



# Assam Legislative Assembly Debates

## OFFICIAL REPORT

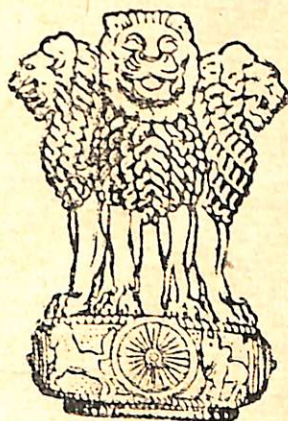
SEVENTH SESSION OF THE ASSAM LEGISLATIVE  
ASSEMBLY ASSEMBLED AFTER THE FIRST  
GENERAL ELECTION UNDER THE  
SOVEREIGN DEMOCRATIC REPUBLICAN  
CONSTITUTION OF  
INDIA

### ADJOURNED BUDGET SESSION

### VOLUME I

### No. 18

The 20th June, 1955



सत्यमेव जयते

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Assam

Legislative Assembly

Debates

OFFICIAL REPORT

SEVENTH SESSION OF THE ASSAM LEGISLATIVE ASSEMBLY  
COMMENCED AT DISPURH ON THE 11th FEBRUARY 1958  
AND TERMINATED ON THE 11th MARCH 1958  
BY THE GOVERNOR OF ASSAM  
INDIA

ADJOURNED BUDGET SESSION

VOLUME I

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The 20th June, 1958



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# DEBATES OF THE ASSAM LEGISLATIVE ASSEMBLY, 1955

(Adjourned Budget Session)

Vol. I, No.18

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

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The Assembly met in the Assembly Chamber, Shillong, at 10 A.M., on Monday, the 20th June, 1955.

P R E S E N T

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

**QUESTIONS AND ANSWERS**

**SHORT NOTICE QUESTIONS**

*(Short Notice Question No.3 standing in the name of Shri Hareswar Goswami was not put and answered as the Questioner was absent.)*

**STARRED QUESTIONS**

(To which oral answers were given)

*Post-mortem shed at Sibsagar*

**Shri GIRINDRA NATH GOGOI** asked :

\*40. Will the Minister-in-charge of Judicial be pleased to state—

- (a) Whether a *post-mortem* shed had been constructed at Sibsagar ?
- (b) If so, when ?
- (c) If the reply is in the affirmative, whether it is in use for the purpose ?
- (d) If not, why not ?
- (e) Whether Government will please see that it is utilised for the purpose of *post-mortem* examination alone ?

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

40. (a)—Yes.

(b)—It was completed in November, 1952.

(c)—No.

(d)—For want of certain amenities such as arrangement for water-supply and sheds for Chowkidar and policemen.

(e)—Yes.

*(Starred Question No.41 standing in the name of Shri Mal Chandra Pegu was not put and answered as the Questioner was absent.)*

### Assistants of State Transport Organisation

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*42. Will the Minister-in-charge of Transport be pleased to state—

(a) Whether rules have been framed to appoint non-Matric candidates as office assistants in the State Transport Organisation ?

(b) Whether Government maintain a list of all State Transport employees showing their service records of seniority serially ?

(c) Whether promotion from Lower Division Assistants to Upper Division Assistants and also from Upper Division Assistants to Head Assistants is granted according to seniority ?

(d) Whether it is a fact that on many occasions junior assistants including non-Matrices serving as Lower Division Assistants are promoted to Upper Division Assistants superseding the claims of many senior qualified assistants ?

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

42. (a)—No.

(b)—Yes.

(c)—Promotions are made on grounds of seniority, efficiency and integrity and educational qualifications.

(d)—Yes, on grounds of merits, seniority as stated in (c).

*(Starred Question No.43 standing in the name of Shri Hareswar Goswami was not put and answered as the Questioner was absent).*

### **Appointment of Special Officer for Social Education**

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*44. Will the Minister-in-charge of Education be pleased to state—

- (a) Whether it is a fact that in supersession of as many as nine Sub-Inspectors of Schools, a Junior Sub-Inspector of Schools was recently appointed as Additional Deputy Inspector of Schools and then within a few months was appointed as Special Officer for Social Education, a post of Educational Service, Class II, of a still higher Grade ?
- (b) Whether it is a fact that the said appointment has been made in October 1954, but the post has not yet been advertised ?

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

44. (a)—Yes. The appointment of the Officer as Deputy Inspector of Schools was made on the recommendation of the Assam Public Service Commission. Reply regarding the second appointment is in the affirmative.

(b)—He has been temporarily appointed as Special Officer, Social Education, but the post is being advertised soon through the Assam Public Service Commission.

*(Starred Question No.45 standing in the name of Shri Ranendra Mohan Das and No.46 in the name of Shri Mal Chandra Pegu were not put and answered as the Questioners were absent.)*



**Re: Procurement of Textile Goods from Bombay, Ahmedabad and other places since 1949**

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*47. Will the Minister-in-charge of Supply and Textile Departments be pleased to state—

- (a) Whether it is a fact that when the Government of Assam started procuring textile goods from Bombay, Ahmedabad and other places since 1949, the goods on transit and in godowns in Assam were covered by Policies of Messrs. New India Assurance Co., Ltd., of Bombay ?
- (b) What is the total amount of premia paid up till now to the said Company in Textile Transit Insurance and Godown Insurance ?
- (c) What is the outstanding premia due to the said Company ?
- (d) Whether this business was placed by the Government directly to the Company or through the medium of any Insurance Agent ?
- (e) Whether it is a fact that the said New India Assurance Co., Ltd., has not yet paid the Government claims amounting to over a lakh of rupees ?
- (f) Whether Government invited direct quotations from different Insurance Companies asking for minimum rates ?
- (g) Whether it is a fact that while inviting quotations from the Insurance Companies the Government made it clear that they were not interested to place the business through any Insurance Agent ?
- (h) Whether Government are aware that in violation of the assurance of direct business sought for by and given to the Government the said Company has placed the business through a principal Insurance Agent of Calcutta unknown to the Government of Assam and has paid him commission on the premia paid by the Government at the rate of 30 per cent. on Textile Transit Insurance and 35 per cent. on Textile Godown Insurance ?

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

47. (a)—Yes.

(b)—Premia paid—

For Transit Insurance Rs.2,20,139-6-9.

For Godown Insurance Rs.86,364-0-0.

(c)—Outstanding premia on account of Godown Insurance is Rs.46,966-0-0.

(d)—Directly with the Company.

(e)—Total claims outstanding against Insurance Company for loss in transit are Rs.59,832-9-1 at present.

(f)—Yes. At the time of discussion with the Branch Managers of the two Companies, viz., Messrs. New India Assurance Company, Ltd., and British India General Insurance Company, Ltd., were asked to give the lowest quotation.

(g)—Yes. Government were not interested in having agent as they did not think that the agent would be of any help.

(h)—Government is not aware of this fact.

**Maulavi MUHAMMAD UMARUDDIN:** As regards (e), Sir, may I know how long the claims for loss have been pending ?

**Shri BAIDYANATH MOOKERJEE (Minister):** The amount concerned was a heavy one, but gradually we are settling it down.

*Re : Social Education*

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*48. Will the Minister-in-charge of Education be pleased to state—

(a) Who is the senior-most Sub-Inspector under the establishment of Social Education ?

(b) Whether any Officer of the Social Education Department has any training in Mass Literacy as well as in the production of literature intended for mass people ?

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

48. (a)—Shri Tilak Chandra Das.

(b)—Yes. Shri Dharmadatta Sarma, temporary Special Officer, Social Education, is trained in Audio-visual Education, and Shri P. C. Datta, Sub-Inspector of Schools, Social Education in Literary Workshop Training at Santiniketan.

(Starred Question No.49 standing in the name of Shri Ranendra Mohon Das and No.50 in the name of Shri Mal Chandra Pegu were not put and answered as the Questioners were absent.)

### UNSTARRED QUESTIONS

(To which answers were laid on the table.)

#### Fire accident in Social Education Office at Gauhati

**Sriman PRAFULLA GOSWAMI** asked :

126. (a) Will the Education Minister be pleased to state the cause of fire accident in Social Education Office at Gauhati and what are the properties damaged in the fire accident with cost of each article and total amount of loss in the year 1953 ?

(b) How the fire took place ?

(c) Who is responsible for such fire ?

(d) Whether there was any enquiry and if so, with what results ?

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

126. (a)—The cause of the fire could not be ascertained by Police on enquiry. The fire broke out accidentally in the store room where inflammable articles were kept. A list of damaged articles with cost is placed on the Library Table.

(b)—Accidentally.

(c)—None.

(d)—Yes, the enquiry revealed that the fire took place accidentally.

#### Havoc due to erosion of the Subansiri

**Shri SARVESWAR BORUWA** asked :

127. (a) Will the Revenue Minister be pleased to state whether he is aware :—

(i) That the Kaivarta village of Silikhaguri in the Narayanpur Mauza has been completely eroded and washed away and the Miri village of Barati in the Dhalpur Mauza has been all but completely eroded and washed away by the Subansiri during the floods of this and the previous year ;

- (ii) that 90 Kaivarta families of Silikhaguri and 16 Miri families of Barati have been already rendered homeless and are now in search of land along with their co-villagers whose houses are also on the verge of erosion ;
- (iii) that the erosion affected Kaivarta and Muslim residents of Silikhaguri have applied for lands for their settlement in Merbil, Tunijan and Dhekiajuli where there are some Government waste land, land relinquished by Tea Garden and land kept waste but not relinquished by the Tea Companies concerned ;
- (iv) that the Miri village of Barbil in Narayanpur Mauza and Caste-Hindu village of Banpurai in Dhalpur Mauza are also partially affected and dangerously threatened by the erosion of the Subansiri river ; and
- (v) that the erosion affected riots of Bar-Ati, Barbil and Banpurai are in need of immediate evacuation but finding no land in these Mauzas where they can shift to, have applied to the authorities (including the Forest Minister) for permission to settle in Gohpur Forest Reserve as Forest villagers ?

(b) If the answers to (iii) to (v) are in the affirmative, what steps, if any, are being taken to rehabilitate those homeless and landless people at an early date ?

**Shri MOTIRAM BORA (Minister)** replied :

127. (a)—(i) to (v)—Some of these villages have been badly eroded and others are seriously affected or threatened by floods.

(b)—Steps have however been taken by Subdivisional Officer, North Lakhimpur, to rehabilitate the affected families as follows :—

- (i) The eroded families of Silikhaguri have been allotted land at Dhekiajuli Block and in the Harmutty-Merbil relinquished grant.
- (ii) The eroded Miri families of Barati village have been allotted land in Tunijan Block of Laluk Mauza.
- (iii) People of Bonpurai and Borbil villages selected land in the Forest Reserve at Gohpur in Darrang District. But no land could be made available there. Steps are being taken to provide them land elsewhere.

**Pay and other amenities given to present Labour Inspectors**

**Shri HARESWAR GOSWAMI** asked :

128. Will the Minister, Labour, be pleased to state—

- (a) What is the number of the present Labour Inspectors, their pay and scale and what are the amenities given to them ?
- (b) Whether it is a fact that though they are Gazetted Officers they are not given travelling and daily halting allowances on tour as has been done in other States ?
- (c) Whether they are being given Peons or Orderlies to accompany them on tour and if not, whether Government will consider this matter ?

