduced.

(After a pause)

(The Motion was put and adopted)

The Assam Deputy Speaker's Salaries and Allowances Bill, 1958

Mr. SPEAKER: There is a message from the Governor of Assam:—

“ I recommend under Article 207(1) of the Constitution of India that the Assam Deputy Speaker's Salaries and Allowances Bill, 1958 be introduced in the Assam Legislative Assembly.

Sd./—SAIYID FAZL ALI,
Governor of Assam.”

M. MOINUL HAQUE CHOUDHURY (Minister, Parliamentary Affairs): I beg to introduce the Assam Deputy Speaker's Salaries and Allowances Bill, 1958.

Sir, the statement of objects and reasons are very clear. Hitherto the Deputy Speaker was being treated on the same footing with the Deputy Ministers of the State. Since a Bill has been introduced in the Assembly to bring about certain changes in the salaries and allowances of the Deputy Ministers, the same privileges are sought to be given to the Deputy Speaker also. Now I want to point out a small mistake as far as Section 7 is concerned. After the Bill was sent to press, it was brought to our notice that in the Lok Sabha the framing

of the rules concerning the salaries, allowances, etc. of the Deputy Speaker, is done in consultation with the Hon. Speaker of the Lok Sabha and in the case of Rajya Sabha in consultation with the Chairman of the Rajya Sabha. So it is quite in fitness of the things that the Hon. Speaker of this Assembly should be consulted in these matters incase of our Deputy Speaker. After all the Deputy Speaker is an officer of this Assembly, of which the Hon. Speaker is the master. Therefore we thought it necessary to slightly amend the Bill. The amendment proposed makes the Section as follows:—
 “The State Government may by a notification in the official Gazette, in consultation with the Hon. Speaker, makes rules for carrying out certain provisions of this Act.” I think it will be necessary to notify it formally by circulating the amendment to all the hon. Members.

Mr. SPEAKER: The motion moved is that the Assam Deputy Speaker's Salaries and Allowances Bill, 1958 be introduced.

(After a pause).

(The Motion was put and adopted).

The Assam Court-Fees (Second Amendment) Bill, 1958

Mr. SPEAKER : Here is a message from the Governor of Assam.

“I recommend under Art. 207 (1) of the Constitution of India that the Assam Court-Fees (Second Amendment) Bill, 1958 be introduced and moved in the Assam Legislative Assembly.

Sd./—SAIYID FAZL ALI,
 Governor of Assam, Shillong.”

Shri DEBESWAR SARMAH (Minister, Finance):
 Mr. Speaker, Sir, I beg to introduce the Assam Court-Fees (Second Amendment) Bill, 1958. Sir, in the statement of objects and reasons it is stated—“Parties aggrieved at the

assessment of sales tax, on preferring any appeal to the authorities, are required to pay certain fees, as prescribed under Rule 74 of the Assam Sales Tax Rules, 1947.

It is therefore proposed to exempt such appeals from the additional payment of Court-fee of Rs.10”.

Mr. SPEAKER: The question is that the Assam Court-Fees (Second Amendment) Bill, 1958 be introduced

(after a pause)

(The Motion was put and adopted)

Shri DEBESWAR SARMAH (Minister, Finance): Sir, I beg to move that the Assam Court-Fees (Second Amendment) Bill, 1958 be taken into consideration.

Mr. SPEAKER: The question is that the Assam Court Fees (Second Amendment) Bill, 1958 be taken into consideration,

Shri DEBESWAR SARMAH: Sir, I am sure the House will be pleased to pass this Bill as it is absolutely a harmless thing. In the statement of objects and reasons it has been clearly stated that it is sought to give some relief to the appellants in the sales tax cases.

Shri HARESWAR GOSWAMI (Rampur): As a matter of fact we have not spoken on the Bill because it is a healthy provision, but according to the rules it is to be considered clause by clause.

Mr. SPEAKER: You can do so, if you so desire.

Shri DEBESWAR SARMAH: I beg to move that the Assam Court-Fees (Second Amendment) Bill, 1958 be passed.

Mr. SPEAKER: The question is that the Assam Court-Fees (Second Amendment) Bill, 1958 be passed.

(after a pause)

(The question was adopted)

**The Assam Weights and Measures (Enforcement)
Bill, 1958**

Mr. SPEAKER: Here is another message from the Governor of Assam.

‘I recommend under Art. 207(3) of the Constitution of India that the Assam Weights and Measures (Enforcement) Bill, 1958 be taken into consideration by the Assam Legislative Assembly.

Sd./—SAIYID FAZL ALI,

Governor of Assam, Shillong.’

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Sir, I shall have to reply to the debate. There was a debate at the time of introduction of the Bill. Shri Gaurisankar Bhattacharyya spoke on it on the 28th February, 1958.

Shri HARESWAR GOSWAMI (Rumpur): I find in the table here that there is a motion for the same Bill for sending it to a Select Committee.

Mr. SPEAKER: It was not a proper time at consideration stage to discuss it in detail. Of course it can be discussed only on some formal or technical matters. Now there can be a discussion.

Shri HARESWAR GOSWAMI: There is a motion for sending the Bill to a Select Committee, and an amendment is being moved in this respect.

M. MOINUL HAQUE CHOUDHURY: Sir, I beg to move that the Assam Weights and Measures (Enforcement) Bill, 1958 be taken into consideration.

Mr. SPEAKER: The motion moved is that the Assam Weights and Measures (Enforcement) Bill, 1958 be taken into consideration.

Maulavi MAHAMMAD IDRIS (Rupohihat) : Mr. Speaker, Sir, I beg to move an amendment to the motion for consideration of the Assam Weights and Measures (Enforcement) Bill, 1958.

Sir, I beg to move that the Assam Weights and Measures (Enforcement) Bill, 1958 be referred to a Select Committee consisting of the following Members :—

1. Minister-in-charge,
2. Shri. Hareswar Das, Minister.
3. Shri Md. Idris, M.L.A.
4. Shri Joga Kanta Barua, M.L.A.
5. Shri Hem Chandra Chakravarty, M.L.A.
6. Shri Ram Nath Das, M.L.A.
7. Shri Indreswar Khound, M.L.A.
8. Shri Lila Kanta Borah, M.L.A.
9. Shri Dandeswar Hazarika, M.L.A.
10. Shri Hareswar Goswami, M.L.A.
11. Shri Gauri Sankar Bhattacharyya, M.L.A.

The Select Committee is to submit its report by 30th June 1958.

Sir, the purpose of my bringing this amendment is that the objects and reasons shown in this Bill will be better fulfilled if this Bill is gone into with greater care by a Select Committee. It has been stated in the Statement of Objects and Reasons that the purpose of bringing the Bill is to provide legislation for standardisation of the system of weights and measures and to introduce metric system in the State in place of the existing system of weights and measures. At present we have different system of weights and measure prevalent in our state. There are some customary weights and measures as well. Taking advantage of all these different ways of weights and measures our merchants and tradesmen often times resort to various

mal-practices with a view to cheat our poor and illiterate agriculturists. Instances are not rare where these cunning tradesmen taking advantage of the ignorant agriculturists while purchasing their agricultural produce take 45 seers for 40 seers thus making a net gain of five seers in a maund. This is, indeed, a great loss to the agriculturists. In this way our poor agriculturists sustain huge losses every year and, therefore, they are in great need of a standard weight and measure which they can easily understand and by taking advantage of which the shrewd and cunning people may not feed fat on the ignorance of our poor agriculturists. In fact, our Government felt the need of such a standard simplified system of weights and measures long ago, and enacted a Legislation, "The adoption of Assam Standard weights and Measures Act" in the year 1955. But unfortunately on receipt of a direction from the Central Government that the State Government should not enact such a piece of legislation, the matter had to be deferred. Now that the Central Government have themselves enacted a similar piece of legislation, *i. e.* Standard Weights and Measures Act, 1956 there is no difficulty on our way to enforce a similar piece of legislation in our State as well, and that can only be done by bringing such a piece of legislation as the one at present proposed by the State Government. It is quite understandable that such a piece of enactment will bring quite a lot of difficulties to begin with to our illiterate and ignorant people. I, therefore, think that it is very important for us the legislators to go into the matter very carefully and cautiously. That is why I propose that at first there should be a Select Committee to go into the matter with all the care and caution that such a measure as this deserves and then present it before the House for further discussion. I hope the House will be pleased to agree with my point of view and accept this amendment.

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

Mr. SPEAKER : (to Shri Tarun Sen Deka)

Do you want to speak on the Bill or on the motion for sending the Bill to Select Committee ?

Shri HARESWAR GOSWAMI (Rampur): What my Friend desires is that he will speak on the Bill so that the Select Committee will be in a position to take into consideration his points also.

Mr. SPEAKER : But if it is sent to the Select Committee, the principle is accepted. Does he want to submit his views before that ?

Shri HARESWAR GOSWAMI : Yes, Sir.

Shri TARUN SEN DEKA (Nalbari-West) : Mr. Speaker, Sir, the Statement of Objects and Reasons of the Bill shows that there are in India more than 100 different types of weights and as many as 150 to 180 different systems of measuring value in different areas. Sir, in my opinion, in order to be familiar to the use of certain system of weights and measures prevalent in a country, it takes some time. Either it comes gradually or in a natural way. The system that is now prevalent in our country for taking measures and weights is the product of great evolution. It takes formal and final shape at a certain stage along with the gradual development of the civilisation, culture and educational standard of the people. It is evident from our day to day experience that due to the backwardness of our standard of education and culture there are so many different systems of weights and measures running concurrently in our country. Although the existing weight and measure system in maunds and seers is familiar to our simple-minded and illiterate village people to a certain extent, many of them even commit mistakes even while calculating rupees and annas. All the hon. Members are quite well aware of this. It is an admitted fact that the educational and cultural standard of our people is at present much backward in comparison with the standard of the people in the West where this metric system is in vogue. No doubt this metric system of weights and measures is a much better system than that is in practice in our country. But it should be first taken into consideration whether our people are competent or able to accept this system. I think, up till now our people are not in a position to accept this system, and if it is at all introduced, it is sure to take some time before our people can be quite familiar with its use. Of course, in the Central Act which was enacted in the year 1956, it has been stated that the Act will be enforced only after 1964. Like the Central Act if it is now proposed to enforce the proposed Assam Act also after 1964, it will be the duty of our State Government first to take up vigorous and bold programme to propagate the Central Act, and before propagating the Central Act, I think it is too early to introduce this Assam Act. When one Act or a Bill is introduced, it is generally thought by the people that they will have to follow it. If something is placed before them in this way, there will be some misconception in their mind and it may harm the progress of our State.

