

Proceedings of the Second Session of the Assam Legislative Assembly
assembled under the Sovereign Democratic Republican Constitution
of India.

The Assembly met in the Assembly Chamber, Shillong at 1-30 P. M. on
Friday, the 29th September, 1950.

P R E S E N T

The Hon'ble Srijut Lakshesvar Borooh, Speaker, in the Chair, the seven
Hon'ble Ministers and fifty Members.

Oath of Allegiance to the Constitution of India

The following Member was sworn in:—
Maulavi Mahammad Roufique.

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Indo-Pakistan Pact of April, 1950

Maulavi MAKABBIR ALI MAZUMDAR asked :

22. Will Government be pleased to state the steps taken up till now to
implement the Indo-Pakistan Pact of April, 1950 on Minorities in Cachar district?

The Hon'ble Srijut BISHNURAM MEDHI replied :

22.—Necessary action has been taken in all the districts—including Cachar
—affected by the communal disturbances to implement the different clauses of
the Pact.

The facilities afforded for free migration both ways are patent and the
degree to which the respective communities have availed themselves of them
shows the return of confidence.

The ownership of property remains undisturbed ; those who are entitled to
restoration of possession are being assisted to such restoration ; others can dis-
pose of their properties or have them managed by the Committee of Trustees
(which will be constituted when the necessary legislation is passed by the
Assembly in this session) or otherwise.

Investigations of offences committed have been accelerated by deputing
additional staff ; the Magistrates' cadre has been increased to deal with extra
work in the State arising out of the disturbances. Special Courts will be
appointed as in Assam Valley for Sessions triable cases, if necessary.

A Commission of Inquiry has been set up—it would have started examining representationists, if further time for filing representations had not been asked for on behalf of Cachar Muslims and granted. A Minority Commission has been constituted. District and Subdivisional Minority Boards are being set up.

This is not exhaustive but merely illustrative.

Publication entitled "Challenge Series" by Srijut H. C. Dutta

Srijut BHADRA KANTA GOGOI asked :

23. (a) Are Government aware of Srijut H. C. Dutta's publication of his Challenge Series ?

(b) Has Government received his fourth publication entitled "Rascality of Congress Raj in Assam" ?

(c) If so, what steps has Government taken against him ?

The Hon'ble Srijut MOTI RAM BORA replied :

23. (a)—Yes.

(b)—Yes.

(c)—The hon. Member is referred to replies to Unstarred Question No.107(b) of 27th March 1950 of the March Session of the Assembly last.

Srijut BHADRA KANTA GOGOI: মাননীয় মন্ত্রী মহোদয়ে কৈছে যে এই মানুহ জনৰ বিৰুদ্ধে step লোৱা হৈছে। কিন্তু আজিও গৱৰ্ণমেণ্টৰ বিৰুদ্ধে প্ৰচাৰ কাৰ্য্য চলাই থকাটো ভাল হৈছে জানো ?

The Hon'ble Srijut MOTIRAM BORA: এই বিলাক কথাৰ ওপৰত গৱৰ্ণমেণ্টে বিশেষভাবে দুটি দিব নোখোজে। বৰঞ্চ action ললে তেওঁৰ prominence দিৱাহে হব বুলি গৱৰ্ণমেণ্টে বিবেচনা কৰে।

Srijut BHADRA KANTA GOGOI: এই বিলাক প্ৰচাৰ কৰাৰ কাৰণে গৱৰ্ণমেণ্টে বিচাৰ কৰিবনে ?

The Hon'ble Srijut MOTIRAM BORA: গৱৰ্ণমেণ্টে বিচাৰ কৰিব নুখজে। বৰঞ্চ action ললে unnecessary and undue prominence দিয়া হব বুলিহে বিশ্বাস হয়।

Publication entitled "Challenge Series" by Srijut H. C. Dutta

Dr. EMRAN HUSAIN CHAUDHURY asked :

24. (a) Will Government be pleased to refer to their replies given to Unstarred Question No.107 asked by the Questioner during the last Budget Session of the Assembly (page 547 of Assembly Proceedings of 27th March, 1950) on the subject of publications entitled "Challenge Series" by Srijut H. C. Dutta, B.A., B.T., and state if they have received by now a copy of the said author's "Rascality of the Assam Congress" ?

(b) Are Government aware that he has published some more books of this nature ?

(c) Are Government aware that this sort of publications produces very bad affect upon the minds of the reading public ?

(d) Do Government propose to ban such literatures ?

The Hon'ble Srijut MOTI RAM BORA replied :

24. (a)—Yes.
 (b)—Yes.
 (c)—This is a matter of opinion.
 (d)—Yes, if it becomes necessary.

Non-Granting of holiday to Hindu Officers on the day of "Holi" Festival by the Divisional Forest Officer of Dhansiri Valley Division

Srijut BHADRA KANTA GOGOI asked :

25. Will Government be pleased to refer to pages 540-541 of the Assam Legislative Assembly Debates of the 27th March 1950 in connection with the replies given to Starred Question No.21 asked by the Questioner on the subject of non-granting of holiday to Hindu officers on the day of Holi festival by the Divisional Forest Officer, Dhansiri Valley Division and state what informations have since been received and action taken by the Government ?

The Hon'ble Srijut RUPNATH BRAHMA replied :

25.—It is a fact that the staff of the office of the Divisional Forest Officer of the Dhansiri Valley Division could not avail of the 4th March, 1950 as a holiday due to some urgent works and this was voluntarily done.

Scheme for Developing Hydro-Electric Power at Umtru

Srijut GAURI KANTA TALUKDAR asked :

26. Will the Hon'ble Minister-in-charge of Electricity be pleased to refer to his speech in connection with the Supplementary Demands for Grants for 1949-50 under "52A—Other Revenue Expenditure" at pages 477-478 of Assembly Proceedings of 23rd March, 1950 and state :—

- (a) Whether the "Quinc" have sent their men to examine the result of the preliminary survey, etc., made by this Government's Electrical Adviser in connection with the scheme for Developing Hydro-Electric Power at Umtru ?
 (b) If so, what is the result of that examination ?
 (c) What progress has been made in furtherance of the scheme ?
 (d) When it is expected to be complete and the probable area expected to be served by the scheme ?
 (e) What will be the probable cost involved in the execution of the scheme and who will bear the same ?