**Shri PURNANANDA CHETIA (Deputy Minister)** replied :

128. (a)—The total number of present Labour Inspectors is 11 and their pay scale is Rs. 150—200—(Conf.)—10—260—(E.B.)—10—300—12½—375—(E.B.)—12½—450. They are entitled to other allowances as admissible under the rules.

(b)—The Labour Inspectors are Gazetted Officers and get travelling and daily allowances according to rules. A proposal to raise the present status is under consideration of Government.

(c)—The matter is under consideration of Government.

**Public petition against the lot Mondal of village Baisa and Barmara in Sorukhetri Mauza of Barpeta Subdivision**

**Maulavi TAJUDDIN AHMED** asked :

129. Will the Minister of Revenue be pleased to state—

- (a) Whether it is a fact that there was a public petition against the lot Mondal of village Baisa and Barmara in Sorukhetri Mauza of Barpeta Subdivision ?
- (b) If so, when that petition was filed ?
- (c) What is the fate of that petition ?

- (d) Whether Government propose to take steps against that lot Mondal ?
- (e) Whether it is a fact that the said lot Mondal use to take Adhi and Borga from the villagers as they cultivated the Khas Lands ?
- (f) Whether Government propose to enquire into this matter ?

**Shri HARESWAR DAS (Deputy Minister)** replied :

129. (a)—Yes.

(b)—It was filed on 5th August, 1954.

(c)—An enquiry has been made by the Assistant Settlement Officer, Barpeta. The allegations are found to be totally baseless.

(d), (e) & (f)—Do not arise.

### **Devastation of floods in plains Subdivisions of Assam**

**Shri SARVESWAR BORUWA** asked :

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

- (a) The dates of the high floods, which devastated crops and home-steads, granaries, etc., in each of the plains subdivisions of Assam during the current year ?
- (b) The area and population affected by floods in each subdivision ?
- (c) The acreage of Ahu, Bao, Sali and jute crops destroyed by floods in each subdivision ?
- (d) The number of granaries damaged by floods in each subdivision ?
- (e) The number of houses or buildings eroded or collapsed or washed away during the floods in each subdivision ?
- (f) The acreage of paddy lands that could not be transplanted due to inundation and want of seedlings caused by the floods in each subdivision ?
- (g) The casualties in cattle and human life respectively of the floods in each subdivision ?
- (h) The total amount of damage (in rupees) suffered by each subdivision due to the floods ?
- (i) The total area eroded or rendered unfit for habitation and the number of families rendered homeless by erosion or high floods in each subdivision ?

- (j) The steps, if any, taken by Government to rehabilitate those homeless people in their respective subdivision or elsewhere ?
- (k) The amount of gratuitous relief, subsistence loan, seed loan, agricultural loan and rehabilitation grant and loan respectively received by each subdivision for its flood-stricken people during the year till the 15th October, 1954 ; and
- (l) The total amount of expenditure incurred by the State on each of the above heads of relief (including loan) till the 15th October, 1954 ?

**Shri MOTIRAM BORA (Minister)** replied :

130. (a) to (i)—The attention of the Member is invited to the statement made by me on the floor of the House on 27th October 1954, on flood situation, which will give all the available information.

A statement showing the available information based on latest reports received from District Officers is also placed on the Library Table.

(j)—Government have so far provided land for rehabilitation of 5,754 flood and erosion affected families of different subdivisions as shown below—

Dibrugarh Subdivision	...	...	2,011	families.
North Lakhimpur Subdivision	...	...	444	"
Jorhat Subdivision	...	...	859	"
Sibsagar	"	...	217	"
Golaghat	"	...	700	"
Tezpur	"	...	209	"
Mangaldai	"	...	400	"
Gauhati	"	...	914	"
			5,754	"

(k) & (l)—A detailed statement showing the latest amounts sanctioned upto 31st March 1955, for relief and rehabilitation purposes, is placed on the Library Table.

### **Re-employment of retired Gazetted and non-Gazetted Officers**

**Shri HARESWAR GOSWAMI** asked :

131. Will the Chief Minister be pleased to state—

- (a) The names of the Gazetted Government Officers of each Department whose services have now been

retained or extended or who have been re-employed after the dates of attaining their superannuation together with their dates of such superannuation and also the number of non-Gazetted Officers in each district, whose services have been so retained or extended or re-employed ?

- (b) Whether it is a fact that such retention of service goes against the spirit and intentions of the Pension Rule.
- (c) What are the reasons for such retention, extension or re-employment, as the case may be, after superannuation in respect of each Gazetted Officer ?
- (d) Whether Government propose to revise this course of action so as to give chance to juniors and remove their discontentment ?

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

131. (a)—A statement is placed on the Library Table, but terms of some of the officers as mentioned in the statement may have expired in the meantime.

(b)—The relevant rule in the Pension Manual says that an officer who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund, except on public grounds. As officers are re-employed on the overriding ground of public interest only—such re-employment does not offend the spirit and intention of the Pension Rule.

(c)—The general policy of the Government is that where it is essential to retain a superannuated officer in service, he is re-employed after retiring him. The officers have been re-employed due to dearth of qualified personnel and on the grounds of public interest.

(d)—Does not arise.

### **Construction of a road at Naharkatiya by A. O. C.**

**Shri JOGAKANTA BARUAH** asked :

132. Will the Revenue Minister be pleased to inform—

- (a) Whether a road has been constructed by Assam Oil Company at Naharkatiya over the paddy land from Well No.1 to Well No.5 ?
- (b) Whether it is a fact that after closing Well No.5 the Company has abandoned a portion of the road from Well No.5 to the road connecting Well No.1 to Well No.7 ?



- (c) Whether it is a fact that in the half-done portion of the road comprising about a mile, enough loose earth has been raised here and there ?

**Shri MOTIRAM BORA (Minister)** replied :

132. (a)—Yes. The Company made a road in this land after acquisition and payment of compensation to the owners.

(b)—Yes. The Company has abandoned a portion of the road from Well No.5 to Well No.7. But several portions of the road connecting the Wells Nos.1, 5 and 7 are still incomplete.

(c)—It is reported by Deputy Commissioner that it is not correct. As a matter of fact in all road building works soil is generally loose at the beginning and it became pretty hard after it settles down.

**Bus service between Laharghat and Palasbari in South Kamrup**

**Shri HARESWAR GOSWAMI** asked :

133. Will the Transport Minister be pleased to state—

- (a) Whether there is any regular bus service between Laharghat and Palasbari in South Kamrup and if so, what is the number of such buses ?
- (b) Whether it is a fact that almost all these buses have ceased to ply on this road on account of heavy loss ?
- (c) Whether Government propose to allow two buses to ply between Gauhati and Laharghat regularly or place a transport bus on the route ?

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

133. (a)—There is no regular bus service at present. Two buses however plying on this route before.

(b) Yes all the buses have been withdrawn as they were found unremunerative.

(c)—The *Ex-Engineer*, Lower Assam Division, has been asked to submit a detailed report regarding the condition of the route for opening of a bus service between Gauhati and Barduar *via* Charali-Azara-Gossaighat-Tinali-Barihat-Loharghat. The matter will be decided on receipt of a report from him.

**Regarding death of Tsentichang Ao in Jorhat Jail****Shri HARESWAR GOSWAMI** asked :

134. Will the Chief Minister be pleased to state—

- (a) Whether it is a fact that one Tsentichang Ao, Ex-Gaonbura of Ungma village died at Jorhat Jail on 29th July, 1954 ?
- (b) Under what section and for what reasons he was arrested ?
- (c) Whether it is a fact that he received injuries when police *lathi* charged him at Mokokchung ?
- (d) Whether it is a fact that he was not given any medical treatment either at Mokokchung or at Jorhat ?

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

134. (a)—Yes. He died of cerebral malaria.

(b)—Due to disobedience of orders of the Subdivisional Officer, Mokokchung, he was arrested on 22nd July, 1954. He was convicted under Section 188 of the Indian Penal Code in Criminal Case No.2 of 1954 by the Subdivisional Officer, Mokokchung. He was sentenced to pay a fine of Rs.15 in default to serve one month's rigorous imprisonment for disobedience of orders.

(c)—No.

(d)—No medical aid for him was necessary at Mokokchung but necessary medical aid was given at Jorhat Jail for cerebral malaria.

**Re: Lock up at Mokokchung****Shri HARESWAR GOSWAMI** asked :

135. (a) Will the Chief Minister be pleased to state what is the measurement of the lock up at Mokokchung ?

(b) How many persons can be kept in the said lock up ?

(c) Whether it is a fact that there is no sanitary and ventilation arrangement in the said lock up ?

(d) Whether it is a fact that police seized the jeep, radio and other furniture of Mr. Imkongmeren Ao recently ?

(e) If so, for what reasons and under what authority these goods were seized ?

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

135. (a)—The measurement of the lock up is 16' × 8'.

(b)—5 to 8 persons can be kept in the lock up.

(c)—Sanitary and ventilation arrangements exist.

(d)—Yes.

(e)—He is an absconder in Mokokchung Case No.1(7) 54 under Section 143/145/109, I. P. C. Properties were seized under proclamation and attachment orders. He is still absconding.

**Regarding posting of Sub-Deputy Collectors to hold charge of Ranganadi Circle in North Lakhimpur Subdivision**

**Shri KARKA CHANDRA DOLEY** asked :

136. (a) Will the Minister-in-charge of Revenue be pleased to state the number and names of the Sub-Deputy Collectors posted to hold charge of Ranganadi Circle in North Lakhimpur Subdivision during the period from 1948-55 stating the time of each of them serving in that circle ?

(b) Whether Government will state the reasons of frequent transfers of these officers from this circle ?

**Shri MOTIRAM BORA (Minister)** replied :

136. (a)—The names of Sub-Deputy Collectors posted to hold charge of Ranganadi Circle during the period from 1948 to 1955 are as follows :—

Name of Sub-Deputy Collectors	Period of service as Circle Officer
1. Shri Lalit Ram Hazarika	... From 22nd April, 1947 to 18th July, 1949.
2. Shri Aswini Kanta Barua	... From 19th July, 1949 to 23rd November, 1951.
3. Shri Mohan Chandra Miri	... From 24th November, 1951 to 11th August, 1952.
4. Shri Derazuddin Ahmed	.. From 12th August, 1952 to 7th April, 1953.
5. Shri Golok Ch. Bhuyan	... From 8th April, 1953 to 19th April, 1954.
6. Shri Jitendranath Roy Choudhury.	From 19th April, 1954 to 20th May, 1954.
7. Shri Nanda Ram Das	... From 27th October, 1954 to up-to-date.

(b)—For exigencies of public service except in the case of Shri Jitendranath Roy Choudhury who went on leave on medical grounds.

**Realisation of revenues on lands eroded and silted by floods in North Lakhimpur Subdivision and Majuli**

**Shri KARKA CHANDRA DOLEY** asked :

137. Will the Revenue Minister be pleased to state—

- (a) Whether it is a fact that the revenues for lands eroded and silted by floods rendering unfit for cultivation are being still realised by the authorities in North Lakhimpur Subdivision and Majuli ?
- (b) If so, whether Government propose to give relief to the distressed people by remission of land revenue ?

**Shri MOTIRAM BORA (Minister)** replied :

137. (a)—No land revenue has been realised for lands eroded and silted in North Lakhimpur Subdivision and Majuli.

(b)—Does not arise.