Moreover, here in the last part of the Bill under the heading 'Financial Memorandum' some expenditure has been shown and the explanation given is that these expenditures are meant for propagating things among the people, for changing the existing mile posts of the Public Work Department roads, etc. I think so far the expenditure for propagating the matter is concerned it is all right and it is necessary. But so far as the expenditure for changing the mile posts of the Public Work Department roads is concerned, I say it is unnecessary.

I am to say that sometimes the leaders of the ruling party say that whatever we do we should do it keeping in mind the educational, cultural and other standards of our people in India. So, we should not bring in things which are alien to our idea. Here the introduction of this metric system is alien to our people specially at this stage and to bring an Act of this type for introduction of this metric system particularly at this stage, I give stress upon the words 'at this stage', is rather something which is not according to the desire or according to the standard and ideas of our people.

In this Bill there are some provisions which will no doubt cause major inconveniences to the poor classes of our people. In clause 14 it is said : "Marketing of weight or measure on sealed containers. No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein." We know that in the market some biscuits are sold in packets. We also have seen 'Chanachur' being sold in packets in the market. If the selling of those things in containers is made compulsory for marking, then in that case those dealers will surely suffer and the inspectors, as mentioned in the Bill, will be granted a long rope to deal with those dealers. We have experienced how some Inspectors in the Supply Department put some dealers in trouble and thus gain some profit out of it. In this case if the biscuits, 'Chanachur', etc, are not sold in container with marks which is not possible in all cases, then some greedy Inspectors may put some dealers in trouble and thus would try to gain something out of it. So, when there is scope for some trouble arising due to this provision, it should be definitely made clear in the Bill what articles should be exempted from the scope of this provision, and which not. Of course in another provision it has been said that some article

may be exempted, but that may be decided by the State Government. Though there is such a provision in another part of the Bill the articles should be definitely made clear so that no scope for trouble on the people may arise.

I also want to speak about the power to be delegated to the Inspectors. According to this Bill, wide power is going to be delegated to the Inspectars according to which they can enter into any place at any time and they can charge anything they like and also they can seize anything they like when there is reasonable suspicion in their minds. But the word 'reasonable' has not been explained in this Bill and so there remains loopholes and accordingly the Inspectors will find a long rope with which they can create troubles to the innocent people. So I feel that to prevent misuse of the spirit of this Bill, and for proper implementation of the measures, there should be a checking by the local people where an Inspector is placed, and in the matter of that, I suggest that there should be a local committee to supervise the activities of the Inspector and also to help him.

In clause 18 regarding power of Inspector to adjust weights or measures it is said: "Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instrument, it may, if it thinks fit authorise such Inspector to adjust weights and measures or such instruments accordingly." I think the very word 'adjustment' is somewhat vague, and it should be clarified because this word "adjustment" is contradictory to that provision where it is said that as soon as the Act comes into force the prevailing usage, custom, practice, etc. regarding weights and measures will stand repealed. This, I think, is against the spirit of the Act and, therefore, a clear explanation should be given about the word "adjustment".

Then, Sir, in clause 37 at page 9, Cognizance of offences, etc., it is said, "No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order". Here also it not clear whether this is intended against any officer or against non-official law-breakers. If the spirit of the section is this that if and when some cases are to be instituted against

some officers like the Inspectors, the permission of the Controller is necessary, then I think it is detrimental to the very spirit of the law prevailing in this country, because thereby the people aggrieved by the illegal activities of the officers would be debarred from lodging their complaints in appropriate law courts. Therefore, it should be made clear whether the permission of the Controller is necessary to lodge complaints in cases against officers or to lodge complaints by the Inspector of Assistant Controller against the people who commit illegal acts. This should be clarified.

Furthermore, Sir, in clause 36 it is said "No suit, prosecution or other legal proceeding shall lie against the Controller, or any Assistant Controller of Weights and Measures or any Inspector or any other persons appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or Rules made thereunder". Of course, the Members of the Legislative Assembly who are lawyers, know the meaning of the words "good faith". This expression "good faith" is generally used in the Acts, but my impression is that by using this expression in this particular section a strong plea has been given to offending officers, who may escape punishment for their misdeeds. I, therefore, think that the words "good faith" will be very vague in some cases and need specific explanation. Sir, at the very outset I submitted one thing : that this Bill, if it becomes an Act in the near future, may bring some misunderstanding or misconception in the minds of the people and I feel that at least at this stage there is no necessity for such a Bill.

We admit that the metric system is a scientific system, but that does not mean that all things which are scientific can be introduced all at once, without preparing the minds of our people by education and repeated propaganda. The very introduction of this Bill by our Government shows that they are just trying to follow things which are not in accord with the ideas of our people.

One thing more, Sir, and I will finish. Various kinds of standard have been introduced in the Bill, *e. g.*, working standard, reference standard, secondary standard, and so on. So many standards have been introduced that it will create confusion. I think there should be only one standard. Otherwise, the introduction of so many standards is confusing.

With these few words, I conclude my observations.
Thank you, Sir.

Shri JOGAKANTA BARUA (Jaipur): Mr. Deputy Speaker, Sir I support the Bill with the amendment. Regarding the Bill, I want to say a few words. When our society was not quite advanced, the people used the barter system; even now in some places the barter system is going on. Along with their advancement, our people took to weights and measures. India is a vast country and there are different measures in different places. Therefore, Sir, the dealers of goods taking advantage of these different measures are exploiting the people. So, it has been found necessary to adopt standard weights and measures throughout India. It is very necessary to do so. But our Communist Members, who are scientific-minded, made a caricature of this Bill and much fun was made out of it; there was great laughter in House when it was considered last time. This laughter is quite good for the physique. It is rather good that we the legislators should sometime laugh rather than sit gloomily. But if this laughter sidetracts the real issue, it will be a great harm to the people. I thought our Communist Friends are a set of scientific minded people, but I wonder why they opposed this scientific method and it was complained that it was imported from France. If we are to oppose a measure which is most scientific because it is imported, I wonder where we will stand. We are used to measure length by hand. Can we expect to reach the moon or the mars in Sputnik with such measurement?

The metric system is most easy as it is scientific. The principle of metric system is that you either multiply or divide a number by ten. And this is the easiest thing in the world.

My children complained regarding the new method of counting money, but I told them that your Chacha Nehru is doing all these for your good alone. You now need not trouble with "gandas", "karas" and "krantis". Divide a rupee by tens and hundred and that will solve everything.

So, I hope, everybody in this House will support the Bill as amended.

Shri KHOGENDRA NATH BARBARUAH (Amguri): Mr. Deputy Speaker, Sir, my opinion is that the Bill should not be hastily passed and that it should go to a Select Committee. I would not like to go into details as the Select

Committee will examine the whole Bill, will find out defects and submit suggestions and when the report of the Select Committee will come before the House we will have opportunity to discuss it in details.

It is certainly appreciable that we should have one standard of weights and measures throughout the State as in Assam at present there are many systems of weights and measures; therefore if the metric system of weights and measures which is proposed to be introduced if it is accepted after careful scrutiny by the Select Committee and the House it will be a beneficial measure to solve the system of weights and measures throughout the State and have it in an uniform standard. I accept in principle the contents of the Bill but in details there might be some defects here and there; so it will be wise enough to send this Bill to a Select Committee. As the same time, it will be wiser if it is published for eliciting public opinion as the people have some opinion for contribution which requires expression. Therefore, I would urge that this Bill be published for collection of public opinion that course would be wiser. I hope, Government will give chance to our mass people, the people at large, in the State to give their suggestions and opinions in this important legislation affecting them.

With these few words, I would appeal to the House to agree to the Bill to refer it to a Select Committee.

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Mr. Deputy Speaker, Sir, when this Bill came up for discussion in the House on the last occasion, I was absent but from what I have read of the speech delivered by my Friend, Shri Gauri Sankar Bhattacharyya, who is now absent I find, on that day he made a great amount of ridicule and brought some amount of amusement for the Members. I was thinking when he discussed the Bill at the time of introduction, so that I would make the same amount of amusement and laughter at his cost. But unfortunately as he is absent, so I will restrain from doing that. Sir, in any case, I have got to reply to the points raised by him and the other hon. Friends on that occasion and to-day.

The report of the National Sample Survey of India which undertook a countrywide survey in respect of the systems of weights and measures in 1,100 sample villages in 1950-51

clearly reveals the diversity in the systems of weights and measures in the country. It appears from the report that there are 143 different systems of weighing in use. For example, more than 100 types of 'maunds' exist, with weights varying from 280 to 8300 standard tolas. Similarly, the 'seer' ranges in weight from 8 to 160 standard tolas. There are also as many as 150 and 180 different systems of measuring volume and area respectively in these surveyed villages.

In order to remove the haphazard condition prevalent in the country, the Government of India have decided to standardise the system of weights and measures in the country. Historically speaking, the first attempt to reform the system of weights and measures in India was made in 1867. A committee was formed for the purpose with Colonel Strachey as Chairman. On the recommendation of the Chairman, the Indian Weights and Measures Act was passed in 1870 establishing the metric system of weights and measures in British India.