The Hon'ble Srijut RAM NATH DAS replied :

26. (a)—No.
 (b)—Does not arise.
 (c)—More detailed data on the flow of water, dam-sites, pipe-line, alignment, geological formations, etc., have been collected after preliminary survey. The same has been tabulated, correlated and mapped out. A report on the same has also been prepared. One of the Assistant Engineers (Electrical) will

shortly proceed to Delhi with data and other materials for examination by the experts of the CWING as advised by them.

(d)—Completion of the scheme will depend on the result of the examination of the data and materials by the CWING. Gauhat Subdivision will be served by the scheme.

(e)—No idea as to cost or as to who will bear the same can be given till the examination of data and preparation of plan and estimate by CWING and also till the receipt of their recommendations.

Srijut GAURI KANTA TALUKDAR: Have not Government any idea as to who will bear the burden of financing this scheme ?

The Hon'ble Srijut RAM NATH DAS: We have not come to that stage, Sir.

Srijut GAURI KANTA TALUKDAR: Have not Government carried any correspondence with the Centre as to who will bear the expenses of this scheme ? Do not Government consider it necessary that before starting such a huge scheme, they should have some idea as to the portion of the burden this Government shall have to bear ?

The Hon'ble Srijut RAM NATH DAS: Sir, in such a scheme we do not know what will be the expenditure unless finally the scheme is examined and approved and the expenditure is determined by the real experts. So when it will be finally decided by the real experts about the scheme and also about the probable expenditure, Government will try to settle who is to bear the expenditure.

Srijut GAURI KANTA TALUKDAR: May I know, Sir, who is meeting the expenditure that will be incurred during this period of survey ?

The Hon'ble Srijut RAM NATH DAS: By us.

Srijut GAURI KANTA TALUKDAR: May I know how much money they have already spent ?

The Hon'ble Srijut RAM NATH DAS: I am sorry, Sir, the question cannot be answered now.

Introduction of Compulsory Primary Education in the Mikir Hills

Srijut KHORSING TERANG asked :

27. Will Government be pleased to state—

(a) Whether Compulsory Primary Education has been proposed to be introduced in the Mikir Hills ?

(b) If not, whether Government propose to introduce the same there immediately ?

The Hon'ble Srijut OMEO KUMAR DAS replied :

27. (a)—Not yet.

(b)—No.

Mrs. BONILY KHONGMEN: Are Government aware that the Mikir Hills are educationally most backward among the hill tribes of Assam ?

The Hon'ble Srijut OMEO KUMAR DAS: Yes.

Mrs. BONILY KHONGMEN: If so, do Government propose to introduce Compulsory Primary Education there in the near future ?

The Hon'ble Srijut OMEO KUMAR DAS: There are some difficulties to introduce Compulsory Primary Education in the Mikir Hills. The population is scattered and there are no compact blocks. The implementation of the Compulsory Primary Education Act may lead to the imposition of cess.

Srijut DANDESWAR HAZARIKA: Is it a fact that cess is not realised now in the area where the Compulsory Primary Education is in force ?

Srijut MAHENDRA MOHAN CHOUDHURY (Parliamentary Secretary): It is being assessed.

Land Settlement Advisory Committee of Dibrugarh Subdivision

Maulavi ABDUL HALIM asked :

28. Will Government be pleased to state—

- (a) The names of the members of the Land Settlement Advisory Committee of Dibrugarh Subdivision ?
- (b) Who selected these members and on what capacity each of them was selected ?
- (c) Whether all the Members of the Legislative Assembly of that Subdivision were selected as members to that Committee ?
- (d) If not, why not ?
- (e) What is the object of the Government for formation of such Committee ?
- (f) What procedure Government have adopted in selecting the members to this Committee ?

29. Will Government be pleased to state—

- (a) How many meetings of this Land Settlement Advisory Committee at Dibrugarh were held and on what dates ?
- (b) The names of the members who attended each of the meetings ?
- (c) The areas and descriptions of the land settled with the people ?
- (d) The names of those people with whom these lands were settled and the area allotted to each of them ?
- (e) What principles the Committee adopted at the time of settlement of these lands with these people ?

Srijut HARESWAR DAS (Parliamentary Secretary) replied :

28. (a)—1. Hon'ble Speaker Srijut Lakshesvar Borooah, M. L. A.
 2. Srijut Bejoy Chandra Saikia, M. L. A.
 3. Srijut Dalbir Singh Lohar, M. L. A.
 4. Srijut Bhadra Kanta Gogoi, M. L. A.
 5. Srijut Jiban Chandra Phookan, Secretary, District Congress Committee.
 6. Maulavi Faizuddin Ahmed, B. L.,
 7. Maulavi Abdul Halim, M. L. A.
 8. D. F. O., Lakhimpur.
- (b)—Government in consultation with the local officer selected the members. They were not selected on any particular capacity but persons considered most suitable under the circumstances and able to speak for the people were selected.
- (c)—Yes.
- (d)—Does not arise.
- (e)—To advise the Deputy Commissioners and Subdivisional Officers in the matter of settlement of land.
- (f)—There is no procedure.
29. (a) to (e)—Information has been called for from the Local Officer.

Engineering Scholarships

Srijut GAURI KANTA TALUKDAR asked :

30. Will Government be pleased to state—

- (a) The number of stipends (with their value) granted annually to students of Assam for study in engineering in each of the Colleges namely Banaras, Jadavpur and Sibpur ?
- (b) The number of seats reserved and the amount of subsidy required to be paid by Assam to each of these colleges annually ?
- (c) When do sessions in each of these Colleges begin ?
- (d) When did this Government select their candidates for admission in each of these colleges for the years 1947-48, 1948-49 and 1949-50 ?
- (e) Whether it is a fact that the Government of Assam selected their stipendiaries for these institutions long after classes in these colleges commenced and Assam stipendiaries had to suffer in their studies thereby ?
- (f) If so, what are the reasons for this delay and who are responsible for it ?
- (g) Whether Government propose to look into this matter and see that such delay in selection of candidates does not occur in future ?
- (h) Whether it is a fact that two stipendiaries of the Banaras Engineering College failed to secure promotion last year ?
- (i) Whether it is a fact that last year one such stipendiary studying in the Jadavpur Engineering College and another studying in the Sibpur Engineering College gave up their studies after two or three months of admission ?

(j) Whether it is a fact that records of study of several stipendiaries are not satisfactory ?