**Assistants of the Defunct Commissioner of Divisions' Office**

**Shri HARESWAR GOSWAMI** asked :

138. Will the Minister-in-charge of Finance be pleased to state—

- (a) The names of the assistants of the office of the Commissioner of Divisions at the time of abolition of that office in 1947 with their educational qualifications, length of service and the pay drawn by each of them in August, 1947 ?
- (b) Whether any circular letter was issued by the Government to the Heads of all Departments to absorb these staff rendered surplus in vacancies in the offices under them ?
- (c) Whether anybody was authorised by Government to select the assistants of the then defunct office of the Commissioner of Divisions for posting them to different offices at Shillong and elsewhere and what procedure was adopted in selecting them ?

- (d) The names of assistants of the said Commissioner's Office, who were posted at Shillong and pay sanctioned to each of them in their new office ?
- (e) The names of the assistants of the Commissioner's staff, who were selected for the office of the Assam High Court, prior to the appointment of the Hon'ble the Chief Justice, who was authorised to select them ?

**Shri MOTIRAM BORA (Minister)** replied :

138. (a), (b), (c), (d) and (e)—The information is being collected.

### Land Settlement in Shillong

**Shri A. S. KHONGPHAI** asked :

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

- (a) The names of persons to whom the Government have given land in Shillong from 1950 to 1955 stating separately the number of Assamese, Bengalees and Khasis and other communities to whom such lands have been allotted ?
- (b) Whether the non-Khasis who have been allotted land are all Government Officers ?
- (c) If not—
- (i) How many are Government officers ?
- (ii) How many of such officers are Assamese, Bengalees and others ?
- (d) Whether any land given to Government officers and houses built thereon will be taken over by Government to be given to other Government Officers when the present officers retire from Government service ?
- (e) How much land has Government purchased or acquired in Shillong town in its vicinity for public purposes and the nature of public purposes for which land was acquired during the aforesaid period ?

**Shri MOTIRAM BORA (Minister)** replied :

139. (a)—A statement is placed on the Library Table. Of the total number of 424 allottees, 331 are Assamese, 47 Bengalis, 12 Khasis, 15 Plains tribals including Manipurians, 3 Punjabis, 2 Biharies, 2 Lushais, 3 Nagas, 3 Garos, 2 Nepalis, 2 Marwaris, 1 Anglo Indian and a business concern.

(b)—No.

(c)—(i) Of the total number of 412 Non-Khasis, 364 are Government Officers.

(ii) Of these 364 officers 298 are Assamese, 45 Bengalees, 21 are others.

(d)—There is no such contemplation at present but Government will be quite at liberty to resume such houses for Government purposes as most of the leases contain a resumption clause.

(e)—Government have purchased 10.30 acres, acquired 114.251 acres and have resumed 8.03 acres of land for public purposes. A detailed statement is placed in the Library Table.

### Visit of S. R. C. to Tura

**Shri EMERSON MOMIN** asked :

140. (a) Will the Chief Minister be pleased to state whether it is a fact that Armed Police were directed by the Government to fire guns to scare away the people coming to Tura on the eve of the coming of the S. R. C. ?

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

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

140. (a)—No.

(b)—Does not arise.

**Shri RAM PROSAD CHAUBEY**: On a point of information, Sir, I would like to know whether Government are aware of the present erosion of the Silchar town by the river Barak. It is apprehended *Voice*—(সেইটো ইয়াত কেনেটক উঠে ?)

**Mr. SPEAKER**: How can you adopt this procedure ?  
যহ কৈসে উঠা হয় যহা ?

**Shri RAM PROSAD CHAUBEY**: On a point of information, Sir, I would like to know only whether the Government.....

**Mr. SPEAKER**: No, I cannot allow this question.

Had it been an important question, it should have come under some procedure and then we would have decided whether we could admit it or not.

Now, let us come to the next item of the agenda.

**Presentation of the Supplementary Statement of  
Expenditure for 1955-56**

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to present a Supplementary Statement of Expenditure for 1955-56.

I think hon. Members have got copies of this.

**Presentation of a Notification under Section 296  
of the Assam Municipal Act, 1923**

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

\* Notification No. LML.191/54/31, dated the 14th April, 1955.

Copies of this have already been supplied to the hon. Members.

**The Assam Adhiars Protection and Regulation  
(Amendment) Bill, 1955**

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Adhiars Protection and Regulation (Amendment) Bill, 1955.

The Report of the Select Committee is unanimous and it is its final report. The Select Committee made slight changes. The main changes are these. In the main Bill the number of members to constitute the Adhiars Conciliation Board was not specified. But here it has been specified as follows: "One member from landlords and one member from *adhiars* from the area concerned with the Revenue Officer as Chairman". Then there was some lacuna in the main Act as to the procedure to execute the order for eviction and restoration of possession. That has been provided here.

A definition has been provided by the Select Committee with regard to servants and hired labourers. The definition is that those persons who serve on the condition of sharing

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\* See Appendix A.

a portion of the crop, will not be treated as servants or hired labourers, but those persons who work only for a fixed remuneration either in cash or in kind, will be treated as hired labourers or servants.

The other suggestion made by the Committee is that an appeal against the order of the Adhi Conciliation Board or the Revenue Officer shall lie with the Sub-Judge having jurisdiction over the area concerned.

These are the only changes suggested by the Select Committee.

Mr. Speaker, Sir, I beg to move that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1955 as reported by the Select Committee be taken into consideration.

**Mr. SPEAKER:** Motion moved is that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1955, as reported by the Select Committee be taken into consideration.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I have gone through the amending Bill and also the Report of the Select Committee, but still I find that certain improvements which should have been incorporated in the Bill have been omitted from the consideration of the Select Committee.

First of all, let me refer to clause 5 of the amending Bill. Clause 5 seeks to amend section 5 of the principal Act, *i. e.*, Assam Act XII of 1948. Under sub-clause (iv) of the amending Bill, it is provided that an Adhiar who keeps the land fallow for two consecutive years without reasonable grounds or sub-lets to others, is liable to be evicted: provided that an Adhiar who keeps the Adhi land fallow under this clause shall further be liable to pay to the landlord, for each such year, a sum equal to double the annual land revenue, which is or would have been payable by the landlord to the Government if such land is or had been assessable to revenue at full rates. Now, Sir, if we compare this with the original provision of the Act, we find there are certain omissions. As a matter of fact, it also provides for the eviction of the delinquent Adhiar. At the same time there are some provisions to protect the interest of the landlord, namely—

(i) that the land is *bonafide* required by the landlord



for personal cultivation either by himself or by members of his family or by servants or hired labourers ;

(ii) that an Adhiar has used the land in a manner which renders it unfit for the purpose of cultivation ;

(iii) that an Adhiar has failed to deliver within the prescribed time to a landlord such share or quantity of the produce as he is bound, subject to the provisions of this Act, by an express or implied agreement with the landlord to deliver : provided that the order of eviction passed under this clause shall not be executed if the share or quantity of the produce remaining unpaid is delivered to the landlord within such time as may be allowed, and with such compensation, if any, as may be awarded by the Board.

If the cultivator has actually cultivated the land and has defaulted in giving the due share to the landlord in time, in that case he is liable to eviction, but if he delivers his dues to the landlord within time then he may be saved from eviction, but there is a provision for compensation. Here we find, even if he cultivates the land and defaults in giving the share of the crop to the landlord in time, there comes the question of compensation. But under sub-clause (iv) when an Adhiar on account of his delinquency or laziness has kept the land fallow for two consecutive years no compensation is given to the landlord, except an amount equal to twice the land revenue. Here we are going to put premium on delinquency.

**Mr. SPEAKER :** What is your suggestion ?

**Maulavi MUHAMMAD UMARUDDIN :** I may say this is very unfair. We must also look to the side of the poor landlord. We know that there are many petty and poor landlords living on the income of their land and that may be the only means of their livelihood. Such a landlord normally gets for every bigha of his land at least one maund of paddy and if he has 10 bighas, he should get 10 maunds. But when the Adhiar keeps the land fallow for two consecutive years, that deprives the landlord of the only means of his livelihood and that is very unfair indeed. So, Sir, this is not consistent with the other provision of the Act, viz., sub-clause (iii). Under proposed sub-clause (iv) there is no provision for compensation although the land is kept fallow for two consecutive years to the serious detriment of the landlord. This puts the the landlord to very great handicap for no fault of his. So, I suggest that there should be a provision for compensa-

tion under this sub-clause also as may be awarded by the Board. Under the proposed amendment, we find that for keeping the land fallow for two consecutive years, the Adhiar is liable to be evicted, but the poor landlord gets practically nothing and is thereby liable to be put to immense hardship.

Sir, we must look to the economic aspect of the matter also. If we are going to make this Adhiar Act very stringent, then every landlord will apply to take the land for cultivation by himself as is provided in sub-clause (i). What will be the result? On the one hand you are allowing the landlord to step in and cultivate the land by himself and on the other hand you are making certain other provisions which are very prejudicial to the interest of the landlord. Then certain other provisions of the amending Bill have been made very stringent the share of the landlord having been further cut down. This has given rise to a tendency all over the country for the landlord to come in and to take over the land for cultivation by himself or by his family members or by servants or hired labourers. So, what is going to be the economic consequences of so many Adhiars being thrown out? The primary object of agricultural planning is to augment production and thereby improve the economic lot of our cultivators. But, too much leniency shown to an Adhiar as against a landlord will frustrate the very objective of this increased production. The scheme of the Act should be such as to eliminate exploitation and make for a willing partnership between the landlord and the Adhiar to make the best possible use of the land. In other words to ensure socio-economic justice having regard to the existing circumstances in society.....

**Mr. SPEAKER :** There is another aspect. You cannot be hard on the Adhiar.

**Maulavi MUHAMMAD UMARUDDIN :** I do not want to be hard on the Adhiar. I want to protect the Adhiar, but at the same time we must also provide against delinquency on the part of an Adhiar. There are delinquent Adhiars who may not be inclined to put forth their best efforts to cultivate the land, who may not carry out the directions of the landlord. Due to negligence, carelessness and laziness an Adhiar may not care to cultivate the land properly and as a result the poor landlord may have to suffer. We must see to it also. The whole thing should be based on the willing co-operation between the landlord and the Adhiar. Under

the existing state of affairs, we know that some of the Adhiars are being exploited. We want to do away with that exploitation, but at the same time we should not put the poor landlord in a tight corner. Otherwise, the landlord will lose all initiative for improvement of the land. The land cannot be improved unless the landlord invests some money in the shape of irrigating the land, supplying manure because the poor Adhiar has not got the money. The landlord must also supply a pair of cattle. Our object is to enhance the productive capacity of the land; so, the schemes of things should be such that each party to the transaction gives his best and there is no exploitation on either side. Therefore, Sir, the provisions must be balanced. In my opinion, Sir, this provision of keeping land fallow for two years will be giving too much indulgence to the Adhiar because he may have some other piece of land which he may cultivate and neglect certain particular piece of land. The result will be that the poor landlord will suffer. So, I suggest that instead of fixing the compensation payable to the landlord to twice the land revenue, it may be provided that such compensation shall be paid as the Board may determine to be fair under the circumstances. That will be better, in my opinion.

Next, Sir, I come to clause 6. There I find that certain difficulties have been created by adding a particular provision under sub-clause (iii): "Provided further that when more than one crop are grown on a particular plot of land within the same agricultural year, the landlord or the person under whom an Adhiar holds land shall get his stipulated share only of the major crop". These words "major crop" has introduced a lot of complications, which I will just now explain. Now, Sir, what is a "major crop"? Practically all over Assam, except Sali land where one crop is grown, on high lands more than one crop is grown and it is very difficult to say which crop is major and which is not. I know, Sir, that in my district and also in Barpeta *baos* and *aus* are sown together. *Aus* is harvested after four or five months and *Bao* after five or six months thereafter. Now, what is going to be the major crop here? Whether both come under the category of "major crop" or only one of them and, if so, which? That must be made clear. Similarly, in the riverine areas, the immigrants cultivate jute and *Bao* together; the jute is harvested in the month of July, August or September and *Bao* is harvested in the month of December. Both the crops are sown simultaneously. Now, which is going to be the major crop here?