From this it is seen that the metric system is not altogether a new experiment. In fact, an Act was passed in 1870 for this purpose but abandoned, thinking that the public opinion was not ready. I do not know whether after a lapse of near about a century we should not consider as to whether we are not yet ready to experiment this system.

As I said, this Act did not receive the sanction from the then Secretary of State for India for enforcement as the Act was considered, in his opinion, to be too severe and intensive. A new Bill was introduced in 1871 in conformity with his suggestions and in the same year, the Indian Weights and Measures Act, 1871 was passed based on the metric system. But due to some reasons or other the Act was not enforced and it became a dead letter. In 1889, the Measures of Length Act was passed establishing the imperial yard as the standard of length. In 1939, the Standards of Weights Act was passed which established the Standard weights in tola-seer-maund and grain-pound-ton series. Many of the State Legislatures have made laws for enforcing the standards laid down in the two Central Acts of 1889 and 1939, but enforcement has been effective only in a few States and the same chaotic condition of weights and measures has been continuing. Since 1940, opinion swayed in favour of the adoption of the metric system. In 1940, the National Planning Commission and in

1946 the Indian Science Congress recommended the adoption of the metric system of weights and measures throughout India. As per instructions of the Government of India, the Indian Standard Institution formed a special sub-committee in 1948 to examine thoroughly the possibility of introducing metric system in India. This Committee recommended to the Government for adoption of the metric system on phased programme spread over a period of 11 to 15 years, preceded by the introduction of decimal coinage. The whole subject was later on examined thoroughly by a member of the Planning Commission and the issue was in favour of the adoption of the metric system. Due to wide diversity in the present system of weights and measures, the standardisation of one of the present systems is not possible, as it would produce the same amount of distaste in the minds of the people as in the introduction of the metric system. As a reform in the present system indispensable, the reform should be directed to a most simple, scientific and universal system. The Government of India, therefore, on the recommendation of the Planning Commission has accepted in principle the adoption of the metric system in India and has enacted the Standards of Weights and Measures Act, 1956 which has established the standards of length, area, volume, capacity, mass, time, temperature, electric current and luminous intensity metric units. The last four, *i.e.*, time, temperature, electric current and luminous intensity will not be affected by this change as they are even now in the metric units as defined in the Act.

Though the Assam Adoption of Standard Weights Act, 1955, received the assent of the Governor in 1955, the standard weights were not enforced under instructions from the Government of India. The advisability of giving effect to the provisions of this Act as an interim measure was examined and it was found not expedient to enforce the standard weights as it would mean waste of money and manpower, not to speak of the hardship to the people who would have to go in for fresh set of weights when the metric system would be enforced.

Although the Central Act has laid down the standards, the entire responsibility for enforcing them rests with the State Government. The Government of India desires that the State and the Central Governments should set an example to private trade and industry by adopting the metric system quickly in the working of their own Departments and commercial undertakings in the public sector. I quite

appreciate what has been said by my Friend, Shri Deka, questioning as to whether the people are yet ready or not to accept it? Therefore, our intention is that both the State and the Central Governments should set the ball rolling first in their own spheres of activities. Moreover, Sir, it must be remembered in this connection that India is now fast developing into an industrial country. So unless and until at the initial stage of this industrial devolution you do introduce this scientific system of weights and measures, you will be in difficulty when the country really develops into an industrial one because once the whole country develops into an industrial country and then you want to change to this system more difficulties will crop up. Sir, almost all the countries in the world have adopted this metric system except the United Kingdom, the United States of America and few others. Because of their over industrialisation they are now in difficulties to switch over to the new system. In a country like ours which is advancing towards a scientific way of life by industrialising itself, it would be proper for us to go in for the metric system at the initial stage. Therefore, it is the desire of both the Central and the State Governments that we should set an example to the people in the matter. So, to secure full co-ordination among the State Government and between the Central and the State Governments a conference was held in New Delhi on 20th July 1957 of the representatives of the Central and State Governments to consider the introduction of the metric system and ultimately it was decided, Sir, that from 1st October 1958 we would switch over to this new system. The original decision was to adopt the new system from 1st April 1958, but since we have decided to adopt this system in the whole of India in certain selected fields from 1st October 1958, there is no difficulty for me to accept the amendment moved by my Friend Mahammed Idris that we should refer this matter to a Select Committee. I also do not want a hasty legislation in such an important matter. So it would be better for us to consider the pros and cons of the whole matter in a Select Committee.

Now, Sir, it has been decided to introduce this metric system in the following fields—(i) in respect of weights generally in Gauhati Municipal area and in jute in the jute growing areas of Nowgong district. The existing weights will be allowed to continue along with the new weights for 2 or 3 years. (ii) the State Transport Department in respect of fares and freights,

(iii) the Public Works Department in respect of marking of roads with kilometre and half-kilometre stones; (iv) the Land Records Department in respect of all new surveys and settlement (settlement and surveying in progress will be continued in the existing units); (v) other Departments in respect of use of metric units side by side with the present units in all schedules of rates, tenders for purchase and supply of stores, all publications of the State Government whether scientific, technical or statistical; (vi) seed farms, fair price shops and co-operative societies under the State Government, as far as practicable.

Moreover the syllabuses and text books on arithmetics and allied subjects of the Education Department will be revised at the earliest opportunity giving due emphasis on the metric system. Intensive publicity programme will be undertaken to popularise this new system amongst the public.

My Friend, Mr. Deka, was hinting that possibly we are going for a system which is foreign in origin. But, Sir, I can tell him that the metric system cannot be called a foreign system because it has Indian ingenuity. About 2,000 years ago an Indian mathematician first gave the world the conception of expressing all numbers by ten symbols and their absolute and positional values. The rapid advance in the science of numbers since the Indian invention of "zero" and "decimal" has been wholly due to the great simplicity and ease given to arithmetic by these ideas. The Indian system of numbers has been adopted by all countries all over the world. The metric system is based on "number" and "decimal place" and therefore, it is a decimal system. The metric system may be regarded as finished products of raw materials supplied by India.

A question may arise here whether the time is opportune to introduce this new system in our country. Could we not adopt it after say 10 or 15 years? It may be argued, we have waited for this unification for so long, would another 10 to 15 years make much difference? The answer is that in the present conditions in the country it would make all the differences. India is on the threshold of industrial revolution through its Second Five-Year Plan. The system of weight and measures is closely linked up with the technological aspects of industry. After industrialisation has advanced to a certain stage the change-over becomes a very complex and costly process. This is the reason why the United

Kingdom and United States of America which are highly industrialised countries, are finding it difficult to adopt the metric system as the sole system of weights and measures. India is just beginning to industrialise and if we do not adopt the metric system right now we shall be working on a outmoded system which will lead us into serious difficulties in the future. Ultimately some day we will have to go to the metric system. The longer the delay, the greater will be the cost of change-over.

Moreover, it is almost a world-wide system and it has been adopted by three-fourth of the countries of the world (I believe 57 countries) excepting the Commonwealth Countries, United Kingdom and United States of America where in the latter two countries this is a legal system. It will facilitate inter-State and international trade and will improve the industrial structure of the country.

Now, Sir, it is evident that this change-over is extremely necessary. I would like to quote a few sentences from a message of our Prime Minister who says—

“One of the major reforms which we have undertaken in India is the adoption of the metric system in coins, weights and measures. This has already been done so far as currency is concerned. The others still remain to be implemented.

“It is true that any change-over involves a certain measure of inconvenience to the public. And yet the advantage to the public ultimately is very great indeed. We have been all along anxious to avoid, or at any rate greatly, the inconvenience which might be caused. Therefore, the change-over in weights and measures will be phased out and gradual.

“It should be remembered that the principle underlying the present day metric system was the production of Indian genius long ago. It is peculiarly becoming and appropriate, therefore, for us to go back to something that was our own and something of which we Indian can legitimately be proud.

“The advantages of adopting this system in weights and measures are great indeed. All our work will be simplified and made more speedy. Children in schools will also profit by this change. But above all, in the development of science, industry and new techniques, the use of the metric system is essential. Indeed it has to be used anyhow. To have two systems in the

country, one for our growing industry and science and one for the other purposes of daily life, will not only be confusing and wasteful but a burden to all concerned. For a progressive country like India, every consideration points to this change-over.

“We are anxious, however, to make this change in a manner so that it should come step by step and as people get accustomed to this new method.”

Sir, my hon. Friend, Shri Barbaruah, has raised some objections. He says we should not hurry in this matter. Neither the Government of India nor the State Government want to do it in a hurry. Therefore, we have phased our programme and want to introduce the metric system in certain specific field of activities in our State. It has already been introduced in certain areas; so far it is working well with respect to electricity and other things. We are not finding any difficulties. At the beginning, when the decimal coinage system was introduced there was some difficulties, but we gradually adopted ourselves to the same. I can assure my honourable Friends that all the apprehended difficulties will be looked into by the Select Committee.

Then my hon. Friend, Shri Tarun Sen Deka, has asked what is the definition of reasonable suspicion, mentioned in the Act. Sir, I would like to refer him to the definition of the word under the Indian Penal Code, where the meaning of the words “reasonable suspicion has been stated. He has objected to the provision exempting the officers from doing anything on good faith. It is necessary to make this provision in legislations. Sir, it is an accepted principle that there may not be any fort against a Government servant for an act done by him in good faith in course of discharging his duties. He is not liable to pay compensation to any body for such action even if his action technically amounts to sort. Therefore, it is necessary that this provision should be made.

Shri TARUN SEN DEKA (Nalbari-West): Sir, there should be some explanatory notes specially with regard to this Bill.

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Sir, in any case, I can assure my hon. Friend that all his objections will be taken into consideration by the Select Committee.

With these few words, Sir, I propose to accept the motion moved by my hon. Friend Md. Idris.