31. (a) If the replies to Question No.30 (h), (i) and (j) be in the affirmative, do Government propose to take special care in selecting stipendiaries in future ?

(b) Are Government aware that stipendiaries of other States, studying in the Colleges mentioned above are exempted from paying tuition fees ?

(c) Do Government propose to see that the stipendiaries of the Assam Government are also exempted from tuition fees and that the amount of stipend is raised reasonably ?

The Hon'ble Srijut MOTI RAM BORA replied :

30. (a)—Banaras Engineering College—3 scholarships.

Value including 50 per cent. increase is Rs.45 and Rs.52-8-0 per month each for the Intermediate course and the Degree Course respectively.

2. Jadavpur Engineering College—2 scholarships.

Value as in the case of Banaras Engineering College.

3. Sibpur Engineering College—2 scholarships.

Value as in the case of Banaras Engineering College.

(b)—Sibpur Engineering College—3 seats—Rs.1,250 per student per annum or Rs.15,000 approximately per annum.

2. Banaras Engineering College—3 seats—Rs.8,048 per annum.

3. Jadavpur Engineering College—4 seats—Rs.8,000 per annum.

(c)—Sessions generally commence in July every year.

(d)—Candidates for admission into Banaras Engineering College were selected by the authority of that College.

Candidates for the Sibpur and the Jadavpur Engineering Colleges were selected by Government as below after publication of the results and receipt of marks of the I. Sc. and B. Sc. Examinations from the University.

| | | Jadavpur | | Sibpur |
|---------|-----|----------------|-----|----------------|
| 1947-48 | ... | 17th July 1947 | ... | 24th July 1947 |
| 1948-49 | ... | 13th July 1948 | ... | 27th July 1948 |
| 1949-50 | ... | 19th July 1949 | ... | 6th July 1949 |

(e)—Candidates were selected just after the receipt of the marks of the I. Sc. and B. Sc. Examinations from the University.

(f)—Delay in selection is due to the delay in publication of the results and supply of the marks of the I. Sc. and B. Sc. Examinations of the University.

(g)—The matter is receiving active consideration of Government.

(h)—As far as Government are aware only one stipendiary of the Banaras Engineering College failed to earn promotion to the next higher class owing to illness which was beyond his control.

(i) & (j)—Government have no information. A report from the College authorities is being called for.

Srijut GAURI KANTA TALUKDAR: With regard to reply to Question 30 (j) will Government be pleased to state whether they have brought this matter to the notice of the University authorities?

The Hon'ble Srijut MOTI RAM BORA: This has already been brought to the notice of the University.

Srijut GAURI KANTA TALUKDAR: Sir, my question was "Whether it is a fact that last year one such stipendiary studying in the Jadavpur Engineering College and another studying in the Sibpur Engineering College gave up their studies after two or three months of admission"? Now the reply is that "Government have no information." Sir, our Government must have discontinued their stipends after these stipendiaries gave up their studies. So they must have known these facts.

The Hon'ble Srijut MOTI RAM BORA: So far as the Government is concerned we have been given the information that only one stipendiary of the Banaras Engineering College failed to earn promotion to the next higher class due to illness which was beyond his control.

Srijut GAURI KANTA TALUKDAR: Sir, my question was that last year two stipendiaries gave up their studies after two or three months of their admission. Does it look well on the part of the Government to say that they have not been able to gather the information up till now?

The Hon'ble Srijut MOTI RAM BORA: Certainly, I have no information, but I assure the hon. Member that I will look into the matter.

Srijut GAURI KANTA TALUKDAR: Will Government announce the names of those stipendiaries who gave up their studies and the time when they did this?

The Hon'ble Srijut MOTI RAM BORA: Yes, all necessary information will be given.

Srijut GAURI KANTA TALUKDAR: Is it a fact that these persons were unfit for engineering studies and that is why they have given up?

The Hon'ble Srijut MOTI RAM BORA: I cannot answer that question off-hand. I would look into the matter and give the hon. Member all necessary information.

The Hon'ble Srijut MOTI RAM BORA replied:

31. (a)—Does not arise.

(b)—No.

(c)—No.

Drinking water supply in the Tezpur Municipality

Mr. BINODE KUMAR J. SARWAN asked:

32. (a) Are Government aware that the rate-payers of Ward No.1 in Tezpur Municipality are badly suffering from want of drinking water supply?

(b) Whether a copy of their petition for being provided with 4 drinking wells to the Chairman, Tezpur Municipality was received by the Local Self-Government Minister and the Finance Minister for favour of being granted with funds for this object ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

32. (a)—The hon. Member is referred to the reply given on 14th March 1950 to his Unstarred Question No.6(a) in the last Budget Session of the Assembly.

(b)—Yes.

Mr. BINODE KUMAR J. SARWAN : Will Government take it from me that up till now no step has been taken by the Municipality to supply water to these people in Ward No. 1.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR : Government have no information. According to the promise given in the last Session Government have already advanced a loan of Rs.50,000 to the Municipality. It is up to them to take action on water supply and supply of electricity in certain areas of the Municipality.

Date of appointment of Muslim Ministers in Assam

Maulavi ABDUL HALIM asked :

33. (a) Will Government be pleased to state the date when the Hon'ble Maulavi Abdul Matlib Mazumdar was appointed as a Minister to the Government of Assam ?

(b) Will Government be pleased to state the date till when Maulana Mahomed Tayyebulla was continuing as Minister in the Government of Assam ?

The Hon'ble Srijut BISHNU RAM MEDHI replied :

33. (a)—The Hon'ble Maulavi Abdul Matlib Majumdar was appointed as Member of the Council of Ministers on the 11th February, 1946.

(b)—Maulana Mahomed Tayyebulla was a Member of the Council of Ministers till the 21st January 1950.

Framing of Separate Budget for the Mikir Hills

Srijut KHORSING TERANG asked :

34. (a) Will Government be pleased to state whether they have sanctioned a separate budget for the Mikir Hills ?

(b) If not, why not ?

The Hon'ble Srijut OMEO KUMAR DAS replied :

34. (a)—No.

(b)—Under sub-paragraph (2) of paragraph 13 of the Sixth Schedule to the Constitution of India, as inserted by paragraph 2(7) of the Constitution (Removal of Difficulties) Order No.III, no separate budget is required to be framed for an Autonomous District in respect of the financial year 1950-51.