**Mr. SPEAKER:** You want a definition of "major crop" ?

**Maulavi MUHAMMAD UMARUDDIN:** Yes, Sir, this should be made clear. Then, another thing: in the same agricultural year more than one crop may be grown. Supposing the land which is used for us is also used for Sali. That is always done; after Aus is harvested Sali is planted. Which is going to be the principal crop here ?

Similarly, after jute has been harvested, the land is brought under Sali cultivation. Now, Sir, jute from a bigha of land may fetch anything from Rs.150 to Rs.200 but Sali from a bigha of land will fetch much less. The landlord will naturally say that jute is his principal crop whereas the Adhiar will argue that Sali is the major crop. There will, therefore, be very serious complications. There must be some direction to decide what would be the major crop amongst the multiple crops grown in the same land during the same agricultural year. We want more agricultural production from the same piece of land. This is the crying need of the day. We are educating our cultivators to grow more than one crop and not to keep the land fallow. Now, if you say that of all the crops grown the landlord should get a share of only the major crop, what is going to happen ?

**Mr. SPEAKER:** What is the present practice ?

**Maulavi MUHAMMAD UMARUDDIN:** The landlord generally takes share of all the crops raised. This is a matter which should be decided by the mutual agreement of the landlord and the Adhiar. Now, Sir, supposing in some land Aus is raised and that is called the principal crop, whose share the landlord will get ? Now, for cultivating Sali or other subsidiary crops on that piece of land, would the consent of the landlord be necessary, or has the Adhiar got the right to produce as many crops as he likes ?

**Mr. SPEAKER:** You have got proposed section 6A.

**Maulavi MUHAMMAD UMARUDDIN:** That only prescribes the machinery for settling of disputes. I say certain principles must be laid down for the guidance of the Board. Certain things must be made clear if we are out to strike an economic balance in agricultural production. If these provisions are implemented, we must decide whether for the raising of second, third or subsequent crops, the consent of the

landlord would be necessary or whether the Adhiar has got the right to grow any crop he likes after the principal crop. This is an important factor, in my opinion, because the landlord is the owner of the land and without his consent the land should not be used for subsidiary crops because we know that each crop uses up a certain amount of natural fertility of the soil. A landlord will naturally fight shy of allowing his land for the growing of several crops of which he gets no share and that will cut across our purpose of double or multiple cropping. Therefore, Sir, this Act is going to militate against the objective of higher agricultural production. So, my suggestion is that this question of the sharing and growing of the number of crops should be a matter of mutual agreement between the landlord and the Adhiar. Otherwise, it will lead to many complications, which I have just enumerated. It would, therefore, be better that without making any specific provision, this is left to be decided by the mutual agreement between the landlord and the Adhiar.

Then, again, Sir, another thing : supposing the major crop is lost due to some natural calamity. It may be, Sir, that one major crop is lost due to a natural calamity, then another crop is grown. Now, it may also be argued that since the major crop has been lost the other crop, which is a subsidiary crop, the Adhiar is not going to give any share for it to the landlord. So, Sir, the provision, in my opinion, is very vague and it will lead to many complications, and, therefore, it will be better if these provisions are devised in such a way so that the question of dividing the major crop or any subsidiary crop may be left to the Adhiar and landlord to decide by mutual agreement and, in that case, they will work in co-operation, otherwise, the landlord will be deprived from getting anything and with the result the cause of higher agricultural production will suffer. With these words, I finish my comments on the Bill.

**Shri BIMALA KANTA BORAH:** Mr. Speaker, Sir, there are certain new provisions which have been recommended by the Select Committee, and which appear to be not satisfactory, and, I, therefore, will make my own suggestions. If these suggestions appeal to the Legislators then some amendments should be undertaken and if not, of course, I have nothing to say.

The first unsatisfactory proviso, is under clause 2, proposed section 2A, sub-section (2). It has been suggested by the Select Committee as follows:—

“Provided that an order for eviction and restoration of possession shall be executed in the manner prescribed in the

Code of Civil Procedure, 1908 (Act V of 1908) subject to such modification as may be prescribed". I think this is a complicated procedure. The execution proceedings under the Civil Procedure Code take a long time as it is sometimes seen that such execution proceedings go on for 12 years. If the parties, whether a landlord or a tenant, are to fight execution proceedings in a Civil Court then it will be very costly and at the same time, the object for which amendment is suggested will be defeated.

**Mr. SPEAKER:** You want it in accordance with the Land Revenue Regulation ?

**Shri BIMALA KANTA BORAH:** I have my own suggestion, Sir.

Now, Sir, of course, a landlord can go to a Civil Court and can fight for years but in the case of a tenant if he is to fight for restoration of his lands and if the case lingers for even 2 to 3 years, the whole object will be lost. Therefore, I suggest that there should be a better or a simpler procedure in order to give relief to poor people. I think, that can be done.

It is in the proviso that ".....the Code of Civil Procedure... subject to such modification..." and it is intended to give relief to the parties. My suggestion is that the procedure should be so modified that eviction or restoration may not be unduly prolonged by the Civil Courts. There should be such modification so that Court proceedings do not drag on for a long time; otherwise, the Adhiars will be nowhere. That is one of my suggestions.

The second point is with regard to sub-clause (ii) of clause 6. The proviso about which my Friend, Mr. Umaruddin, has just spoken. He said something about major crops. I find from this sub-clause that it has not very clearly shown the position of the parties. Every Adhiar or every landlord must give the first round of fight before the Board of Conciliation, after that he will have to go to some other Court, say the Sub-Judge's Court. It is not clear whether this sub-clause will prevail if there is an agreement between the parties for shares if even 3 crops, namely, jute, paddy and mustard are grown. Suppose there is a contract between the landlord and the Adhiar that the tenant will give the landlord share of all these three crops. This is a valid contract. Now, whether this clause seeks to do away with the contract and whether this sub-clause (ii) will allow the contract to be enforced in a Court of Law ? This must be clearly stated. Of course, if it is intended that the contract will prevail, that is another matter.

**Mr. SPEAKER:** I think, in such a case, the clause will automatically be modified.

**Shri BIMALA KANTA BORAH:** I submit, it is not clear whether the contract will prevail or not.

**Shri RADHIKA RAM DAS:** The contract will not prevail.

**Shri BIMALA KANTA BORAH:** Then, it should be clearly stated.

My next point is, as my Friend, Mr. Umaruddin, has suggested, that there may be failure of major crop sometime. In a such a case, whether the landlord will be able to claim share of other minor crops which will be grown subsequently in the land? If paddy is grown and there is flood which washes away the paddy and subsequently jute or mustard is grown on the same land, whether the landlord will be able to claim a share from any of them? Of course, it is stated that the Board of Conciliation will decide which is the major or minor crop. Suppose jute is the major crop and it is washed away by flood, whether the landlord will be able to claim a share of other crops such as mustard or pulse grown subsequently? There is a provision to appeal to Sub-Judge's Court, if one of the parties do not agree with the decision of the Conciliation Board, but it will lead to litigation, rather, it will be a paradise for lawyers. It is provided that an aggrieved party may appeal to Sub-Judge in case he is aggrieved. It is well known that to dispose of cases, Sub-Judge's Courts take a long time and it is also known that in every district or sub-division there is no Sub-Judge's Court. In such a case, great hardship should be allowed to lie in the parties. In my opinion, such appeals is available in all the Court of Munsif, as a Munsif Judiciary has been separated from the Executive, and recently cannot be any interference by the Executive. We also know, as professional lawyers, that if the appeal is preferred in the Subordinate Judge's Court, the pleader's fee is very high which cannot be paid by the poor people. So, Sir, I request that the matter should be considered in the light of the suggestions I have made. With these words, Sir, I resume my seat.

**Shri HARESWAR GOSWAMI:** Mr, Speaker, Sir, after hearing my Friend from this side and also Mr. Borah from the other side, I feel that they are out of tune with the time. We have taken a socialistic pattern of society as our ideal and also in the Five-Year Plan—even in the First Five-Year Plan—there is provision that land should belong to the tillers of the soil. Although it has not yet been possible to implement that part of the Five-Year Plan in our State, yet there is no doubt that whether we like it or not, that is coming in a few years' time and it is inconceivable that in a socialistic pattern of society a landlord should have any symbol of right as they enjoy today. So, it is better to prepare ourselves for those eventuality and I appeal to the landlords also to prepare themselves to fit in, in the coming structure of society. Sir, I have heard my Friends, Mr. Umaruddin and Mr. Borah, and I feel that actually they should not have any grievance against this amending Bill, rather I have a grievance against this amending Bill mainly because, Sir, there is more compromise in it in favour of the landlords. It may be that in the absence of that compromise, some section of the people may suffer immensely in the meantime like widows, old and aged people, children, etc., so that compromise has been effected. But, as a matter of fact, this compromise should not have been effected, and I would go the whole hog for a kind of society where the landlord will not have any land right. But even this Bill does not take away that; it does not amend the principal Act as radically as the people wanted to. Sir, there is a provision here that shows the tendency of the Select Committee to have a compromise by having a Conciliation Board where there will be a representative of the Adhiars as well as of the landlords; that Conciliation Board itself is a symbol of that compromise. Sir, personally I am against such a thing. What is there to be compromised? We have also seen the records of the Debt Conciliation Board that these Boards actually have not been able to do anything good. That is why, Sir, I say that personally I am against even for insertion of this clause. As I have said, my Friends, Mr. Bora and Mr. Umaruddin, should not have any grudge against this amending Bill.

**Mr. SPEAKER:** You have no objection to the principal clause?

**Shri HARESWAR GOSWAMI:** My contention, Sir, is that the basic stand taken by my Friends, as revealed from their speeches, appears to me that they do not want the landlord to suffer anything. Sir, even in Bengal the Adhi Conciliation Board as well as other similar Boards have not been able to make much headway. Therefore, Sir, I personally feel that by



creating such a Board, we will only be giving a lease to this pernicious system but we will not be helping society.

Secondly Sir, regarding.....

**Mr. SPEAKER:** What do you suggest? Have you any idea?

**Shri HARESWAR GOSWAMI:** As I said, Sir, I feel that there is no necessity to have such a Board. By creation of such a Board, we may be giving employment to some people, but it will not serve any purpose. Then, regarding the amending Bill, we see that the most important provisions which are being objected to by the people are not yet altered. Section 5 (1) which says that, 'the land is *bona fide* required by the landlord for personal cultivation either by himself or by members of his family or by servants or hired labourers'. Sir, this clause is very vague on account of this phrase '*bona fide* required by the landlord' which has been found very difficult to interpret even in law courts. Whenever the land is said to be '*bona fide* required by the landlord' it is held that this is really *bona fide* required by the landlord and as such this Bill will be really helping the landlord and not the Adhiar.

**Mr. SPEAKER:** How do you want to put it?

**Shri HARESWAR GOSWAMI:** Sir, I would have been very much in favour of a Resolution or a Bill that would do away with this system altogether, that there should not be any Adhiar and that the land should belong to the tiller of the soil. But since it is not within my competence to speak about it in the discussion of the Bill before the House, I can only say that there are provisions as a result of this amending Bill which will help the landlord more than the Adhiar.