[The amendment to refer the Assam Weights and Measures (Enforcement) Bill, 1958 to a Select Committee consisting of Member as named in the motion was put and adopted.]

The Assam Agricultural Produce Markets Bill, 1958

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Mr. Deputy Speaker, Sir, I beg to move that the Assam Agricultural Produce Markets Bill, 1958 be taken into consideration.

Mr. DEPUTY SPEAKER: The motion moved is that the Assam Agricultural Produce Markets Bill, 1958 be taken into consideration.

Shri LILA KANTA BORAH (Kaliabar): Sir, I have an amendment to it.

Sir, this is a very important piece of legislation. So we should not pass this Bill in a hurry. The main purpose or the aim of moving this Bill is to provide better facilities for the marketing of agricultural produce so that the agricultural producers may have a better price for their produce. As this Bill is very important, it should be carefully examined. Therefore, Sir, I beg to move that the Assam Agricultural Produce Markets Bill, 1958 be referred to a Select Committee consisting of the following Members:—

1. Minister-in-charge.
2. Shri Hareswar Das, Minister.
3. Shri Md. Idris, M. L. A.
4. Shri Jogakanta Barua, M. L. A.
5. Shri Kamala Prasad Agarwala, M. L. A.

6. Shri Chatra Singh Teron, M. L. A.
7. Shri Sarbeswar Bordoloi, M. L. A.
8. Shri Henry Cotton, M. L. A.
9. Shri Mohananda Borah, M. L. A.
10. Shri Nilmoney Borthakar, M. L. A.
11. Shri Hareswar Goswami, M. L. A.

The Select Committee is to submit their report by the 15th of July, 1958.

Mr. DEPUTY SPEAKER: The motion moved is that the Assam Agricultural Produce Markets Bill, 1958 be referred to a Select Committee. The Select Committee is to submit their report by the 15th of July, 1958.

Shri HARESWAR GOSWAMI (Rampur): Sir, I want to move an amendment to the amendment moved by my honourable Friend Shri Bora. Instead of my name I propose the name of Shri Khogendra Nath Barbaruah, M. L. A.

Shri LILA KANTA BORAH (Kaliabar): Sir, I have no objection to it.

Mr. DEPUTY SPEAKER: Amendment moved is that in place of Shri Hareswar Goswami, M. L. A. it should be Shri Khagendra Nath Barbaruah, M. L. A.

Shri TARUN SEN DEKA (Nalbari West) Mr. Deputy Speaker, Sir, in the Statement of Objects and Reasons it is stated that it is deemed necessary to provide better regulation of buying and selling of agricultural produce in the markets of Assam, so that the producers of agricultural commodities may get protection and proper value for their produce, and conditions in which Agricultural produce is bought and sold, including storage, shelter, banking facilities, parking facilities, sanitary conditions and other amenities may improve.

Sir, by going through the whole of the Bill, I do not find out how this Bill is going to provide better regulation of buying and selling of agricultural produces and give

the due prices to the poor producers. According to the law of economics, we know about the rule of demand and supply. When the supply is more the demand is less, the prices of commodities go down.

Here also what I feel or understand from the provisions of this Bill is that one area will be notified as a market area and if one is to purchase and sell within that area he is to take a licence and I think that in this case the number of purchasers of agricultural produces will not be as it is to-day. Now a days, we know, as there is generally no special licence system in our village, some poor people who have no other means of livelihood, take some amount of commodities and carry it to the towns and sell it at a little more profit and out of that profit they earn their livelihood. As there is no licence system they are not facing that trouble which may come during the regime of the licence system. They are doing their business freely. The number of purchasers of agricultural produces generally in village areas are not more and the demand of the agricultural produces in the villages are less. When the demand of agricultural produces is more, generally the prices of the commodities rise. Now we find according to the provision of this Bill a licence should have to be taken by these small traders also and the power to issue the licence is vested in a committee. In that case surely it can well be presumed that all the poor dealers who are living on the small trades be debarred, and the number of purchasers in the village markets will be less, and prices of the agricultural produces will go down, and this will hit the poor producers in the villages.

Of course, in the town areas, as the actual producers of commodities are not there they themselves go to the towns and they sell their produces through the small traders who generally go to the towns. As you know, Sir, the agricultural produces in the towns are sold by those small traders who carry the produces from the villages. These small traders are not generally producers. Of course, in some case they produce some articles, but I use the word 'generally'; in case of town areas there may be necessary to make some sorts of regulation for selling. It can be done through the respective Municipalities. For that I think there should not be a specific Market Committee as it has been shown here in this Bill. This responsibility of regulating the market can be done by

the Municipality. When we can do this through the respective Municipalities and town committees in the town areas, I do not think why additional market committees should be there. Formation of these committees will involve some expenditure not only from the public but also from the public exchequer. So I think the market committee as contemplated in this Bill is not required at present. I feel that it is not so necessary to have a Bill in this respect.

With regard to the sections of the Bill, I would like to point out some more points. In clause 3, sub-clause (2) it is said that whenever a market committee is to be formed in a specific area, notification should be given 30 days before. In my opinion this period is not sufficient, if actually such committee is to be formed. The period of notification should be at least 3 months so that people can give their opinion regarding the necessity of a market area or against it. I think that only giving 30 days, period for such a purpose is not sufficient. So it should be at least three months. If it is sent to the Select Committee it should be for 3 months, for their considered opinion.

Regarding the provision of notification, I would like to say one thing, Sir. Now-a-days there is a hobby in our State that we publish something in the official Gazette and at best we send some notices to some persons like the village headman and Mauzadar, and we think this kind of circulation is sufficient. I think it is not sufficient because now-a-days specially the village headmen, the Gaonburas as they are called, are not benefited out of their jobs as they were previously and in many cases, I know, important things, circulars and notifications which are sent from the side of the Government are not received in time. In certain cases, again notices are not at all issued to village people or even when they are sent, they are not properly made known to village people, I mean the contents of these notifications and circulars. Almost 80 per cent of our village people are ignorant, they are illiterate and unlettered. So I suggest to Government when such notifications are sent to our people, the contents of these should be made known to the people by beating of drums and by distributing sufficient number of notifications or circulars so that at least every household may be aware of the fact well ahead. Of course, it may be said that it is not possible to give notice to every household. But in my opinion, so far as this matter is concerned, this should be done. Because it does not include the entire State; it only will include

some part or parts of the State. So I submit that whenever an area is to be notified as a market area, there should be both extensive and intensive propoganda and circulation by beating of drums and also by giving notices to every family.

Shri KHOGENDRA NATH BARBARUAH (Amguri):

On a point of information, Sir, may I know the number of Members required to form a quorum in the House ?

Mr. DEPUTY SPEAKER: Eleven.

Shri KHOGENDRA NATH BARBARUAH: Then, however, we have now only 19 Members present in the House.

Shri TARUN SEN DEKA (Nalbari-West): I hope my suggestion will be borne in mind.

Then, Sir, as regards clause 8 regarding constitution of the Market Committee, it has been stated that the Committee should consist of 15 Members, but regarding elections and selection of these Members it is said in sub-clause (i) "Four to be elected from among such traders and commission agents who hold licences of the Market Committee in the prescribed manner:

Provided that a person to whom a licence has been issued under sub-section (2) of Section 4 shall not be eligible for election under the clause ;

(ii) Five to be elected by such organisations of agriculturists in the area, as are recognised by Government for the purpose, and where no such organisation exists, they may be nominated by the Deputy Commissioner of the district" ; .

Here, Sir, the organisation of agriculturists is too vague. I have seen in many cases that by use of such technical and vague terms, the provisions of the Act are implemented in such a way that it adversely affects the interests of the general people. Here also the expression "organisation of agriculturists"

should be made adequately explicit, explained properly and very clearly. There may be various types of agriculturists' organizations. Sometimes by using such names or by setting up such bogus organizations, some people want to take advantage of the vague provisions of the Act, and real organisations of agriculturists go by default. There is no guarantee of such a thing not happening, in this Bill. We have the sad experience of such things in respect of the Adhiars Protection Act. The Act has provided that there should be proper representation of the Adhiar's interests but unfortunately at the time of implementation of the Act, actual Adhiars were not taken as members in the Adhiars Conciliation Board. This was properly represented to Government by the Kisan Sabha, the Communist Party and the Praja Socialist Party. We know only persons interested in the manipulations and machinations of the ruling party, the Congress Party, were only taken in the Conciliation Board. In this particular case, also, Sir, there is scope of the real interest of the people concerned going by default; non-agriculturists' organizations may be recognized by the Government. So, Sir, for the greater interest of the real agriculturists I lay emphasis here that it should be clearly and unambiguously stated as to what kind of organizations of agriculturists can be recognized by Government. We cannot leave the choice entirely to Government or Government officers. There may be no doubt very good men amongst the Ministers or Members in the ruling party but at the time of implementation of the Act it will be implemented in such a way that it goes counter to the real interests of the actual producers. So, I suggest, there should a proper explanatory note to this effect so that the executive officers or Members of the ruling party cannot exercise a monopoly interests in its implementation.

Moreover, Sir, in the Schedule articles like potatoes, onions, eggs, tomatoes are also included. These articles are liable to destruction or damage very quickly. If for the whimsical behaviour of some Market committee, some producers are not allowed to sell their produce like tomatoes, potatoes, etc., they may incur heavy loss, and to get rid of this, I suggest that there should be free cards issued to every producer at the cost of the Market Committee recognizing them as real producers. They should be recognised as real producers. In some cases it may be so that real producers may not be recognised as such and they may be said as dealers. Any interested

persons in a Market Committee may do it. To prevent this there should be a system of license or card to be issued just before opening a market and that is to be issued also free of cost to every real or actual producer. It should be stated in the Bill that whenever a person or producer comes with that card he should not be disallowed to sell his produce. Of course, some hon. Members may not take it so seriously because they do not know the lot of the poor village producers. I being a village man and son of a real producer know how the producers have to suffer if they are not given cards as I have suggested when there will be scope for troubles. Therefore, Sir, I suggested that there should be a card system and that system should be introduced before opening a market.