Reply from His Excellency the Governor to the Motion on His Excellency's Address

The Hon'ble the SPEAKER: Order, order.

Under sub-rule (7) of rule 20 of the Assam Legislative Assembly Rules, I hereby inform the House that I have received reply from His Excellency the Governor to the communication made by me in connection with the motion of Shri Purna Chandra Sarma, M. L. A., which was adopted unanimously, expressing thanks of the House for His Excellency's address. The reply is as follows:—

“My dear Speaker,

Please permit me to express my thanks for your kind letter No.4645-L. A. dated the 28th September 1950, informing me of the motion unanimously adopted by the House in reply to my Address to the Assam Legislative Assembly. I am grateful to you for your courtesy and to the House for its appreciation of what was contained in the Address. That the House should not only have expressed its view in such generous terms but that no amendment was even moved is a matter of sincere gratification to me and to the Government whom I represented in what I placed before the Assembly. I have no doubt that the lively discussion which followed my speech would be of considerable use to my Government in further dealing with the matter referred to in my Address.

Thanking the House and yourself again.

I am,
With kind regards,
Yours sincerely,
JAIRAMDAS DOULATRAM.”

Offering of thanks from the Chair for certain decoration made inside the Chamber by Mr. C. W. Morley, M. L. A. at his own cost

The Hon'ble the SPEAKER: Hon'ble Members must have noticed the new method of decorating our House. The suggestion came from Mr. Morley of the European Group and this had the approval of the late Chief Minister—Gopinath Bardoloi, and many hon. Members of this House and Hon'ble Leader of the Opposition and finally by myself. I have much pleasure in announcing that the cost was borne by Mr. Morley. I therefore, on behalf of the House offer my hearty thanks for the offer made by Mr. Morley. (*chee-s*)

Mr. C. W. MORLEY: Mr. Speaker, Sir, I thank you very much for all that you have said.

Panel of Chairmen

The Hon'ble the SPEAKER: The following Members will form the Panel of Chairmen for the September-October Session of the Assembly:—

1. Srijut Gauri Kanta Talukdar, B. L.
2. Maulavi Md. Nazmal Haque, B. L.
3. Maulana Mahomed Tayyebulla, B. L.
4. Srijut Bepin Chandra Medhi, B. L.

Allotment of days for Private Members' Business.

The Hon'ble the SPEAKER: In Pursuance of Rule 18 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Chief Minister the following days for Private Members' Business during the present Session of the Assam Legislative Assembly:

| | |
|-------------------------|----------------------------|
| Tuesday the 3rd October | } Motions and Resolutions. |
| Monday the 9th October | |

Private Members' Motions and Resolutions will also be taken up, if time permits, on Thursday, the 5th October and Tuesday, the 10th October after disposal of Government business of those days.

This Order shall be subject to my revision, if necessary, from time to time.

Statement regarding Course of Government Business

The Hon'ble Srijut BISHNU RAM MEDHI: Mr. Speaker Sir, with your permission I desire to make a statement about the course of Government business during this Session.

2. The Government business which is to be taken up to-day, the 29th September is shown in the agenda which has been placed on each Member's table. I need not detail it again. If the motions for taking into consideration of the Bills mentioned in the agenda are carried by the House to-day, we propose that all these Bills except the Assam Requisition and Control of Vehicles Bill, 1950 be considered clause by clause and then be passed on the 6th and 7th October, 1950.

3. On the 30th September we propose—(i) to present a Supplementary Statement of Expenditure on demands for Excess Grants for 1950-51 and (ii) to make a statement on the havoc and damages caused by the recent earthquake and flood in Assam and the relief measures taken by Government and then to allow the hon. Members the opportunity of a full dress debate by discussing matters contained in that statement.

If the House permit, on that day we also propose to have the Assam Requisition and Control of Vehicles Bill, 1950 considered clause by clause then to move that the Bill be passed.

4. On the 5th October we propose to take up the following Government Business:—

(1) Discussion, if any, of Supplementary Statement of Expenditure of Excess Grants charged upon the Consolidated Fund of the State for 1950-51.

(2) Voting on Demands for Supplementary Grants: and to move the following Government Resolutions:—

(i) Resolution regarding purchase of C. I. Sheets for procurement purposes from "85A.-Capital Outlay, etc." reserved for purchase of paddy;

(ii) Resolution regarding creation of an Enforcement Branch under the Police Department to deal with supply and textile;

(iii) Resolution regarding construction of roads and bridges for procurement purposes, and setting up of a border Security Force (Armed Checkers) to prevent smuggling of foodgrains outside the State;

(iv) Resolution regarding approval of expenditure for entertainment of temporary staff in His Royal Highness the Prince of Wales Technical School, Jorhat ; and

(v) Resolution for the setting of a self-contained Transport Department and approval of the Assembly for the expenditure of fund from the revenue of the State on this count.

5. On the 6th and 7th October we propose to take up the following Government Business in addition to the Bills as stated above—

(1) Introduction of the Assam Appropriation Bill No.2 of 1950.

(2) Introduction and motions for consideration of (i) the Assam Ministers' (Salaries and Allowances) (Second Amendment) Bill, 1950 and (ii) the Assam State Legislature Members' (Removal of Disqualifications) (Amendment) Bill, 1950.

(3) Presentation of the Report of the Select Committee on the Assam Non-Agricultural Urban Areas Tenancy Bill, 1950 and to move that the Bill as reported by the Select Committee be taken into consideration.

(4) Discussion on the point or points and voting on amendments recommended by the President on the Assam State Acquisition of Zamindaris Bill, 1948. This is not likely to come before the House, as we have not yet received communication from the Government of India.

6. Any Government Business which remains unfinished on previous days will be taken up on the 10th October 1950. On that day we also propose to take up the following Government Business.

(1) Consideration of Notification No.AAP.97/48, dated the 19th June, 1950 containing Amendments to Regulation 25 of the Assam Public Service Commission Regulations under Article 320 (5) of the Constitution of India, and motion for adoption (in case there is notice of further amendment).

(2) Resolution for appropriation of Grants from savings under "37-Education".

(3) Motion for consideration of the Assam Appropriation Bill No.2 of 1950 ; consideration clause by clause and motion for passing.