Then also, coming to clause 5 sub-clause (iv) 'that the Adhiar kept the land fallow for two consecutive years without reasonable ground or sub-let it to others: Provided that an Adhiar keeps the Adhi land fallow under this clause shall further be liable to pay to the landlord for each such year.....' Sir, here it is not understood what is meant by 'to be further liable to pay to the landlord.'

And, therefore, there is the penal clause which also goes very much against the Adhiar. Mr. Bora has objected to this. If the Adhiar is unfortunate enough to engage an eminent lawyer, he will have to pay fees. From that point of view also, I do not think Mr. Bora's contention is valid.

Then again, regarding restoration, Mr. Bora has referred

to clause 2, sub-section (2) of proposed section 2A, where it has been stated :

“Provided that an order for eviction and restoration of possession shall be executed in the manner prescribed in the Code of Civil Procedure.”

He has objected to this provision. I think that objection is also not valid. Because it actually helps the landlord inasmuch there are more cases of eviction than restoration. I am quite certain about it. In case the eviction procedure laid down in the Civil Procedure Code is not valid, then it will only help the landlords more than the Adhiars. Therefore, this clause is also mainly for the benefit of the landlords. It is the landlords who go to the courts more than the Adhiars. Secondly, for restoration there will be only a very few cases.

**Mr. SPEAKER:** Then you will feel more for the landlords, you suspect. Is not it ?

(Voice — জমিদারক সহায় কৰিছে।)

**Shri HARESWAR GOSWAMI:** No, I do not suspect the Government, but what I say is that there is no necessity I mean to say that there will be more cases of eviction than restoration. So, I think the whole Bill should remain as it is, and for the time being at least, this Bill should be passed as it is placed before the House.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I fully appreciate the feelings expressed by my Friends, Mr. Umaruddin and Shri Hareswar Goswami. Shri Borah seems to have laid stress on major crops. As a matter of fact, his approach is almost legal. But, as regards the approach of Mr. Umaruddin, it is from the landlord's point of view as against the approach of Mr. Goswami which is from the Adhiar's point of view. I would, therefore, like to remind my Friend, Mr. Umaruddin, that our Bill is The Assam Adhiars Protection and Regulation Bill and not Landlords Protection Bill. Therefore I say that as far as our Bill is concerned, Mr. Goswami is consistent. Because the Bill is for protection and regulation of Adhiars and not for protection of landlords.

Now, as regards 'one year' or 'or two years' point raised by Mr. Umaruddin, there is a provision in the original Act that if an Adhiar keeps the land fallow for one year, then he will be evicted. Now, Sir, cases may occur when a certain cultivator falls ill or his plough cattle die during the transplanting season and so he fails to cultivate his land which remains fallow ; then under the principal Act, the cultivator is liable to be evicted.

**Maulavi MUHAMMAD UMARUDDIN:** What is the reasonable cause ?

**Shri HARESWAR DAS (Deputy Minister)**: In the main Act that word does not appear. Now, if the land remains fallow for one year for any reason, he is liable to be evicted. Therefore we have to put the words reasonable cause here now so that an Adhiar may not be evicted if he is compelled to keep his land fallow. For his benefit we have put two years. Again, say a cultivator dies and his son is a minor who is not in a position to cultivate his land. If he loses his land now, what will be his position? That is why we have put this clause. This clause is, therefore, certainly for the protection of the Adhiars. If some rights are to be conferred on the Adhiars, then it should be at the cost of the landlord. There is no doubt about it. But, my Friend has stated that as a result of that landlords will suffer. That is partly true.

The modern trend, so far as land legislation is concerned, is to make the tillers of the soil owners. The class whose cause my Friend, Shri Umaruddin, advocated will disappear. The class of people who thrived on land without cultivating it would be liquidated.

**Mr. SPEAKER**: Mr. Goswami's charge is that you are leaning towards them.

**Shri HARESWAR DAS (Deputy Minister)**: Not that, Sir. The other point is about the major crop. It cannot be defined. That point has also been touched by my Friend, Shri Borah. It is not possible to define which is the major crop. Suppose we define paddy as a major crop, it will be very easy to evade the law. Say there are five bighas of land and one grows paddy on half a bigha of land and jute on the rest, then the landlord will get share of paddy only of that half a bigha of land. Which crop is major is a question of fact, to be decided in each individual case. But, who will decide that? It will be decided by one member from the Adhiar and one member from the landlord; if there is any dispute on that point as to which crop is a major crop. Now, my Friend, Shri Umaruddin, was speaking about landlords' rights over land. The idea of right over land is changing. Take the case of a cultivator who hold land directly under the Government, he pays revenue for the whole year and cultivates the land throughout the whole year. Now, why should the Adhiar not have the same right? He may also grow any crop he likes during the agricultural year on payment of share of one crop. My Friend, Shri Umaruddin, has based his argument on the old idea of rights over land; the original idea was that the owner was proprietor of the soil. An extreme instance of that theory may be found in China. Land was divided into surface soil and sub-soil. There were

different proprietors for the surface and the sub-soil. The landlords were made proprietors of the sub-soil and the cultivators proprietors of the surface, in order to meet the agitation of the cultivators. At that concession the cultivators thought that they had got their point, but the moment the cultivators went to cultivate, the landlords objected that the roots of the plants will penetrate into the sub-soil, the cultivator, therefore, had to take lease from the owners of the sub-soil. Now they have abolished all these things. This arose from the idea that the landlords are the owners of the soil. Now this idea is changing. Our idea is that the cultivator should have some rights over the land. The landlord will get the share of the major crop only. Which is major crop, will be decided in each individual case, if there is any dispute. These are the points raised by my Friend, Shri Umaruddin.

My Friend, Shri Borah, raised the point about application of the Civil Procedure Code. In the present Bill there is no provision to execute orders of restoration and eviction, particularly, about restoration as pointed out by my Friend, Shri Goswami. In the rules, provision has been made. Rule 35 of Order 21 of Schedule 1 of the Civil Procedure Code has been made applicable. But, this rule is not strictly legal as there is no provision in the main Act. There was no machinery through which eviction and restoration are to be made. Just to make this rule, legal, this provision is made. As my Friend, Shri Borah, pointed out that Civil Procedure is rather a complicated procedure. Sections 90, 91, etc., will apply; therefore, it has been provided by the Select Committee to eliminate the complicated portion. All the provisions of the Civil Procedure Code will not apply. On this point, Shri Goswami is very strong that the Civil Procedure should remain.

**Mr. SPEAKER.** He objected to the modification.

**Shri HARESWAR DAS (Deputy Minister):** He spoke about many things, Sir, ultimately he supported what is in the Bill.

Now, another point raised by Shri Borah is whether a contract between an Adhiar and a landlord for payment of shares contrary to the provision of the Bill will be valid. It will not be valid. Our Bill merely modifies or amends Section 6 of the main Act. Section 6 begins—"Notwithstanding anything to the contrary contained in any law for the time being in force or any contract or agreement, express or implied.....".

So, even if there be a contract to the contrary, the Adhiar will pay share of the crops according to the provisions of the Act.

Regarding the provision about appeal to Sub-Judge which has been objected to by Sri Borah, I want to say that this provision of appeal should be there. It was there in the main Act also. The appeal to the Sub-Judge will be final. We cannot make Munsifs the final authority. There may be Revenue Officers who may be above the rank of Munsifs. A Munsif hearing appeals from the orders of a Deputy Commissioner is not desirable and in such cases the Munsif may not be able to do full justice. A Sub-Judge is generally an experienced man and this is why it has been provided that a Sub-Judge will hear the appeal in such cases. There may be expensive or inexpensive lawyers, the Bill cannot prevent their engagement (*laughter.*) So, it is proper that an experienced man like the Sub-Judge should be made the final authority. These are the points raised by my Friends.

**Mr. SPEAKER:** The question is that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1955, as reported by the Select Committee, be taken into consideration.

(The Motion was adopted).

**The Assam Mizo District (Acquisition of Chiefs' Rights) (Amendment) Bill, 1955**

**Shri BISHNURAM MEDHI (Chief Minister):** Mr. Sepaker, Sir, I beg to introduce the Assam Mizo District (Acquisition of Chiefs' Rights) (Amendment), Bill, 1955. This was published on the 5th April, 1955.

**Mr. SPEAKER:** The Motion moved is that the Assam Mizo District (Acquisition of Chiefs' Rights) (Amendment) Bill, 1955 be introduced.

(The Bill was introduced).

**Shri BISHNURAM MEDHI (Chief Minister):** Mr. Speaker, Sir, I beg to move that the Assam Mizo District (Acquisition of Chiefs' Rights) (Amendment) Bill, 1955, be taken into consideration.

Sir, this Bill is introduced only to remove certain technical defects in the heading of section 3 of the Principal Act. It is now proposed to substitute that heading in clause 3 by notification declaring the vesting in the State of a Chief's rights and interests in his Ram.

Sir, some sort of misinterpretation was made in the Mizo District regarding the interests of a Chief in his Ram. The

information was brought to my notice by the Chief Executive Officer Shri Saprawnga and Shri Lalmawia. This amending Bill has been introduced, so that there may not be any misleading propaganda carried on in the district.

I hope the hon. Members will accept my Motion.

**Mr. SPEAKER:** The Motion is that the Assam Mizo District (Acquisition of Chiefs Rights) (Amendment) Bill, 1955, be taken into consideration.

*(After a pause)*

The question is that the Assam Mizo District (Acquisition of Chiefs Rights) (Amendment) Bill, 1955, be taken into consideration.

(The Motion was adopted.)

**The Assam Taxation (on goods carried by Roads or Inland water-ways) (Amendment) Bill, 1955.**

**Mr. SPEAKER:** I have received a message, dated Raj Bhaban, Shillong the 9th February 1955 from the Governor. The Message reads:—

“I recommend under Article 207 (1) of the Constitution of India that the Assam Taxation (on goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1955, be introduced and moved in the Assam Legislative Assembly.”

**Shri MOTIRAM BORA (Minister):** I beg to introduce the Assam Taxation (on goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1955.

**Mr. SPEAKER:** The motion is that the Assam Taxation (on goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1955, be introduced.

(The Bill was introduced.)

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Taxation (on Goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1955, be taken into consideration.

Sir, this is a short, simple and an important measure. By this amending Bill we want to increase the rate of tax from 1 pice to one anna. Sir, it is clearly a revenue measure intended for the purpose of increasing our resources. Hon. Members are fully aware of the fact that the Budget that I presented in the March Session of the Assembly disclosed a revenue deficit to the tune of 2 crores and 42 lakhs. Sir, at that time, it was not possible for me to bring in any measure or find out any means to cover this deficit, and, therefore, I had to leave the entire deficit of over 2 crores and 42 lakhs

uncovered. In the meantime, it is also not unknown to the hon. Members that we have been very seriously advised to tap all possible sources of revenue to find out resources that may be necessary to contribute our share in the second Five Year Plan. Sir, our State is a backward one and an undeveloped State and that being so, a large amount of money will be necessary to develop it.