Sir, in some provisions of the Bill there is scope for contradictory meaning and it is perhaps due to the defects in drafting of the Bill. I hope the Select Committee will give special stress to my first submission that this Bill is not necessary at all. But if they feel that this Bill is actually necessary then many things should be looked into in the interest of the real producers. The Deputy Commissioner has been given extensive power over the Market Committee and regarding the selection of members for a Market Committee the Government has taken in their hand much more unnecessary power. I think that more power should be given to the people than to anybody else. But that is not given in the Bill. Hence, Sir, I oppose the introduction of this Bill.

***Rev. J. J. M. NICHOLS-ROY [Cherrapunji (Reserved for Scheduled Tribes)] :** Mr. Deputy Speaker, Sir, it appears to me that this Bill will bring no benefit to the producers who have got vegetables, fruits and other produces to be sold. If a producer has got anything to sell then he is to go to an area which will be notified as a market area and no where else he can sell them. In that case a notified market area will be a controlled area and then it will be subject to all kinds of evils. If there is control even in selling of such things then it means that there will be control against the freedom of the producers and it will have a very bad effect on the producers. So, Sir, I am against the introduction of this Bill. I do not believe that it will bring any good to the people. Rather it will create more corruption and create more troubles to be suffered by the producers

Therefore, I am against the spirit of the Bill and it should be dropped. There should be all the freedom to sell the produce by the producers, but instead there is going to be a control by some sort of a Committee. Wherever there is any control by anybody there is scope for corruption and such other evils. I am glad that this Bill has been referred to a Select Committee. For its consideration I would say that what we actually want is more freedom to sell our produce and for that we want more markets here in Assam. There are so many things which are produced in the Khasi and Jaintia Hills but when there is no demand for most of them here in Assam then we must have the freedom to export them and that must be exported. And yet if such things are to be sold in a notified market to be controlled by a Committee then all sorts of evils would arise there. We know what troubles our people suffer in our markets here in Assam. From the Bill we have come to know that there is going to be a market committee in some areas and to reach that committee by the producers they will have to do something, that is to say, that producers shall have to bribe somebody in the committee in order to sell their produces in the notified market. A producer will have to go to the market committee in order to get his license, etc. In this way, Sir, if a market is going to be controlled by the Government through the committee then the very idea will be wrong. Because in that case the State Government will fix the prices of the produces to be sold in the market. For example, if I have oranges to be sold at the Gauhati market then the State Government will ask me to sell them at the rate of Rs.1-8-0 per maund. But if the purchasers do not buy them at that rate then what will happen?

***M. MOINUL HAQUE CHOUDHURY** (Minister, Agriculture): Which paragraph he means?

***Rev. J. J. M. NICHOLS-ROY** [Cherrapunji (Reserved for Scheduled Tribes)]: It is I think sub-clause (2) of clause 4. It is stated here: "On and after the date on which any area is declared to be a market area under subsection (1), no place in the said area, subject to the provision of Section 7 shall be used for the purchase or sale of any agricultural produce specified in the notification issued thereunder."

Provided that pending the establishment of a market in such area under Section 6, the State Government may grant a license to any person or persons to use any place or places in the said area for the purchase or sale of any such agricultural produce on such terms and conditions as may be fixed by the State Government for the regulation of the trade in agricultural produce in the area." (M. Moinul Haque Choudhury: There is no mention of price here.)

Now, these are the points I want to mention and these should be examined when this Bill will be considered by the Select Committee. I myself am against this very Bill, but when the Select Committee will discuss this Bill, they will have to consider these points (1) that there should be no control of the prices by the State Government, (2) there should be no control of the sale of agricultural produce anywhere. Wherever a man may be able to sell his produce, he should be allowed to do so and should not be forced to go a certain specific market or to a certain area where only his produces can be sold. If this freedom is denied it would be a retrograde step and would adversely affect the agricultural producers in the whole of Assam.

Shri KHOGENDRA NATH BARBARUAH (Amguri):
Mr. Deputy Speaker, Sir, at this stage I do not like to speak on this Bill. I suggest that the Bill should go to a Select Committee. I would have been very glad if the Government would have taken the responsibility of purchasing the entire marketable goods and also selling goods that are necessary to the people.

Sir, our peasants are getting blows in the hands of three classes of blood-suckers, *viz.*, money lenders, whole-sale traders and big landlords. To relieve them it would be wise if the entire responsibility is taken by Government to purchase everything, even the cash crops. In China this is done. All agricultural goods are purchased by Government and necessary goods are sold to the people. The plough is sold by Government to the peasants and if any plough does not suit any peasant he can return the plough and get the money back from Government. But here we find so many intermediaries and blood-suckers that we cannot expect peace and tranquility and a fullfledged democracy. I hope Government will consider this. I do not like to comment on the provisions of the Bill as we will get the chance later when the report of the Select Committee is presented and the Bill is considered clause by clause. This is all I have to say now.

* **Shri HARESWAR GOSWAMI (Rampur):** Mr. Deputy Speaker, Sir, the purpose of this Bill seems to be a very laudable one. As stated in the Statement of Objects and Reasons.

“It is deemed necessary to provide better regulation of buying and selling of agricultural produce in the markets of Assam, so that the producers of agricultural commodities may get protection and proper value for their produce, and conditions in which agricultural produce is brought and sold, including storage, shelter, banking facilities, parking facilities, sanitary conditions and other amenities may improve. Further, in view of the fact that marketing intelligence is necessary to formulate Government policies with regard to agricultural produce, the regulation and control of markets is necessary. To enforce this, market charges have to be regulated, standard weights and measures have to be enforced, licensing of marketing functionaries has to be undertaken, and nucleus of marketing intelligence has to be developed”.

But when I go through the Bill, I find that the primary object is not so much to give the producers a fair price for their produce, as to collect marketing intelligence in order to formulate Government policy with regard to agricultural produce. That seems to be the main purpose of the Bill. As I had gone through the whole Bill, I did not find any provision whereby the producers are assured of due prices for their goods. This Bill, I find, seeks to create something like another Local Board for the purpose of markets. As a matter of fact, the whole procedure, as envisaged in this Bill, is so cumbrous that it may lead to greater corruption than benefit to the producers. Now, Sir, in Chapter III a Market Committee has been envisaged, the appointment and salaries of servants of the Market Committee have been provided and then power has been given to levy fees. Although, Sir, during this Session we were glad to know that there would be no fresh taxation during the current year, yet due to the introduction of certain Bills we have got the apprehension that avenues are created for further taxation. Then, Sir, the Market Committee will be given a fund; it has the power to borrow and do such other things as mentioned here. I do not know whether in an agricultural country like ours, we have reached that stage where it is necessary to provide for all these things. In a highly commercial State, it may be necessary to provide for all these

things, but in an agricultural State and which also one may consider to be in a primitive stage, whether the organisation of these organs will in any way facilitate the producers to get their dues is very doubtful. On the other hand, these organs will create more opportunity of scramble for power and also for misuse and abuse of power. This whole thing envisages something like a step-within-step. We have got the Municipalities and Local Boards and after Local Boards Panchayats and Union Panchayats will come. Then why this question of regulation of markets has been posed here. the question of providing sanitary conditions, shelter, etc. ? Why it is not possible to give this task to the Panchayats and the Municipalities, instead of creating another tier of power ? Why it is not proposed to give these functions to the Panchayats or Municipalities, as the case may be ?

Then, Sir, clause 13 gives power to levy fees. It states, "The Market Committee may subject to the provisions of rules and subject to such maximum as may be prescribed by the State Government levy fees on the agricultural produce sold by the licensee in the Market area. (2) The fees referred to in sub-section (1) shall be paid by the purchasers of the produce concerned". I do not know why this provision is necessary if the ordinary laws of economics are to operate as a matter of course. The incidence of a fee is always shifted to the purchaser ; but it may so happen also that a seller with a desire to sell more produce may not pass on that fee to the purchaser and may desire to keep it on himself.

Adjournment

The Assembly was then adjourned for lunch till 2 p. m.

After lunch

Shri HARESWAR GOSWAMI (Rampur): Mr. Deputy Speaker, Sir, I was speaking before the lunch hour about clause 13 and was saying that this clause puts a stamp on every article and levy will be imposed for their sale. Now, I said that in

certain cases, the sellers do not like the incidence of the levy but here when it is incorporated in the Act itself they will find an excuse and will try to take advantage of it. But the incidence of the tax will not go to the benefit of the producer as that provision localises the whole thing.

Now, what is the most important definition under clause 2 (1) (i) ? If you see it, you will find that by agricultural produce it means and includes considerable number of things even vegetables to unknown fruits. All animal husbandry products are also included. The whole purpose is not to leave a single item outside this levy. Therefore, this is not so much for creating sanitary condition in the market place distributing marketing produce but this is mainly an instrument to levy tax on all agricultural produce and if this is the purpose it would have been better for the Minister to have come and say straightaway that the purpose is to get more money for the State Exchequer. Sir, this is like a wheel within a wheel. Therefore, I hope that this Bill.....

(There was a loud sneezing there)

This sneezing is an ominous sign; so this Bill is ominous and it should be dropped.

* **M. MOINUL HAQUE CHOUDHURY** (Minister, Agriculture): Sir, the Bill is not ominous but the hon. Member's speech is ominous.

* **Shri HARESWAR GOSWAMI** (Rampur): This sneezing by a prominent lady Member of the House is ominous; so I hope, the hon. Minister will at least agree to refer this Bill to a Select Committee.

M. MOINUL HAQUE CHOUDHURY: Mr. Deputy Speaker, Sir, I have heard with attention the speeches delivered by some of the hon. Members of this House.