(4) Consideration clause by clause and motions for passing of (i) The Assam Non-Agricultural Urban Areas Tenancy Bill, 1950, (ii) The Assam Ministers' (Salaries and Allowances) (Second Amendment) Bill, 1950 and (iii) The Assam State Legislature Members' (Removal of Disqualifications) (Amendment) Bill, 1950.

This is all for the present.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker Sir, I want to make a suggestion. I have carefully gone into the programme of this Session and I am of the firm opinion that we can close our Session on the 7th and not sit up to the 10th. So, I would request you to call the Leaders of the parties to readjust the programme in such a way that we can finish the programme by the 7th.

The Hon'ble the SPEAKER: There will be some difficulty. I think Hon'ble the Chief Minister has probably placed certain regulations about Public Service Commission to-day and consideration of the regulations will require fourteen days notice which will expire on 10th October 1950.

The Hon'ble Srijut BISHNU RAM MEDHI: Yes, we are prepared to discuss. We can sit if considered necessary.

We can shorten the Session if there is no bar, but let us consult the rule. I may now read out the relevant Article of the Constitution—Section 320(5), Part XIV, of the Constitution of India :

“All regulations made under the proviso to clause (3) by the President or the Governor or Rajpramukh of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the Session in which they are so laid.”

In view of this, Sir, I think there will be difficulty in moving the motion before laying the regulations for not less than fourteen days.

The Hon'ble the SPEAKER : I want to draw the attention of the House to another matter, particularly of Mr. Morley and the Leader of the Opposition.

Hon'ble Transport Minister proposes to move for consideration of the Assam Requisition and Control of Vehicles Bill, 1950 at a shorter notice than usual. If the House have no objection I may allow the motion to be moved.

The Hon'ble Srijut BISHNU RAM MEDHI : The effect of this Bill is going to expire on the 30th of September and as this is a very important measure which is essential in connection with relief measures in the earthquake affected areas, I hope the House will accept this request.

Mr. J. S. HARDMAN : Mr. Speaker, Sir, I do not wish to interfere with the programme of business, but I would invite the attention of the House that this Bill has been received on the 28th of September and was published in the *Assam Gazette* on the 27th September 1950. We in this party are required to consult our constituents on all important legislation and therefore we would like to be given some opportunity of making a reference to our constituents to obtain the views. We realise that this is a renewal of existing State legislation, but we suggest that it may require some modification in view of the increased cost of motor transport. If Government will be prepared to consider our views at the time we would be prepared to waive our right.

The Hon'ble Srijut BISHNU RAM MEDHI : Government will be always prepared to consider their views. There is provision to make compensation for such acquisition. We are trying to do justice to all parties concerned—even those from whom we are forced to take vehicles under the circumstances. Generally before requisitioning vehicles in circumstances like this we approach the owner to help us and we find as a matter of fact that a large number of people in case of emergency, voluntarily lend their vehicles for use to fight the communist menace or the dacoits. I think the Planting Group always render necessary help in such emergencies and lend their vehicles. We requisition vehicles only when the owners refuse to help us and that also is done on payment of reasonable compensation.

The Hon'ble the SPEAKER : What is the opinion of the Hon'ble Leader of the Opposition ?

Maulavi Saiyid MUHAMMAD SAADULLA : I have got no objection.

The Hon'ble Srijut BISHNU RAM MEDHI : I think in view of the assurance I have given, the Leader of the Planting Group has no objection.

Committee on Petitions relating to Bills

The Hon'ble the SPEAKER: Under rule 122(1) of the Assembly Rules, I nominate the following Members to constitute a Committee on Petitions relating to Bills for the current Session of the Assembly:—

1. Srijut Gauri Kanta Talukdar, B.L.,
2. Srijut Haladhar Bhuyan,
3. Maulavi Makabbir Ali Mazumdar, B.L. and
4. Srijut Dalbir Singh Lohar.

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

House Committee

Under rule 136 of the Assembly Rules, I nominate the following Members to constitute a House Committee for the current Session of the Assembly:—

1. Srijut Nilmani Phookan, B.A.
2. Shri Satindra Mohan Dev,
3. Srijut Dharsing Deuri,
4. Maulana Mahomed Tayyebulla, B.L.,
5. Srijut Chanoo Kheria
and
6. Srijut Khorsing Terang.

Message regarding assent to Bills

The Hon'ble the SPEAKER: His Excellency the Governor has given assent to certain Bills passed in the last Assembly. The Secretary of the Legislative Assembly will read out names of the Bills.

The SECRETARY to the Assembly:—(1) Information has been received from the Private Secretary to His Excellency the Governor of Assam that, under the provisions of Article 200 of the Constitution of India, His Excellency the Governor has assented to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in March, 1950:—

- (1) The Assam Amusements and Betting Tax (Amendment) Bill, 1950.
- (2) The Assam Motor Vehicles Taxation (Amendment) Bill, 1950.
- (3) The Assam Finance Bill, 1950.
- (4) The Assam Local Board Elections (Emergency Provisions) Bill, 1950.
- (5) The Assam Sales Tax (Amendment) Bill, 1950.
- (6) The Assam Stamp (Amendment) Bill, 1950.
- (7) The Assam Court Fees (Amendment) Bill, 1950.
- (8) The Assam Contingency Fund Bill, 1950.
- (9) The Assam Appropriation Bill, 1950.
- (10) The Assam Ministers' (Salaries and Allowances) (Amendment) Bill, 1950.
- (11) The Assam Speaker's (Salaries and Allowances) (Amendment) Bill, 1950.
- (12) The Assam State Legislature Members' (Removal of Disqualifications) Bill, 1950.
- (13) The Assam Land Revenue, Rent and Cess (Apportionment) Bill, 1950.
- (14) The Assam Jute (Control of Prices) Bill, 1950.
- (15) The Assam Cement Control (Amendment) Bill, 1950.
- (16) The Assam Famine Relief and Insurance Fund (Amendment) Bill, 1950.
- (17) The Assam Enhanced Police Disciplinary Powers Bill, 1950.

(2) Intimation has also been received from the Private Secretary to His Excellency the Governor of Assam that the President of India has also assented under the provisions of Article 201 of the Constitution of India to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in March, 1950 :—

- (1) The Assam Special Courts Bill, 1950.
- (2) The Assam Land (Requisition and Acquisition) (Amendment) Bill, 1950.
- (3) The Assam Maintenance of Public Order (Amendment) Bill, 1950.