Sir, our demand before the Planning Commission for the next Five Year Plan is therefore going to be a very large one, and also it is quite possible that we will be asked to contribute our share, which will be proportionately a large one for the next Five Year Plan. Sir, I have already stated that the current deficit is over 2 crores and 42 lakhs in the current Budget, and during the next Five Year Plan period it has been estimated that our total deficit will not be less than 12 crores, or it may be more. Sir, it is also not unknown to the hon. Members of this House that we have taken a very big amount as loan from the Government of India for the implementation of the First Five Year Plan. This amount is to the tune of several crores, and it is also quite possible, for the Government of India to call upon the State Government to make a beginning in the repayment of the loans. Sir, our demand for the next Five Year Plan may be a very big amount and that being so, the State Government may also be called upon to contribute a proportionately big amount and at the same time we have to cover the deficit and make repayment of the big loan we have taken. Now how to find out this big amount of money? Sir, this has been a headache to the Government. I have myself been taxing my brain to find out possible ways and means, and some times, I find myself at wit's end to find such a big amount for this purpose. It may come to more than 30 crores of rupees or something like that. Therefore, Sir, I have been advised by some economists and also by some of my wise and experienced friends that we should bring in this measure of amending the existing Act, and thereby to increase our resources to a certain extent. The economists, after a careful consideration of this measure, have advised me that this increase will not be a very heavy burden on the tea industry.

Sir, it is felt that in view of the past and prevailing tea markets it will not be very difficult on the part of the tea industry to bear this burden.

Sir, when this tea industry was started in our country hon. Members are fully aware of the fact that the people of Assam and the Government of Assam had to render a good deal of assistance to the industry in various ways—either by allowing concessions or by other means. The tea industry is now in a prosperous condition and the people of Assam need a very large amount of money for development of the State. I feel, Sir, that when the tea industry is in a very prosperous condition at this time and when the people of Assam do need a great amount of money for reconstruction and development works, the tea industry will certainly come forward to render some amount of assistance. I have no doubt in my mind, that the tea industry will not fail us and will come to our assistance at this time of need, at this time when reconstruction and development of our State is being undertaken by this Government. I honestly feel that our tea industry will rise equal to the occasion and will not be found lacking in good-will and sympathy towards the people of Assam. I have reasons to believe that the tea industry will readily co-operate with the people of Assam by undertaking a small burden, out of their profits, in a spirit of self-sacrifice.....

**Shri BIMALA KANTA BORAH:** May I know what amount now comes from this measure?

**Shri MOTIRAMBORA (Minister):** I have got figures from the Tax Department and I will give the information. From the beginning of June to the end of December, an amount of 55 lakhs has been collected on account of this tax—from tea and jute, at the rate of one pice per pound of tea and 8 annas per maund of jute. From this tax during the last 7 months we have been able to collect a sum of Rs.55 lakhs and though we have not separate accounts for them, it will be safe to presume that from the tea industry about 45 lakhs and from jute about 10 lakhs have been collected. Now, Sir, though in 7 months 55 lakhs have been collected, it does not necessarily follow that the proportionate amount will be collected in the remaining 5 months, because these remaining 5 months are the lean period of the year and therefore we cannot expect that proportionate amount will be collected



in the remaining 5 months. At any rate, in my opinion and as advised by the Tax Department, the total amount for the whole year may come upto Rs.75 lakhs at the most and under the existing rate from tea and jute together.

Therefore, Sir, if the hon. Members of the House be pleased to pass this measure into an Act, I may expect to cover the deficit, if not fully, at least to a great extent and for that reason I have come forward before the House with this measure of taxation.

Sir, only one word about the case that was lodged by certain owners of tea industry against this Act. Hon. Members are aware of the fact that the validity of this Act was challenged in the High Court by some tea estate owners and after a prolonged hearing, the special full bench of the High Court have decided in favour of the Act and declared it to be valid.

With these observations, Sir, I place my Amending Bill before the House for acceptance.

**Mr. SPEAKER:** The Motion moved is that the Assam Taxation (on Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1955 be taken into consideration.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I take the opportunity of congratulating the Government for having come forward with this Bill with an intention to enhance the rate of tax in the case of tea from one pice to one anna. Sir, it would not be out of place if I recall my own observations when this Bill was first placed before the House that the rate of tax fixed for jute was quite high compared to that for tea. I put forward an argument that all taxations should be guided on one principle, that is to say, the burden of taxation on a particular commodity should be adjusted to its capacity to bear it. The tea industry is in a far more prosperous condition than jute, but then the rate of tax on jute was fixed quite out of proportion to that fixed for tea. Now I am glad that Government have seen reason to correct the inequity that was then committed. In this connection, Sir, I would like to refer to certain observations of my Friend, Shri Das, Deputy Minister for Revenue. When I put forward the economic aspect of the measure he argued that this Act was in the concurrent list and that it referred to carriage, *i. e.*, weight and therefore the economic question was irrelevant. His contention was that we are concerned with the amount of taxation by pounds and maunds on tea and jute respectively

and not with the profit earned by each of them. He practically carried his arguments by giving the instances of transport and steamer freight, passengers fares and something like that which have no application here. According to him, Mr. Bhattacharyya on this side of the House and Mr. Terang on the other side could go by train in the same class by paying the same fare. But that is wrong—in taxation we should go by the economic position of the two commodities. And now, Sir, the difference has been restored by fixing one anna for every pound of tea which is consistent with 8 annas per maund of jute, But still the economic position of tea is far better than that of ute. Tea is always a prosperous industry though as most of us know that for some time it was passing through a period of depression. There is depression no doubt, but it is also followed by prosperity again. In the case of jute it is facing a period of depression though last year the market was a little better. This year there is already a depression again. So, Sir, I suggest that it would be better to bring this taxation measure within the category of the Finance Bill so that we may revise the rate of taxation from year to year according to the prevailing conditions as market conditions are subject to change. In the case of jute the position is still vulnerable because it is facing a crisis and the period of prosperity or boom does not last long. So, Sir, it is to be considered whether this taxation measure can be placed on the category of a Finance Bill so that we may revise the rate of taxation according to the circumstances prevailing.

I am glad that Government have brought this Bill and I support the Bill.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, we congratulate the Finance Minister and the Government for bringing forward this Amending Bill. As a matter of fact, Mr. Goswami and my humble self had the honour and privilege of sitting in the Select Committee when the original Bill was in the process of consideration and we at that time submitted that the rate ought to be one anna and not one pice and we said that we would have been happy if the rate was two annas. At that time we were supposed to be too drastic and too radical. We are, therefore, glad that though a few months have elapsed in the meantime, Government have appreciated our stand and we give our full support to the proposed measure. We, however, want to place a few suggestions even at this stage.

The Finance Minister has stated that our stand, that is to say, the validity of the Act, has been upheld by a Special Bench of the Assam High Court. That is true ; but we should remember that an appeal against that order is pending in the Supreme Court and nobody can foresee what will be the verdict. Now, if we visualise certain specific measures purely on the basis of this possible income and if the verdict of the Supreme Court be not in our favour, all our plans may go topsy turvy and these specific projects may have to be abandoned and a plea may have to be brought by Government on this score. For example, we heard that the improvement in the pay structure of the low-paid employees was dependent on the augmentation of income from this source. If that is the position and if we lose this source, then these employees may be put to a very precarious condition. Our suggestion, therefore, is that no specific schemes of improvement should be earmarked as dependent on this source, the income from which should be brought to the general revenue.

**Mr. SPEAKER:** Government have not said so. Why do you presume that? They will have to foot the bill any way.

**Shri GAURISANKAR BHATTACHARYYA:** That is exactly what our suggestion is. We take it that the position is that we shall have to foot the bill any way whether this measure ultimately stands or falls.

Secondly, Sir, there is an economic aspect which needs consideration. The Finance Minister stated about the first Five Year Plan and also about the proposed second Five Year Plan that all the economists, big and small, are of the opinion that so far as development programmes are concerned, they should not be dependent on temporary prosperity measures. We have already begun to hear and a certain section of the Press is also expressing the opinion that the prosperity of the tea industry will not last long. If that is so, then after a year or two we may find ourselves in a difficult position if our development schemes are dependent on temporary prosperity measures. So, while I appreciate and urge that this Bill is very necessary, I should at the same time state that this should not be made the *sine-qua-non* of our development plan.

Thirdly, Sir, we must also consider some consequential results in connection with this Bill. For example, as soon as

the tea owners will find that there has been a greater drain on their profits they will try to put greater pressure on the labourers. For example, only very recently there was some increase in the work-load and cutting down of the rates for plucking in tea gardens as a result of which there was strike and labour unrest. We should, therefore, take all necessary measures to see that the proposed Bill does not, or cannot, go ultimately against the tea labourers. Government should see to that also.

Then, Sir, another aspect should be considered from the point of view of the tea owners. We should see that as a result of this measure our tea planters are not put in a more unfavourable position compared to Duars and other planters outside Assam. If there be taxation on the Assam planters only and not on others, the Assam Planters will find themselves in an unfavourable position compared to those outside Assam. So, if we are to take some money out of their profits, we should try to give them certain additional benefits. We know the difficulties they have to face in the matter of communication, mainly due to the precarious condition of the Assam Rail Link and also because the reverine route through Pakistan is not always smooth and safe. We should see whether we can bring about some improvement with regard to the carriage of Assam tea. There are, of course, certain things over which our Government have no control, but our Government can move the Central Government for making proper arrangements for better carriage of Assam tea. As for example, in recent times there has been an understanding between the Government of India and the Government of Pakistan with regard to the carriage of goods by railway through Pakistan. This sort of co-operation between the two countries should develop more and more because that will be to the interest of the planters here in Assam and they will not find themselves in an unfavourable position compared to the planters in Duars and other parts of India.

Now, Sir, with regard to the suggestion given by my Friend, Mr. Umaruddin whether we can consider this kind of measure as a Finance Bill and also with regard to his criticism of the remarks made by the Deputy Finance Minister, I should only like to say that taking a legalistic stand, the Deputy Finance Minister was perfectly right, that we cannot bring such a measure as a Finance Bill within the purview of the present Constitution of India and, therefore, we have had to make an

Act, like this. Therefore, if we take a purely legalistic stand, I think the position taken by the Deputy Finance Minister was perfectly correct and if that is so, naturally this kind of Bill cannot be made a Finance Bill and cannot be made subject to alteration of the rates every year. At any rate, if there be any great change in the economic structure of the country and if there be either a rise or a fall in the existing market, either in tea or jute, of course it will always be desirable to make the necessary amendment. Therefore, I think, Mr. Umaruddin's suggestion will be taken into consideration when there is necessity. In any view of the matter, it is to be admitted that this Bill is a good measure and a progressive measure and therefore with the suggestion that the money which will be derived by passing of this Bill may be spent for the benefit of the country and also with the expectation that the Government will see that there will not be any consequential hardship on the people due to this Bill, we give our whole-hearted support to this measure.

**Shri MOTIRAM BORA (Minister)**: Mr. Speaker, Sir, the observations that have been made by my Friend, Mr. Umaruddin, have been noted by me. I should like to tell him that this is not the time to accept his observations. His point on this matter has been replied by my Friend, Mr. Bhattacharyya also.

Now, Sir, my Friend, Mr. Bhattacharyya, has in his mind certain apprehensions, although he has given whole-hearted support to this measure. He has apprehended certain misgivings. He feels that when the pockets of the owners of tea estates will be touched on account of this measure, they may fall upon the labour population and may deprive them of some of the legitimate benefits given to them at present. This of course, is a reasonable apprehension but, I think, to protect the interest of the labour we have got the Plantation Act, which is adequate to safeguard the interest of the labour and in tea gardens there are powerful labour organisations which will never agree to deprive the labour of their legitimate earnings. We have in our mind, sufficient safeguard on this matter.