Sir, my Friend, Mr. Borbaruah, who is sitting in the front line of the Opposition Bench said that the State must also control the market and in doing so go to purchase every thing. I would have been very happy if he could have convinced Mr. Goswami, the Leader of the Opposition who is also sitting in the same bench with him, about the logic of this argument.

Shri KHOGENDRA NATH BARBARUAH (Amguri):

How could I convince my Friend Shri Goswami, when I have failed to convince our Minister ? (*Laughter*).

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Actually speaking, it is not only the duty or the State to improve the production but at the same time, it is the duty of the State to ensure a realistic economic structure for the cultivators. To achieve this it is necessary for the State to create marketing facilities for the agricultural production in the State. With this idea, in some of the countries of the world all the agricultural produce may be purchased by the Government so that the agricultural community or the cultivators are afforded safeguard against the selfish elements in the society. Now, Sir, what are the snags ? Very often due to creation of difficulties by these elements in the market condition the agriculturists do not get fair prices for their commodities. Sometime due to artificial fluctuation of prices they do not get reasonable prices. Sometime it happens because of the difficulties of communication or because of over production in a particular area and the failure of the cultivator to rush supply to areas having a demand for the said commodity. The cultivators are deprived of their legitimate money. Now, in order to obviate these difficulties, it is absolutely necessary that they must be given certain facilities of marketing so that the best price is always ensured to the agriculturists. Exactly with the idea of providing better facilities by regulative buying and selling of agricultural produce this Bill has been sponsored. What is the position now ? At present there are no doubt some market and *hats* in this State under the control of the Municipal or Local Boards but the Local Board is going to be abolished. If we accept the suggestion put forward by my Friend, Shri Goswami, the Leader of the Opposition, that we may replace the Local Boards by the Panchayats yet there are bulk of markets in this State which are neither under the Local Boards nor under the Municipal Boards. These are owned by private persons. There was a time when practically no value used to be attached to these market places but gradually with the creation of say railway and other transport facilities or having a N. E. S. or Community Project Block head quarters at that place these markets are becoming valuable properties. How to control these ? The owners of these markets make high profits but they do not like to provide

say, sanitary arrangement or say, they do not like to give facilities to our agriculturists to sell or buy under certain conditions. Therefore it is absolutely necessary that in order to create these better circumstances we must look into these things. I can assure the House that Government have no intention either to control the management of these markets beyond what is necessary for the purpose of best agricultural marketing or to control the prices absolutely. My friend the Leader of the Opposition, thinks that this is just a measure to tax these goods and he has asked me that I should be plain enough to come forward and say that I want taxation. I say that is far from the intention of the Government. Government do not at all want to tax these goods. I do not think for taking some amount of licensing fees from the owners of the markets the prices would go up as has been said by Shri Deka. Sir, the owners of these markets will get the same benefit as they are getting now. They will not possibly be required to part with a single rupee on that account. There is no question of having a rising tendency in the prices because of this Act. In any case there is no point in entering into detail replies, as I have decided to accept the amendment moved by my friend, Shri Bora, to refer this Bill to the Select Committee. Since I find excepting Rev. Nichols-Roy every one here agrees that there is the necessity of an Act like this (Shri Tarunsen Deka : I did not agree) at least some of the Members who took part in the debate agreed to the necessity of this Bill in order to improve the marketing facilities. The principle being more or less accepted, the Bill can be touched here and there and improved upon in the Select Committee. I am sure the criticism levelled against this Bill by my friends would be certainly considered by the Select Committee. Sir, my friend, Shri Barbarua, has said that he had failed to convert me. Let us try this process in a reciprocal manner. Let me try to convert him in the Select Committee and for this let us take a chance there. Thank you

Mr. DEPUTY SPEAKER: The question is that the Assam Agricultural Produce Markets Bill, 1958, be preferred to a Select Committee consisting of Members as already stated before. The Select Committee's report is to be submitted by 15th July, 1958.

(The motion was adopted.)

**The Assam Agricultural Produce Markets
Registration Bill, 1958.**

Shri M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Mr. Deputy Speaker, Sir, I beg to move that the Assam Agricultural Produce Market Registration Bill, 1958 be taken into consideration.

Mr. DEPUTY SPEAKER: Motion moved is that the Assam Agricultural Produce Markets Registration Bill, 1958 be taken into consideration:

Shri LILA KANTA BORA (Kaliabar): Mr. Deputy Speaker, Sir, I have an amendment to this Bill. This is also an important legislation. The main purpose of this Bill is to give some protection to the agricultural producers, because now-a-days they are subjected to various malpractices and they are deprived of the legitimate price of their produce. This Bill seeks to register those markets where agricultural produces are sold. As this is a very important legislation, I think, this should be carefully examined and therefore I beg to move that the Assam Agricultural Produce Market Registration Bill, 1958 be referred to a Select Committee consisting of the following members:

1. The Minister-in-charge,
2. Shri Hareswar Das, Minister,
3. Shri Md. Idris, M.L.A.,
4. Shri Joga Kanta Barua, M.L.A.,
5. Shri Kamala Prasad Agarwala, M.L.A.,
6. Shri Chatra Sing Teron, M.L.A.,
7. Shri Sarbeswar Bardoioi, M.L.A.,
8. Shri Henry Cotton, M.L.A.,
9. Shri Mohananda Bora, M.L.A.,
10. Shri Nilmoney Barthakur, M.L.A.,
11. Shri Hareswar Goswami, M.L.A.,

The Select Committee is to submit their report by the 15th July, 1958.

Mr. DEPUTY SPEAKER: The motion moved is that the Assam Agricultural Produce Markets Registration Bill, 1958 be referred to a Select Committee. The Select Committee is to submit their report by the 15th July, 1958.

Shri TARUN SEN DEKA (Nalbari-West): In the Statement of Objects and Reasons at page 7 of this Bill, it is stated:

“At present the growers of agricultural produce are being subjected to various malpractices and numerous market charges are being extracted from them under different pretexts and are being deprived of the most of the profits which otherwise they would have earned by the sale of their produce. The Bill aims at giving them protection against these evils by providing for the compulsory registration of the market in agricultural produce and laying down a scale of market fees beyond which the grower-sellers will not be required to pay anything.”

Sir, the statement of objects and reasons of the Bill has not been able to explain clearly what is meant by this legislation. The explanation given does not tally with the main spirit of the Bill, because the Bill wants to have registration of the markets and thereby it wants to bring some money to the State Exchequer. That is number one. Secondly, it wants to create a chaotic disorder in the village markets. Thirdly, it does not give actual valuation of the agricultural produce to the growers

In the definition of this Bill in clause 2 it says: ‘Agricultural produce’ means any produce of agriculture or horticulture and includes livestock products, *e.g.*, poultry, eggs, milk and milk products, hides and skins and wool of livestock and any article of food and bring wholly or partially manufactured or prepared from agricultural produce and any other produce that the State Government may by notification in the official Gazette declare to be agricultural produce for the purpose of this Act.”

So this Bill includes not only the actual agricultural produce but also it includes horticulture, livestock products and all the products produced by the tiller of the soil.

Sub-clause (e) at page 2 of the Bill says:

“Trader means a person who for gain or profit buys or sells agricultural produce, other than his own”.

Sir, in sub-clause (f) there is the definition of the term “market”. Here it says—‘Market’ means any place, at which

persons ordinarily assemble for the purchase and the sale of any agricultural produce or any other commodity, and, includes any Fair and Mela which is held at the same place for more than three consecutive days or any Hat'. So, Sir, it shows that not only this Bill is meant for the existing Hats or markets, but also it means Melas which are held for more than three consecutive days. Again, here we find that 'Proprietor' means the owner of market and includes any person who is in actual charge and/or in direct control of the market or is the lessee thereof or is acting on behalf of such owner or lessee.' So, Sir, the proprietor of a market means the existing lessee, the lessee who holds the lease under the present Municipal Board or Local Board or the Rural Panchayat or the lessee who holds lease directly under the Government, So it also shows that the scope of this Bill is extended not only to the existing markets but also to the customary Melas which are held periodically such as the Sarthebari Mela or the Jagra Mela or other Melas which we have also in Rangiya.

As you know Sir, in these Melas or Hats generally the poor producers come to sell their ordinary produce to get something. So if the question of registration comes in for these markets and if a fee is levied, as envisaged in this Bill, upon those poor producers then surely there will be a disorder and at the same time a great loss to the poor people. You know, Sir, that almost 90 per cent of the Hats and bazars of our State are under Rural Panchayats, or Municipalities or Town Committees or Local Boards. Sometimes it happens that in one bazar there is dual control by the Local Board who levy fees through their lessees and also the Rural Panchayats sell the markets or Hats in auction to the lessee. Sir, I know, there are many cases in the law courts to decide as to who is the real authority, whether the Local Board or the Rural Panchayat. If in spite of that, Government wants to make the procedure of registration as envisaged in this Bill, then there will be a third authority who will control the existing village or town markets and there will be chaos. I know that there are some small village markets which are not directly under any authority, in which the poor villagers assemble themselves in some villages because they have no scope or time to sell their produce at distant places. I know personally that in the interior villages the poor producers themselves organise some small Hats to dispose of their produce, and if, according to Sub-clause (1) of clause 3 of this Bill, these Hats are not allowed to run, freely, and if registration is required in their cases also, then there will be a new

proprietor or a new lessee who will control these small Hats and levy fees on the producers. I think when Government has not spent even a single farthing for the organisation of the small village Hats, where nobody has taken any interest because the villagers organise them by their own labour and money, from the point of view of justice and equity, it is not the authority of any Government whatsoever to impose these procedure of registration.

I will just read sub-clause (2) of clause 3. It reads "After the date of commencement of this Act no market for agricultural produce shall be established unless it has been registered by the proprietor thereof in such manner and on payment of such fees as may be prescribed and every such registration shall thereafter be renewed for successive periods of two years by such proprietor in such manner and on payment of such fee as may be prescribed."