Presentation of Notifications under Section 296 of the Assam Municipal Act, 1923

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I beg to present, Sir, the following notifications under section 296 of the Assam Municipal Act, 1923 :—

- (1) Notification †No.LML 132/48/36, dated the 31st March, 1950.
 - (2) Notification ††No.LML.14/47/127, dated the 8th July, 1950.
- Copies of these have been presented to all the hon. Members, Sir.

Election of Member to the Gauhati University Court

The Hon'ble Srijut MOTIRAM BORA: I beg to move, Sir.

“That this Assembly, under section 9 (1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947) do elect a Member to the Gauhati University Court from among their own numbers, to fill up the vacancy in place of Srijut Motiram Bora, who has since become an *ex-officio* member of the Court in his capacity of Minister of Education under section 9 (1) (iii) of the Act *ibid.*”

Sir, this House has the privilege of being represented in the Gauhati University Court by five members. About two years back five members were elected by the hon. Members of this House and I was one of them. But after my assumption of Office as Minister for Education I had become, by virtue of my Office, an *ex-officio* member of the Board. As such, my elected seat ought to be occupied by some other Member of this House. So I thought it fit to resign my elected seat and I would ask the hon. Members of this House to select a new member in my place.

The Hon'ble the SPEAKER: Motion moved:

“That this Assembly, under section 9 (1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947) do elect a member to the Gauhati University Court from among their own numbers, to fill up the vacancy in place of Srijut Motiram Bora, who has since become an *ex-officio* member of the Court in his capacity of Minister of Education under section 9 (1) (iii) of the Act *ibid.*”.

(After a pause)

I put the question. The question is:

“That this Assembly under section 9 (1) (XVI) of the Gauhati University Act, 1947 (Assam Act XVI of 1947) do elect a Member to the Gauhati University

†Appendix G.

††Appendix H.

Court from among their own numbers, to fill up the vacancy in place of Srijut Moti Ram Bora, who has since become an *ex-officio* member of the Court in his capacity of Minister of Education under section 9 (1) (iii) of the Act *ibid*'.

The question was adopted.

Under the Rules I hereby fix Saturday, the 30th September, 1950 as the date, and Committee Room No.1 of the Assembly Building as the place, where the election to the Gauhati University Court will take place.

Voting will be held between 1 P.M. and 3 P.M. or as soon as the business of the day is finished, whichever is earlier.

Election of Member to the Assam Roads Communication Board

The Hon'ble Srijut RAM NATH DAS: Mr. Speaker, Sir, I beg to move: That this Assembly do elect in accordance with the instructions contained in the voting paper one member to the Assam Roads Communication Board in place of the Hon'ble Srijut Motiram Bora, M.A., B.L., who has since resigned from the said Board.

The Hon'ble the SPEAKER: Motion moved: "That, this Assembly do elect in accordance with the instructions contained in the voting paper one member to the Assam Roads Communication Board in place of the Hon'ble Srijut Motiram Bora, M.A., B.L., who has since resigned from the said Board".

(After a pause)

I put the question. The question is:

"That this Assembly do elect in accordance with the instructions contained in the voting paper one member to the Assam Roads Communication Board in place of the Hon'ble Srijut Motiram Bora, M.A., B.L., who has since resigned from the said Board."

The question was adopted.

Under the Rules I hereby fix Saturday, the 30th September, 1950 as the date and Committee Room No.1 of the Assembly Building as the place where the election to the Assam Roads Communication Board will take place.

The voting will be held between 1 P.M. and 3 P.M. or as soon as the business of the day is finished, whichever is earlier.

The election will be held simultaneously with the election for the Gauhati University Court.

Election of Members of the Minority Community to the District Minority Boards

The Hon'ble Srijut MOTIRAM BORA: Mr. Speaker, Sir, I beg to move that the Muslim Members of this Assembly do elect according to the instructions contained in the voting paper three members of the Minority Community to each of the three District Minority Boards to be set up—one for each of the three districts of Cachar, Kamrup and Goalpara.

I want to speak a few words in this connection, Sir. The creation of these Minority Boards has been provided in the Indo-Pakistan Pact entered into by the Prime Ministers of India and Pakistan and in that Pact it is also laid down

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TO THE DISTRICT MINORITY BOARDS

that Minority Boards should be constituted according to the provisions contained in the Indo-Pakistan Agreement of 1948. Now, Sir, that Pact lays down the following provision under which these Minority Boards are to be constituted—

Inter-Dominion Agreement of December 1948
Section I

“*Paragraph 6.*—Both in East Bengal and West Bengal there shall be set up before the 15th of February, 1949, a Provincial Minorities Board and under the Provincial Board, District Minorities Boards for the express object of protecting the interests of the minorities, removing fear from their minds and inspiring confidence in them. These Boards shall ensure that the grievances of the minorities are promptly brought to the notice of the authorities and that they are satisfactorily and promptly dealt with.

It is suggested that the Provincial Minorities Board and the District Minorities Boards should each be composed of five members, three of whom at least should belong to the major minority community to be selected by the members of the Provincial Legislature belonging to the minority communities. The remaining two shall be persons of influence and shall be the Chairman of the District Minorities Board and a Minister to be nominated by the Provincial Government shall be the Chairman of the Provincial Board.”

Now, Sir, in pursuance of these provisions in the Inter-Dominion Agreement we are going to have these Minority Boards constituted in the three districts of Cachar, Kamrup and Goalpara, where communal riots and other disturbances have occurred leading to loss of life and property. Therefore Government have decided that in these three districts Minority Boards should be set up. There will be six members in each of these Boards—the Deputy Commissioner will act as the Chairman, two members representing the Majority Community to be nominated by the Government and three members to be elected by the hon. Members representing the Minority Community in this House.

There has been, of course, some delay in the constitution of these Boards and complaints have reached the Government about this delay. To that, my answer is that there had been some reference to the Government of India about this matter because according to the Indo-Pakistan Pact entered into by the Governments of India and Pakistan there was provision for creation of such Boards only in the East and West Bengal Provinces and there was no mention about the creation of such Boards for Assam. Therefore we had to refer the matter to the Government of India and ultimately the Government of India had directed us to create such Minority Boards in Assam. Another fact is that the Members of these Boards to represent the Minority Community are to be elected by the Minority Community Members of this House, and after the disturbances this is the first time that we sit in this House and I have taken the earliest opportunity to get those members elected by the hon. Members of the Minority Community now. So, you will see, Sir, that there is practically no delay in the constitution of these Boards.