I do not know why Mr. Bhattacharyya has connected this affair with that of the proposed increase, if any, of the Government employees and proposed development programme. Even, if in the long run we lose the case in the Supreme Court, there should be no apprehension of stopping our development work or increase of emoluments. No tax can be connected with any measure, as there is no earmarking for a particular purpose of

revenue derived from a particular source. The Revenue expected to be derived from this measure will come to be included in this general revenue of this State meant for general expenditure. My Friend, Mr. Bhattacharyya appeals that development measures should not be made to suffer whether this tax remains or not. Development measures undertaken in the country should not be made to depend on this tax, and on this money, I agree with him fully. But what is in my mind is that we must find out some money. This is a measure for improving the general resources of the State and if, by some clause we are deprived of this money, this Government cannot think in the light of stopping the development works be undertaken in the State. In the long run even if we lose the case in the Supreme Court, what will happen? We will lose say Rs.2 crores and for that no Government can allow the development projects to be stopped, on this ground. We must get money from other sources to continue our development activities. Therefore, Mr. Bhattacharyya, should not have any apprehension on that score also.

I have replied to the main observations made from the Opposition and move that the Bill be taken into consideration.

**Mr. SPEAKER:** The question is that the Assam Taxation (on Goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1955, be taken into consideration.

(The motion was adopted.)

### The Assam Khadi and Village Industries Board Bill, 1955

**Shri RUPNATH BRAHMA (Minister):** Mr. Speaker Sir, I beg to introduce the Assam Khadi and Village Industries Board Bill, 1955.

This Bill was published in the Official Gazette on the 3rd June, 1955 and copies have been circulated to the hon. Members.

**Mr. SPEAKER:** The Motion moved is that the Assam Khadi and Village Industries Board Bill, 1955 be introduced.

(The Bill was introduced.)

**Shri RUPNATH BRAHMA (Minister):** Sir, I beg to move that the Assam Khadi and Village Industries Board Bill, 1955 be taken into consideration.

It is known to the hon. Members that with a view to develop the Khadi and certain other village industries in our State, a Board was formed, known as the Assam Khadi and Village Industries Board by a resolution of this Assembly. This Board was constituted with the idea of getting financial help from the All-India Khadi and Village Industries Board but the All-India Khadi and Village Industries Board is not in a position to give us loans until and unless we make our State Board a statutory one and to make this Board a statutory one, we have brought forward this Bill in order to get financial help from the Central Board.

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

**Mr. SPEAKER:** The Motion moved is that the Assam Khadi and Village Industries Board Bill, 1955, be taken into consideration.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I rise only to get certain points clarified. As is shown in the schedule, only certain specified industries have been included.

**Mr. SPEAKER:** You mean to say that the schedule is rather limited, do you want it to be elastic?

**Maulavi MUHAMMAD UMARUDDIN:** Sir, only a certain specified industries have been included within the purview of activities of this particular Board. These are the industries:— 1. Khadi, 2. Village Oil Industries, 3. Soap making with non-edible oil, 4. Paddy husking, 5. Palm Gur Industry, 6. Gur and Khandeshri, 7. Leather, 8. Woolen blankets, 9. High grade Handmade paper. 10. Bee-Keeping, and 11. Cottage Match Industry. These, Sir, are the types of Industries that will come within the activities of this Board that is sought to be established by this Bill. But Sir, there are a number of other cottage or village industries also. As for instance, bell metal industry, pottery, mat making, and other industries which can also come under the category of cottage industries. Now, I want to know what is the principle that actuated Government to bring in this Bill for only these few industries as specified in the Schedule leaving out others? What will be the fate of the industries left out, how can they be developed, and what is the administrative machinery set up for the development of these other cottage industries which, as I have already said, also come under the category of cottage industries? If Government actually want to develop our cottage industries

then why not bring a comprehensive Bill to include all other important cottage or village industries and place them within the category or the ambit of Cottage or Village industries under the management of this Board so that all cottage industries in the State can be developed and co-ordinated?

Again Sir, here we have a Director of Industries and this Director of Industries will be responsible for the control and management of these few industries only. I want the Hon'ble Minister to explain why only these few cottage industries have been included and others equally important left out and how these other industries will be developed and under what machinery?

**Shri RUPNATH BRAHMA (Minister):** Sir, the list of industries shown in the Schedule here is the prescribed list as approved by the All India Khadi and Village Industries Board and also by the Planning Commission, and my Friend, Mr. Umaruddin probably knows that we have got a Department known as Cottage Industries Department and in this Department we have an exhaustive list of cottage industries including the one mentioned by my Friend.

**Maulavi MUHAMMAD UMARUDDIN:** May I know whether these will be outside the control of the Director of Industries?

**Shri RUPNATH BRAHMA (Minister):** The Director of Industries is the Secretary of this Board and the Hon'ble Minister in charge of Industries, the Chairman

**Mr. SPEAKER:** The question is that the Assam Khadi and Village Industries Bill of 1955, be taken into consideration.

(The Motion was adopted.)

### The Assam State Road Transport (Amendment) Bill, 1955

**Mr. SPEAKER:** I have received a message dated Raj Bhavan, Shillong the 17th June, 1955 from the Governor of Assam which reads as follows:

"I recommend under Article 207(3) of the Constitution of India that the Assam State Road Transport (Amendment,) Bill, 1955 be taken into consideration by the Assam Legislative Assembly."



**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker, Sir, I beg to introduce the Assam State Road Transport (Amendment) Bill, 1955.

**Mr. SPEAKER:** The Motion moved is that the Assam State Road Transport (Amendment) Bill, 1955, be introduced.

(The Bill was introduced.)

**Shri SIDDHINATH SARMA (Minister):** Mr. Speaker Sir, I beg to move that the Assam State Road Transport (Amendment) Bill, 1955, be taken into consideration.

**Maulavi MUHAMMAD UMARUDDIN:** Mr. Speaker, Sir, I find this Amending Bill is brought forward to provide for payment of certain compensation which will have to be paid on account of cancellation of certain permits under section 7. Sir, section 7 of the principal Act reads—"Upon the publication of the scheme under section 5 and for so long as it remains in force the consequences as hereinafter stated shall, with effect from the date of commencement of this scheme, have effect in respect of the notified route—"—I refer to sub-clause (d) Sir, which says "the State Government or any officer or authority empowered by it in this behalf may, in the manner prescribed, cancel any permit or direct that any permit or class of permit shall not be renewed or shall not be effective beyond such date as may be specified or reduced and curtail the number of vehicles or routes covered by any permit or alter the condition attached to any permit or attach any new condition to any permit granted under Chapter IV of the Motor Vehicles Act, 1939 (IV of 1939)." Sir, this is very clear. In the original Act there is no provision for compensation from consequences arising out of action under section 7, sub-section (d). Now, Sir, this Bill seeks to provide certain compensation and it also laid down the principle by which such compensation may be assessed and the method about how much compensation should be paid. In this connection I refer to clause 7(a), Sir, where it said that the amount of compensation can be fixed by agreement on the scale specified in the Second Schedule it shall be paid in accordance with such agreement. Here, Sir, is a provision where some method of mutual settlement has been contemplated. But in view of the rates that have been mentioned in the Second Schedule I do not think, Sir, this provision will be effective because we find here it is laid down that—"Where in exercise of the powers conferred by clause (d) of sub-section (1) of Section 7 any existing permit is cancelled or the terms thereof are modified so as to prevent the holder of the permit from using any vehicle authorised to be used thereunder for the full

period for which the permit would otherwise have been effective, the amount of compensation payable to the holder of the permit on account of such cancellation or modification shall be a sum which, if the unexpired period of the permit:

- (a) exceeds 4 months, is equal to a sum of Rs.1,000 ;
- (b) exceeds 12 months but does not exceed 24 months, is equal to the sum of Rs.700 ;
- (c) exceeds 6 months but does not exceed 12 months, is equal to a sum of Rs.400 ;
- (d) does not exceed 6 months, is equal to a sum of Rs.200.

Sir, the point is that I think that the compensation comes out only to about Rs.40 or 50 per month. If a certain vehicle which has been allowed to ply on a certain route for a certain period is withdrawn and for which compensation is sought to be paid, I feel that the compensation fixed by way of compromise is very very poor ; it will not have any attraction to the permit holder to take advantage of this method—I mean the meagre sum of Rs.40 or 50 a month. So, Sir, am I to understand that the Government wants us to believe that a permit holder of say, a State carriage or public carrier vehicle earns only Rs.40 or 50 a month on the average where he has invested at least 10 or 20 or 25 thousands of rupees ?

After all there are certain routes where plying of vehicles involves investment of such a huge sum of money that is not at all a profitable proposition. I, therefore, feel that no vehicle owner will feel inclined to take advantage of this particular method of compensation in view of the fact that the limit of compensation offered under the Bill is very inadequate and unattractive.

There is also a provision for appointment of an arbitrator for assessment of compensation. I do not know whether if there is any provision for meeting the position when the aggrieved party is not agreeable to the decision of an arbitrator. I do not know what provision is made in this regard in the Arbitration Act of 1940 as I do not have this Act before me. I do not know whether he will be bound to accept the decision of the arbitrator appointed by Government, and if this is so, whether this principle is followed in other cases of compensation. Is this principle also followed in cases of compensation in respect of moveable and immovable properties ? In my opinion, in such a case there should be a provision for right of appeal or for setting up a machinery for disposal of such dispute. Otherwise it will, indeed, be very hard if we shut out all avenues of appeal in case of any disagreement regarding the decision of an

arbitrator in the matter of determination of compensation.

Now, Sir, in sub-clause (2) I find, "Where in exercise of the powers conferred by clause (d) of sub-section (1) of Section 7 any existing permit is cancelled or the terms thereof are modified so as to prevent the holder of the permit from using any vehicle authorised to be used thereunder for the full period for which the permit would otherwise have been effective, the amount of compensation payable to the holder of the permit on account of such cancellation or modification shall be a sum, if any, which is equal to the average net annual profit in relation to the vehicle multiplied by the unexpired period of the permit:

Provided that in no case, the amount of compensation shall be a sum which is less than the said average net annual profit."

**Mr. SPEAKER:** It is very easy to understand what it means.

**Maulavi MUHAMMAD UMARUDDIN:** Now, Sir, nothing is given here as to how net profit will be determined. Sir, here in 3rd Schedule certain principle has been laid down. But here the language is such that I have not been able to follow the meaning. Here it is stated:

"The average net annual profit in relation to a vehicle authorised to be used under a permit in respect of a notified route shall be calculated as follows—

1. The amount of profits made during a period of two years or during the period for which the permit (including any renewal thereof) was effective, whichever is less, shall be ascertained and the amount of losses sustained during the same period shall also be ascertained.

2. If there are no profits or if the amount of the profits does not exceed the amount of losses, the average net annual profit shall be taken to be nil.

3. If the amount of the profits exceeds the amount of the losses, the excess shall be the net profits.

4. From the net profits so found, the amount of profits for one year shall be ascertained by mathematical calculation and such profit shall be taken to be the average net annual profit."

Sir, I have not been able to follow the method of calculation sought to be incorporated here. Sir, in the matter of calculation of loss and profit, different people follow different years, e. g., Government follow the financial year, the business people, the calendar year, and again, there are some people who follow Sambat. In the matter of calculation of loss and profit, the usual practice is to put on one side

the receipts and on the other side the expenditure. Then after deducting one from the other generally the loss or the profit, as the case may be, is worked out. But here—"the amount of profits made during a period of two years or during the period for which the permit was effective, whichever is less, shall be ascertained and the amount of losses sustained during the same period shall be ascertained." How can there be once loss and once profit in the same breadth? It is not clear what is meant by losses here.