Sir, the spirit of this clause 3 is this: That the existing bazars and Hats just after the commencement of this Act should be registered within a period of six months, and that the Hats or bazars which are going to be opened, cannot be opened without registration or permission from the Government. I think, Sir, the compulsory registration of these small Hats and bazars which, as I have just now explained, are organised by the villagers themselves, should not be applied to them and such bazars should be exempted from the purview of this Act. Also for opening of new Hats and bazars there should not be a provision like this. If the people for their own interest want to organise or open such Hats and bazars, they should be allowed to do so freely, otherwise it will be detrimental to the very fundamental spirit of our Constitution and it will bring only untold sufferings to the village producers. So, I demand that this sub-clause (2) should be omitted entirely from this Bill.

Then, Sir, here in clause 4 there is classification of markets that all markets for agricultural produce in the State shall be divided into four classes *viz.*, classes A, B, C, and D on such basis as may be prescribed and by such officers as the State Government may appoint for the purpose. But, Sir, I do not understand what is the aim of making the classification of markets, it is not stated in the Bill. When it is not clearly stated, I feel the classification is not necessary. If the Mover of the Bill says that it is necessary I hope he will explain the purpose.

In clause 5, Sir, there is the provision for supply of information by owners of markets. Whenever an officer

concerned wants information from the proprietors or lessees they should supply the information according to the present provision at page 5 of the Bill. For wilful omission to supply information or produce documents to authorised officers, the proprietors or the lessees will be fined up to Rs.100. Sir, I feel that the necessary information when required by the officers concerned should be furnished by the proprietors or lessees when it is necessary in the interest of public. But at the sametime, Sir, it should also be remembered that the time asking for the information should be limited. There is no time limit in this Bill within which the proprietor or the lessee should furnish the information. Some officers might require the information to be furnished to them within 24 hours, and if the proprietors or the lessees fail to do so, he might be rather fined upto Rs.100. So, Sir, the time limit should be there. It should be reasonable if the time limit is fixed at seven days or so. So, Sir, I submit that there should be a time limit for furnishing information to authorised officers, otherwise some interested executive officers may cause trouble to the proprietors or lessees.

Sir, clause 6 provides for levy of market fees. It is stated that subject to rules made under this Act, a proprietor may levy such fees as may be prescribed, on agricultural produce bought and sold within the market area. Sir, it is most startling that if a long rope is allowed to the proprietors of the markets, the proprietors who will register their markets for better or more profits will seek clue so that they may earn more money by imposing upon the poor producers certain condition. So, Sir, there is no limit as to which class of producers the levy of market fees are to be imposed. It is quite evident from what is happening in the villages now that the proprietors may levy upon the poor producers or persons who come to Hats or bazars to sell their goods also. We know, Sir, that village people sometimes come to sell two or three eggs, two or three Lao and Kumuras and some Pan-Tambuls. If those people are left in the hands of the proprietors of the markets they may levy fees upon the poor persons. Now a days all these things are happening in Hats and bazars almost every day, and due to this there are troubles and clashes in the Hats and bazars. So, Sir, I submit that no person who comes to Hats and bazars to sell his produce for less than Rs.100 worth of goods, should be added here in the Bill. On such persons no levy should be imposed. But the persons who come to the Hats and bazars to sell his produce for more than Rs.100 levy of fees should be imposed on them only, and not upon the poor persons who come to Hats and

bazars to sell their produce which is less than Rs.100 in value. clause 6 is so vague that it seems that the Mover of the Bill kept his eyes towards the interest of the proprietors of markets who are generally well-to-do people. So, Sir, if Government wants to give remedy or relief to the poor producers of agricultural produce, the suggestion which I have made should be added in the Bill itself.

Also, Sir, in the same clause, in sub-clause(3) it is stated that receipts should be issued to the sellers who come to sell their produce in the markets. But it is not referred here or stated that if the receipt is not issued what punishment would be given to the proprietor or the lessee. So, Sir, I submit that there should be a provision like this that for non-issue of receipt, the proprietor or the lessee should be heavily punished and that there should be a penal provision to this effect.

Then, Sir, in clause 10 it is stated that, "Whenever the proprietorship of a market registered under Section 3, is transferred the transferee shall within three months from the date of transfer give notice in writing of such transfer to the prescribed authority which granted the registration and if such authority is satisfied that the transfer has taken place he shall record such transfer in the register referred to under Section 9." I would like to submit one thing which is omitted. When the proprietorship is transferred to another person the transfer should be made by a registered document under the Indian Registration Act, otherwise if the transfer is made orally without any written document such transfer may be repeated by done by the original owners of the market and it will be very difficult to say who is the actual new owner. So there should be provision of registration of transfer. There should be a deed of transfer and it should be registered. It is not here and I feel that it should be added. Regarding the unauthorised collection which is here at page 6, regarding the unauthorised collection of market fees and other charges....to grant receipt etc. I submit the amount of fine which is given here is very meagre. It is only Rs.100. It should be at least 1,000 rupees.

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Are you supporting the Bill ?

Shri TARUN SEN DEKA, (Nalbari-West): No. Not that I am making some observations. If inspite of my objections it is accepted, then these recommendations should be looked into in the

Select Committee when it goes to the Select Committee. In clause 15—trial of offences—sub-clause (2)—it is said prosecution under this Act may be instituted by any persons duly authorised by the State Government. I object to it because by this clause the people who are aggrieved are debarred from instituting cases and according to me it should be totally omitted from this Bill. Sir though I have pointed out these things and placed my recommendations on this Bill, I feel that this Agriculture Produce Market Registration Bill 1958, is not necessary at all at present. It is unnecessarily placed and it has perhaps unnecessarily caused some expenditure from the exchequer for printing and drafting. And in respect of drafting I want to say that it is very bad indeed. When I referred to this aspect of the matter the Minister in-charge said that I have expressed this opinion in the spirit of opposition only. But I think any man who knows A, B, C, D, of law will also admit that the drafting is really bad. If that be the standard of the drafting of our Government, I should say that the standard of our Government in drafting Bills is very low. I think the Department which deals with drafting of these Bills should be rather warned that they should draft properly and should not do like this. Sir, I feel that the very Bill does not tally with the Statement of Objects and Reasons, rather it contradicts. It will no doubt give some amount of money in an indirect way of taxation upon the poor people and also give some money to a handful of lessees, but it will not really give any benefit to the real producers. Hence I totally oppose this Bill.

Shri KHOGENDRA NATH BORBARUAH (Amguri):

Mr. Deputy Speaker, Sir, our society may be compared to a jungle. In the jungle we know the tigers and other strong animals suck the blood of the weaker animals; so here in our society also we find some persons are exploiting others who are rather poor and weak. So our society may also be compared to the jungle. We are not animals, although we are animals we are rational animals. We have the capacity of reasoning, thoughts etc. That is why the human being has the supremacy over all the animals of the earth. So Sir, as we are endowed with these special things *viz.* reasonings, thoughts etc. we expect our society should be such where such things as exploitation, corruptions etc. should not exist. Here in the Assam Agricultural Produce Markets Registration Bill there is an admission that our producers or growers are not getting their due prices of the produces and for that reason it has become necessary to bring a legislation of this kind. I think the best way is to control the

entire marketing system by the Government to relieve the entire people from these blood suckers—money lenders, whole sale traders and big land owners. We find, Sir, out of the surplus marketable goods about 34 per cent or 25 per cent goes to the pocket of these blood suckers. Now it is necessary for the Government to rush to the help of these growers and the entire responsibility should be taken by the Government. Sir, this is my contention. Here in this Agricultural Produce Markets Registration Bill, there are many defects. I do not like to go into the details of this now. I agree with the Mover that the Bill be referred to the Select Committee and then we shall get enough time and opportunity to go into the details of the Bill. I hope the Government will accept the motion of my Friends for referring it to the Select Committee. With these few words, Sir, I support the motion of my Friend. When my opinion will be invited I will give them. Here I want to emphasise the fact that Government should take steps so that all sorts of exploitations may be eliminated from the society, so that a Socialistic pattern of society may be ushered in, in no distant date. Government should proceed on that line, directly and quickly.

M. MOINUL HAQUE CHOUDHURY (Minister, Agriculture): Mr. Deputy Speaker, Sir, this Bill is a corollary to the last Bill; rather, both are very much co-related. Since I have agreed to refer the other Bill, *i. e.* the Asam Agricultural Produce Markets Bill, 1958, to the Select Committee, I would like to agree the present motion to refer this Bill also to the Select Committee. It is necessary that amendments or re-drafting, if any, in the Select Committee should be done keeping in view both the Bills together. Therefore, there is no other alternative left to me but to agree to the motion.

Certain criticisms have been levelled by my Friend, Shri Deka. I hope the Select Committee will keep these in mind. But in my view, the hon. Member has criticised the Bill only for the sake of criticising the Government. He was pleased to speak on both the Bills, and if the notes of both these speeches are compared, I am sure, they will be found quite contradictory. While discussing the Agricultural Produce Markets Bill he said that if we raise the toll or the registration fees, then the prices of agricultural commodities will go up, and now he says, "Well, the Minister has an eye on the rich men, and therefore, he has kept the registration fee very low." Sir, I do not know what should be the answer.

Shri TARUN SEN DEKA (Nalbari-West) : In respect of the other Bill, Sir, I spoke on the principle of supply and demand. If things are available in the market, demand for them together with their prices will go down.

M. MOINUL HAQUE CHOUDHURY (minister, Agriculture) : Sir the explanation does not improve the position. It remains where it was. Any way, I am sure the Select Committee will consider even these contradictory speeches.

With these words, Sir, I accept the amendment.