Now, Sir, the purpose of this provision as you will see, is to restore confidence in the minds of the minority community. So far as the members to be nominated by the Government, I can assure the House that Government will take great care to see that those members who can inspire confidence to both the Muslims and Hindus in the State are nominated. I would request my friends on the other side also to see that they select the right persons who can restore confidence in the minds of the minority community as well as the majority community. With these few words, Sir, I beg to move my Motion.

The Hon'ble the SPEAKER : Motion moved : "That the Muslim Members of this Assembly do elect according to the instructions contained in the voting paper three members of the Minority Community to each of the three District Minority Boards to be set up — one for each of the three districts of Cachar, Kamrup and Goalpara."

Maulavi MD. NAZMAL HAQUE : Mr. Speaker, Sir, there is a reference in the Indo-Pakistan Agreement of April 8, 1950, to the establishment of Sub-divisional Minority Boards. It is laid down that the Minority Commission shall maintain contact with the minorities in the districts and small administrative headquarters through Minority Boards. In answer to Unstarred Question No.22 of today's list it has been stated by the Hon'ble Chief Minister that "A Minority Commission has been constituted. District and Subdivisional Minority Boards are being set up". There is also provision for constitution of Subdivisional Minority Boards in the Inter-Dominion Agreement of December 1948. I therefore want to know whether Subdivisional Minority Boards will also be set up.

The Hon'ble Srijut MOTIRAM BORA : Mr. Speaker, Sir, for the present we contemplate setting up Minority Boards district-wise. If afterwards we find that Subdivisional Minority Boards are necessary Government will have no objection to consider formation of such Boards. The hon. Member knows that even in his own district we have not been able to find three members for constitution of the Minority Board. The difficulties of Government in the way of constitution of Subdivisional Boards will, therefore, be appreciated by the hon. Members. We cannot find enough members even for the District Boards. Then, Sir, the question of finance should also have to be considered. But, as I have said, if we find that Subdivisional Boards are necessary Government will have no objection to give due consideration to it. For the present let us see how the District Boards work.

The Hon'ble the SPEAKER : The question is :
"That the Muslim Members of this Assembly do elect according to the instructions contained in the voting paper three members of the Minority Community to each of the three District Minority Boards to be set up—one for each of the three districts of Cachar, Kamrup and Goalpara."
The question was adopted.

The Hon'ble the SPEAKER : Under the provisions of Clause (6) published under Notification No. 6937L.A., dated the 14th September 1950, I hereby fix Thursday, the 5th October 1950, as the date and Committee Room No.1 as the place where this election should take place.

Voting will take place between the hours of 1 to 3 P.M. or as soon as the business for the day is finished whichever is earlier.

The Assam Forest Products (Acquisition) Ordinance, 1950

The Hon'ble Srijut RUPNATH BRAHMA : Mr. Speaker, Sir, I beg to lay out copies of the Assam Forest Products (Acquisition) Ordinance, 1950, under Article 213(2)(a) of the Constitution of India. The copies of this Ordinance have already been circulated to the hon. Members.

The Assam Disturbed Areas Ordinance, 1950.

The Hon'ble Srijut BISHNURAM MEDHI : Mr. Speaker, Sir, I beg to lay out copies of the Assam Disturbed Areas Ordinance (Assam Ordinance No.III) of 1950 under Article 213(2)(a) of the Constitution of India.
The copies are already before the hon. Members.

The Assam Agricultural Pests and Diseases Bill, 1949

The Hon'ble Srijut OMEO KUMAR DAS: Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Agricultural Pests and Diseases Bill, 1949, and to move that the Bill as reported by the Select Committee be taken into consideration.

The House is aware that this Bill was introduced in the previous Session, and was referred to a Select Committee. The Select Committee held two sittings and have submitted a Report. I do not intend at the present stage to refer to the modifications that have been made by the Select Committee, and I move that the Bill as reported by the Select Committee be taken into consideration.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Agricultural Pests and Diseases Bill, 1949, as reported by the Select Committee, be taken into consideration."

(As there was no debate, the Hon'ble Speaker put the Motion as a Question before the House, and adopted.)

The Assam Animal Preservation Bill, 1950.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Mr. Speaker, Sir, I beg to move that the Assam Animal Preservation Bill, 1950, be referred to a Select Committee consisting of—

Srijut Gauri Kanta Talukdar,
Mrs. Bonily Khongmen,
Shri Dharanidhar Basumatari,
Srijut Bijoy Chandra Bhagavati,
Maulavi Abdul Halim,
Srijut Haladhar Bhuyan, and
The Hon'ble Minister in charge.

Three Members will form a quorum.

It may be remembered, Sir, that during the last Session of the Assembly it was decided that this Bill should be circulated for eliciting public opinion. From the opinions that have since come we find that the opinions coming from the hill districts are against the Bill, while those coming from the plains are in favour of it. So, it will be better to refer the Bill to a Select Committee, whose report will be submitted by 31st December, 1950.

The Hon'ble the SPEAKER: The Hon'ble Minister ought to have given advance copy of the names of the hon. Members of the Select Committee to the Assembly Secretary.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I will do so, Sir, in future.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Animal Preservation Bill, 1950, be referred to a Select Committee consisting of (1) Srijut Gauri Kanta Talukdar, (2) Mrs. Bonily Khongmen, (3) Srijut Dharanidhar Basumatari, (4) Srijut Haladhar Bhuyan, (5) Maulavi Abdul Halim and (6) the Hon'ble Minister in-charge. Three Members will form a quorum. The Report of the Select Committee will be submitted by the 31st December, 1950."

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, a healthy convention has been established in this House by the Leader of the Government,

i.e., at the time of nominating Members to the Select Committee, the Opposition is asked by their Chief Whip to nominate a Member or Members from this side of the House. It is curious to find that this procedure has not been followed in this present instance. The learned Chief Whip of the Congress Party did make a reference to me about nominating a Member from our side in the Select Committee on another Bill only two days back. Why on this particular instance the Opposition has been neglected? But I cannot expect anything better from the Hon'ble Minister in-charge because you yourself pointed out to him that he was guilty of other latches and had not submitted the names to the Secretary of the Assembly before he moved his Motion and that led to waste of some ten minutes time of the Session.