**Mr. SPEAKER:** Loss here means expenditure.

**Maulavi MUHAMMAD UMARUDDIN:** Let me refer to the procedure followed by the State Transport in making their profit and loss account. In page 345 of the Audit Report, a clear indication has been given as to how the profit and loss is to be worked out. Here on the one side we find expenditure on general staff, technical staff, labour, contingency and so on and so forth, and on the other side are given the passenger earnings, luggage, parcel, etc., etc. It is something quite intelligible. But in the Bill one wonders as to how to work out the loss and profits. But here I do not understand when it is stated that losses should be ascertained and then the profit should be ascertained and it is after deducting profit from the loss the net profit should be ascertained. I cannot follow this, Sir. If the earnings are more than the expenditures then there is the profit, and if the earnings are less than the expenditures then there is loss. This is common sense. Now, Sir, there must be a machinery set up to assess the annual net profit and certain data must be taken into consideration in this respect. Here the procedure is absolutely obscure and unintelligible to me at least. All these things must be done according to the ordinary commercial method and no such hard and fast procedure should be laid down.

**Mr. SPEAKER:** Government allows 25 per cent as depreciation.

**Maulavi MUHAMMAD UMARUDDIN:** It is too high, Sir. Of course, sometimes the depreciation may be more and sometimes less. It all depends how the vehicle is used—how it is maintained. It depends on the pressure and strain it is put to. One cannot say that it cannot be allowed 10 per cent in case of one vehicle and 15 per cent in another. Government should not adopt a hard and fast rule in disregard of the commercial practice in such cases. So, if the authorities appointed proved to assess the net profit or net loss without taking into account all these things and only follow the Government procedure without taking the common business

methods into account, the owners of the vehicles will get nothing.

Now, Section 7C—Sub-clause (a) says—“In respect of vehicle, the value will be the cost as at the date of transfer, of replacing the vehicle by a new vehicle of a similar type, less depreciation at the rate of 25 per cent per annum on the declining values from the date of first registration with a margin of Rs.500 either way as an allowance for the condition of the vehicle.” Now, this will give some vehicle owners a very negligible value. Supposing there is a vehicle of 1948 model and that vehicle is run by the owner since 1948 till 1955 and he has kept it in an excellent condition and the vehicle gives good service on the date of transfer, in such a case we should take into account the present market value, taking into account the condition of the vehicle. Now, if you deduct 25 per cent per annum on the declining values from the date of first registration of this vehicle, the owner will get no value at all. This is dangerous, Sir, and most unfair too. This will give no money to the owner. This may be possible in case of Government vehicles only which ply on a monopoly system. There is no competition, the profit is guaranteed and the Government has increased the rates and so they may fix a higher percentage for depreciation to meet the cost of replacement. But that is not the case applicable in the case of private vehicle owners. It may be 5 per cent or 10 per cent. No private vehicle owner can keep 25 per cent as depreciation. Then if you take 25 per cent as depreciation then any of the Government vehicles, still sold at a fairly high price, should actually go to the scrap heap. It should have no value. The idea is entirely wrong, and there is lack of understanding of the principle behind it.

**Mr. SPEAKER:** What is your definite suggestions?

**Maulavi MUHAMMAD UMARUDDIN:** It should not be more than 10 per cent, Sir. Then the assessment of the vehicle should depend on the actual condition of the vehicle by an engineer. Here no hard and fast rule should apply. It all should depend on the actual condition of the vehicle. Under the proposed provision nobody will offer any vehicle to the Government. The value of the vehicle should be determined on its condition, on its serviceability at the time of taking over and not only to how long it has been used. Sir, this clause is defective. There should be a Board of Assessors appointed by the Government with owners' representatives in it. They will carefully examine the condition of the vehicle and determine the price. During the war many vehicles were requisitioned by the Government. The Government appointed assessors and there were

motor experts among them who examined the vehicles and assessed the compensation. That is the proper method. Unless this is done, the owners will get nothing. Sir, in my opinion this Section is most objectionable and I suggest that it be referred to a Select Committee, for proper scrutiny. I would request Shri Sarma, the Transport Minister, to refer this to a Select Committee, because the principles of compensation proposed are very much complicated and it is rather unintelligible. It will be appreciated very much if the Minister-in-charge sees his way to refer it to a Select Committee and in the light of the recommendations of the Select Committee it will be examined further. With these words, Sir, I conclude my observation on the Bill.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I support the points raised by Mr. Umaruddin regarding compensation to be given to the owners of the vehicles who ply on the routes. Sir, this Bill actually should have come long ago, and in the meantime merely on the strength of a resolution we have deprived many owners of their livelihood. Although we want that transport on National High Way to be nationalised, it should have been done in a legal manner long ago, and this point also was discussed and held by the Supreme Court that in the absence of proper legislation, there cannot be any nationalisation of road transport. Sir, this Bill was brought before this House several months back, and in the meantime, because of other reasons, this compensation clause is sought to be introduced, and here also what is the reason for doing so—that one should not be deprived of his means of livelihood, without compensation. But unfortunately, hundreds of people who have already been deprived of the routes have not been paid compensation and we have forgotten them, and nothing could be done for them. Sir, even now the amount of compensation that is suggested by the different means are also different; and I am afraid, it may lead to discrimination amongst the different owners which is not envisaged in our Constitution, and this may be challenged in any court of law.

Sir, so far compensation sought to be given to the owners by way of agreement is given in Second Schedule—it reads—“If the unexpired period of the permit ; (a) exceeds 24 months, is equal to a sum of Rs. 1,000 ; (b) exceeds 12 months but does not exceed 24 months, is equal to the sum of Rs.700.....”

Sir, compensation will be given, although that will be by way of agreement, and it will be confined itself to Rs. 1,000 and Rs. 700 and this will not give them even Rs. 50 a month, and that is actually no compensation, it will be only compensation in name.

Sir, on the other hand in the Third Schedule we find no amount has been given.

It is said—"The amount of profits made during a period of two years or during the period for which the permit (including any renewal thereof) was effective, whichever is less, shall be ascertained and the amount of losses sustained during the same period shall also be ascertained." and "If the amount of profits exceeds the amount of the losses, the excess shall be the net profits".

This is much more than what is stated in the Second Schedule, therefore, it is very likely to offend the principles of fundamental rights—that there must not be any discrimination. So, Sir, I also suggest as Mr. Umaruddin has just now suggested, that the Bill had to be revised and gone into and looked into—because if really compensation is sought to be given, then it should be sufficient to cover the loss of their livelihood.

Then, Sir, there is another thing in Section 7C. I will not touch the point raised by my Friend, Mr. Umaruddin, about depreciation.....

**Shri MOTIRAM BORA (Minister):** On a point of information, Sir, it is not clear to me whether my Friend, Mr. Goswami, is in principle of the payment of compensation.

**Shri HARESWAR GOSWAMI:** Sir, so far as compensation is concerned, we are against the principle of compensation, but if any compensation is given at all, it should be sufficient to cover the loss of their livelihood.

**Shri BISHNURAM MEDHI (Chief Minister):** It is a symbolic calculation.

**Shri HARESWAR GOSWAMI:** But when you lay down certain principles, then we must see that those principles are respected.

**Shri BISHNURAM MEDHI (Chief Minister):** There is provision of other alternative routes.

**Shri HARESWAR GOSWAMI:** I am coming to that. But so far taking over of vehicles, etc., is concerned, it is said—"Upon the cancellation of a permit, the State Government shall, when the owner of the vehicle so desires within a specified period, take such vehicles....."

Sir, now the word here is *shall*, that is if the owner opposes, the vehicle may be taken. I am personally against this, because the word should be *may* and not *shall*. Why should it be obligatory to take a vehicle if it is offered ?

**Mr. SPEAKER:** How do you interpret the word *may* ?

**Shri HARESWAR GOSWAMI:** *May* is not always *shall*.

In Section 7C it reads—“Upon the cancellation of a permit, the State Government *shall*, when the owner of the vehicle so desires.....”

*Shall* cannot mean *may*, so here is an obligation.

When the owner of the vehicle so desires, here the option is not with the owner, he may take the vehicle to other routes, but there is no alternative route, and the Government may take or refuse it, and also if the vehicle is taken by Government, compensation will be given after deducting 25 per cent as depreciation. Sir, I know some owners own new vehicles for running on the routes, very few owners have second class vehicles also and these vehicles have been running for more than four years.

**Mr. SPEAKER:** Motion moved is :

That the Assam State Road Transport (Amendment) Bill, 1955, be taken into consideration.

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

(After a pause.)

The Bills of which motions for consideration have been adopted to day, will be taken up for their second and third readings on the 27th June. Amendments to these Bills, if any, should reach the Assembly Secretariat by 12 noon on the 24th June, 1955.

Today there is a solar eclipse and I understand some rituals will also be performed.

(Voices—হয় চাব, আজি আগবেলা নবহিলেই ভাল আছিল।)

### Adjournment

The Assembly was then adjourned till 10 A. M., on Tuesday, the 21st June, 1955.

Shillong:  
The 18th February, 1955.

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



**APPENDIX A**  
**NOTIFICATION**

The 14th April 1955

**No.LML.191/54/31.**—In exercise of the powers conferred by Section 296(2)(i) of the Assam Municipal Act, 1923 (Assam Act I of 1923) and with reference to the Notification No.LML.191/54/17, dated the 6th April 1955, the Governor of Assam is pleased to make the following amendments in the Revised Rules for the election of members of Municipal Boards in Assam, published with Notification No.656.L.S.-G., dated the 13th February, 1937 :—

**AMENDMENTS**

The following provisos shall be added to sub-rule (1) of Rule 19 :—

“Provided that the State Government may at their discretion fix the date of nomination of candidates at any time but the date so fixed shall not be less than ten days before the election day. When the State Government take action under this power any action taken by the Board in this behalf shall be null and void and the Board shall also be debarred from taking any such action in this behalf in connection with the election in relation to which the State Government exercise this power. When the State Government fix such a date, the candidates for election shall submit their nomination papers to the Magistrate on or before the date fixed by the State Government.

Provided further that notwithstanding anything contained in these rules and without prejudice to the action already taken in connection with the election, the State Government, when they take action or propose to take action under the first proviso, may alter the date of election already fixed under rule 2 to any date as the State Government deem proper but the date altered shall be such as to enable completion of the election before the expiry of the fourth year from the date of completion of the last General Election.

Provided further that notwithstanding anything contained in these rules, when action is taken by the State Government under the first proviso they shall draw up a programme fixing the dates at their discretion relating to matters under rules 19(3) to 23 according to which action under those rule shall be taken. The State Government shall publish this programme

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along with the dates fixed for nomination of candidates and election in the official Gazette and shall also have the same published in the notice boards of the offices of the Municipal Board and also of the Deputy Commissioner or the Subdivisional Officer, as the case may be, not less than two days before the date fixed for nomination of candidates. The Chairman of the Board, the candidates, the Magistrate and other authorities shall act according to that programme. No separate notice under rule 19(3) or any other rule in connection with the election programme either by the Chairman or the Board or the Magistrate shall be necessary when the programme as aforesaid is drawn up and published by the State Government”.

A. M. DAM,  
Secretary to the Government of Assam,  
L. S.-G. Deptt.

A. G. P.(L.A.) No.276/55-126-21-2-1956.



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