Mr. DEPUTY SPEAKER : The question is that the Assam Agricultural Produce Market Registration Bill, 1958, be sent to a Select Committee consisting of the following Members :—

- (1) Minister-in-Charge
- (2) Shri Hareswar Das, Minister.
- (3) Shri Mahammad Idris M. L. A.
- (4) Shri Joga Kanta Barua M. L. A.
- (5) Shri Kamala Prasad Agarwalla M. L. A.
- (6) Shri Chatra Sing Teron M. L. A.
- (7) Shri Sarbeswar Bardoloi M. L. A.
- (8) Shri Henry Cotton M. L. A.
- (9) Shri Mohananda Bora M. L. A.
- (10) Shri Nilmoney Barthakur M. L. A. ; and
- (11) Shri Hareswar Goswami M. L. A.

The Select Committee is to submit their report by 15th July, 1958.

(after a pause.)

(The motion was adopted.)

The Assam Municipal (Amendment) Bill, 1958

Shri DANDESWAR HAZARIKA (Morongi) (Chairman, Select Committee) Mr. Deputy, Speaker, Sir, I beg to present the Report of the Assam Municipal (Amendment) Bill, 1958. The Report has been already circulated to the hon. Members of the House.

Shri FAKHRUDDIN ALI AHMED (Minister, Local Self Government) : Mr. Deputy Speaker, Sir, I beg to move that the Assam Municipal (Amendment) Bill, 1958, as reported by the Select Committee be taken into consideration.

Sir, in this connection the only thing which I should like to point out is that all the doubts which were expressed by the hon. Members who had taken part at the time of discussions have been removed and now the amendment suggested by the Select Committee is nothing more than what is provided in section 36 of the General Clauses Act. There is now no scope for the hon. Members to think that by this amendment Government intends to extend the life of the old Municipal Boards beyond what has been provided under the Act. I trust the provision of the Bill as amended will now be acceptable to the House.

Mr. DEPUTY SPEAKER : The question is that the Assam Municipal (Amendment) Bill, 1958, as reported by the Select Committee, be taken into consideration.

(The motion was adopted.)

The Assam Non-Agricultural Urban Areas Tenancy (Amendment) Bill' 1958

Shri HARESWAR DAS (Minister, Revenue): Mr Deputy Speaker, Sir, I beg leave of the House to introduce the Assam Non-Agricultural Urban Areas Tenancy (Amendment) Bill, 1958.

The reason of this amendment is this : The definition of the permanent structure in the amount has created an anomalous situation. In the same town, the same type of houses has been declared as permanent in one area and non-permanent in other area. Just to remove this anomaly this Bill is introduced.

Mr. DEPUTY SPEAKER: Is it the pleasure of the House that this Bill be introduced ?

(The Secretary then read the title of the Bill.)

Shri HARESWAR DAS (Minister, Revenue): Mr. Deputy Speaker, Sir, I beg to introduce the Assam Non-Agricultural Urban Areas Tenancy (Amendment) Bill, 1958.

Mr. DEPUTY SPEAKER: The Motion moved is that the Assam Non-Agricultural Urban Areas Tenancy (Amendment) Bill, 1958 be introduced.

***Shri HARESWAR GOSWAMI (Rampur):** Mr. Deputy Speaker, Sir, this amendment to the Bill is a long felt need to people living in the non-agricultural urban areas. The principal Act contained a clause that if a structure is permanent, if it is built with the connivance of the owner, and if he resides there for three years, the tenant cannot be evicted, and a permanent structure was defined in that Act as a structure which is considered permanent in that locality. On this score, many cases have been brought before the Court and a great amount of confusion was created by this vague definition. Sir, this Bill was intended formerly to benefit the tenant so that those tenants who were in the urban areas for a long time and who were living in some rented house and in houses built by them in certain areas, after some lapse of time, they may not be evicted easily. Because of the fact the definition gave rise to a lot of confusion and several cases were lodged in different places, this new Bill has been brought. Now, Sir, according to this new definition, a permanent structure means "a structure made of cement-concrete, stone, brick, iron, aluminium, asbestos or wood or any combination of these materials." But what part of the structure is to be so made, has not been stated. "Provided that a building with bamboo or Ikra walls and thatched roof shall also be regarded as a permanent structure, if its frame is constructed of any of the materials mentioned above". We can envisage quite a lot of confusion and I am doubtful whether the latitude given through this interpretation will actually benefit the tenant. I am afraid it may mean that not only any part of the structure but the whole structure must be made by materials mentioned here and in that case many people will be deprived of the benefit. Supposing that is not the purpose and if any of those materials are used to make a structure permanent then the

question of reasonableness of the definition might be raised. So, Sir, my submission on this matter is that the definition about permanent structure at least has not been happily defined. If we really want to do some benefit through this measure then I feel that we should try to make the definition clear instead of making the confusion worse confounded.

Shri KHOGENDRA NATH BARBARUAH (Amguri): Mr. Deputy Speaker, Sir, I should like to speak a few words in this connection. Supposing a house is made with bamboo posts, but if its floor is made with one or two bags of cement then how can we say this is a house of permanent structure—such an objection might arise. So, the definition here should be perfect. It is mentioned here in the Bill: ‘Permanent structure’ means a structure made of cement-concrete, stone, brick, iron, aluminium, asbestos or wood or any combination of these materials :

Provided that a building with bamboo or Ikra walls and thatched roof shall also be regarded as a permanent structure, if its frame is constructed of any of the materials mentioned above.”

If cement is mixed up with other things and used in a house of bamboo posts then that should be also considered as a house of permanent structure. If that is meant then I think our people, rather the poor people, will not be in great difficulty, because when the officers in charge will go to them for the purpose of making an enquiry of their houses then troubles might not arise. I think Government should consider the definition about ‘permanent structure’ and shape it in such a way that it may give the correct definition about ‘permanent structure’. All I want is that this definition should give facility to the poor tenants.

Shri HARESWAR DAS (Minister, Revenue) : Sir, this definition is not our definition. This was made at the suggestion of the President. The previous Bill was not of this nature and when it was sent to the President for his assent, the President sent back the Bill with recommendations for amendment and in that recommendation this definition was given.

There are two classes of tenants : one is malafide tenants and the other bonafide tenants. By this Bill we want to give protection to the bonafide tenants. When there was no demand for

land, a plot of land might have been leased out to a certain person. With the development of the town that plot might have become very valuable. If the word "permanent" is omitted and the word "structure" only remains, he may construct an *ekchala* of thatch, put in some iron scraps and claim that this is a structure where he runs his business and he cannot be evicted. That will mean that he will neither use the land properly nor will give it up. This we want to prevent. I have seen particularly at Dibrugarh a house with C. I. Sheet roof, C. I. Sheet walls, wooden posts and Pucca floor where a businessman was running his business. This house is just 50 or 60 feet off a two storied brick-built house, though other houses are inferior to this C. I. sheet house was declared a non-permanent structure. In that very town less strong houses have been declared permanent in other localities. Some sort of a standard is to be laid down. That is why this definition has become necessary. My Friend, Mr. Goswami, is a lawyer and so let him utilise this definition as best as he can. If a structure is constructed with any of these materials then that may be considered as permanent and so this definition will cover a large number of houses.

I could not follow what my Friend, Shri Barbaruah was driving at. He said that a house made of bamboo posts with thatched roof but with pucca floor then that will come under this definition. Yes, that is our intention. Our intention is to give protection to houses which are of a permanent nature in the locality. We have mentioned these materials just to be in line with the real sense of the word permanent.

Mr. DEPUTY SPEAKER : I put the question.

The question is that the Assam Non-Agricultural Urban Areas Tenancy (Amendment) Bill, 1958 be introduced.
(The question was adopted).

Re: Notice sending amendments to certain Bills

The second and third reading of the following Bills may be taken up on the 2nd May, 1958, on the recommendation of the Business Advisory Committee. The amendments to the Bill should be tabled so as to reach the Assembly Secretariat upto 6 P.M. today.

The Bills are—

The Assam Ministers' and Deputy Ministers' Salaries and Allowances Bill, 1958.

The Assam Deputy Speakers' Salaries and Allowances Bill, 1958.

The Assam Municipal (Amendment) Bill, 1958, and
The Assam Non-Agricultural Urban Areas Tenancy
(Amendment) Bill, 1958.

I think the Members will table their amendments, if any,
accordingly.

Government Resolutions

**Resolution to approve of an expenditure of Rs.1,55,500
by re-appropriation**

**Shri KAMAKHYA PRASAD TRIPATHI (Minister,
Education)** : Mr. Deputy Speaker, Sir, I beg to move that
this Assembly do approve of an expenditure of Rs.1,55,500
under the head "37.—Education", by re-appropriation from
savings from the sanctioned grant as indicated in the copy of the
Resolution. Is it necessary to read the items ?

Mr. DEPUTY SPEAKER : No. The question is that
the Assembly do approve of an expenditure of Rs.1,55,500
under head "37.—Education", by re-appropriation from
savings from the sanctioned grant as indicated in the copy of
the Resolution.

(The motion was adopted).

**Resolution to approve of an expenditure of Rs.34,000
by re-appropriation**

**Shri RUPNATH BRAHMA (Minister, Medical and
Public Health)** : Mr. Deputy Speaker, Sir, I beg to move
that this Assembly do approve of the expenditure of Rs.34,000
under the head "39.—Public Health", by re-appropriation
from savings from the sanctioned grant as indicated in the copy
of the Resolution. The reason for bringing this resolution has
been stated in the explanatory notes supplied to the hon.
Members.

Mr. DEPUTY SPEAKER : The question is that the
Assembly do approve of an expenditure of Rs.34,000 under the
head "39.—Public Health", by re-appropriation from savings
from the sanctioned grant as indicated in the copy of the
Resolution.

(The motion was adopted).

Adjournment

The Assembly then adjourned till 10 A. M. on
Thursday, the 1st May, 1958.

Shillong :
The 27th November, 1959

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