The Hon'ble Srijut BISHNURAM MEDHI: I am very sorry that the procedure has not been followed in this case. But I will always try to follow this procedure in future and I express my regret that this was done through oversight.

The Hon'ble the SPEAKER: I think this can be done even now.

Maulavi Saiyid MUHAMMAD SAADULLA: I thank the Hon'ble Chief Minister for his kind assurance and I would request him that he should request his Minister to take a Member from the Opposition in this Select Committee and I would recommend the name of Maulana Mufazzal Hussain to be taken into the Select Committee.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: I have no objection to accept the name.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Animal Preservation Bill, 1950, be referred to a Select Committee consisting of (1) Srijut Gauri Kanta Talukdar, (2) Mrs. Bonily Khongmen, (3) Shri Dharanidhar Basumatari, (4) Srijut Haladhar Bhuyan, (5) Maulavi Abdul Halim, (6) Maulana Mufazzal Hussain and (7) The Hon'ble Minister in-charge.

Three Members will form a quorum. The Report of the Select Committee will be submitted by the 31st of December, 1950."

The Hon'ble the SPEAKER: As no hon. Member is taking part, I put the question.

The question is: "That the Assam Animal Preservation Bill, 1950, be referred to a Select Committee consisting of:—(1) Srijut Gauri Kanta Talukdar, (2) Mrs. Bonily Khongmen, (3) Shri Dharanidhar Basumatari, (4) Srijut Haladhar Bhuyan, (5) Maulavi Abdul Halim, (6) Maulana Mufazzal Hussain and (7) The Hon'ble Minister in-charge.

Three Members will form a quorum. The Report of the Select Committee will be submitted by the 31st of December, 1950."

The question was adopted.

The Assam Requisition and Control of Vehicles Bill, 1950

The Hon'ble Srijut RAMNATH DAS: Mr. Speaker, Sir, I beg leave of the House to introduce the Assam Requisition and Control of Vehicles Bill, 1950 and to move that the Bill be taken into consideration.
It has been published in the *Assam Gazette*.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Requisition and Control of Vehicles Bill, 1950 be taken into consideration".

After a pause

The Hon'ble the SPEAKER: The question is:

"That the Assam Requisition and Control of Vehicles Bill, 1950 be taken into consideration."

The question was adopted.

The Hon'ble the SPEAKER: The Second and Third Readings of the Assam Requisition and Control of Vehicles Bill, 1950 has been fixed for tomorrow, the 30th September, 1950, and if there is any amendment they should be submitted to the Assembly Secretariat so as to reach before 5 P.M. today.

The Assam Forest (Amendment) Bill, 1950

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I beg to introduce the Assam Forest (Amendment) Bill, 1950, and to move that the Bill be taken into consideration.

The Hon'ble the SPEAKER: Has the Bill been published in the *Assam Gazette*?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, Sir, it was published in the *Assam Gazette* of the 19th July 1950.

Sir, it is a very simple Bill. It aims at re-insertion of section 63 of the Assam Forest Regulation. This section was deleted from the Regulation. It reads as follows:—

"When in any proceedings taken under this Regulation or in consequence of anything done under this Regulation, a question arises as to whether any forest produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved."

It is a very important section of the Assam Forest Regulation, but very unfortunately this important section had to be repealed or deleted in the year 1943 on the complaints of hardship received from some of the dealers in forest produces of the Sylhet side—especially from the Sunamganj Subdivision. Now, Sir, as a result of the deletion of this important section, it has become very difficult for the Forest Department to prove in cases of theft or illegal removal of valuable forest produce from our reserves that it belongs to Government. Sir, we have been receiving reports from different parts of our State that valuable forest produces are being removed illegally and there have been a number of cases of theft in almost all of our reserves especially in the districts of Kamrup, Nowgong and the Khasi and Jaintia Hills. So, unless we can have the section re-inserted in the Assam Forest Regulation it will be very difficult on the part of the Forest Officers to protect our valuable reserved forests. So, I hope the hon. Members of this august House will support me in moving this motion for consideration. As it has become essentially necessary to re-insert the section and I hope the House will therefore accept my motion.

The Hon'ble the SPEAKER: Motion moved is that the Assam Forest (Amendment) Bill, 1950, be taken into consideration.

(The motion was put by the Chair as a question and adopted.)

The Assam Forest Products (Acquisition) Bill, 1950.

The Hon'ble Srijut RUPNATH BRAHMA: Mr. Speaker, Sir, I beg to introduce the Assam Forest Products (Acquisition) Bill, 1950, and to move that the Bill be taken into consideration.

The Hon'ble the SPEAKER: Was it published in the *Assam Gazette* ?

The Hon'ble Srijut RUPNATH BRAHMA: Yes, Sir, it was published in the *Assam Gazette* of 15th September, 1950.

Sir, recently there was a necessity of promulgating an Ordinance to requisition for forest products with a view to rehabilitate the refugees who came to Assam during the time of recent disturbances and also to rehabilitate our displaced persons within the State. As this Ordinance is going to cease to operate very soon according to the provision of the Constitution of India, this Ordinance is to be replaced by a Bill. I have introduced the Bill. The circumstances under which the Ordinance had to be promulgated, still exist, and, therefore, I hope the hon. Members of the House will support me in bringing this Motion for consideration and they will see that the Bill is passed in due course.

The Hon'ble the SPEAKER: Motion moved:
"That the Assam Forest Products (Acquisition) Bill, 1950, be taken into consideration".

Mr. J. S. HARDMAN: Mr. Speaker, Sir, the Hon'ble Minister has given full justification for introducing this Bill explaining that it will be replacing an Ordinance which had been in force and which under the Constitution was due to expire. He has urged, as far as I can gather, that this was a temporary measure designed to meet an extraordinary situation. With this view we have no dispute. We recognise that it is the duty of the legislature to arm the executive with powers necessary to discharge the duty imposed upon them, and we approve entirely in principle this emergency power of providing at a very short notice building materials necessary for the refugees. It is, however, equally the responsibility of the legislatures to protect the rights of individuals and to protect them against giving excessive powers to the executive. We find that in the present Bill we are providing a measure which is apparently to remain on the Statute Book for all time. While we see the necessity of having emergency legislation, we are not satisfied that this sort of measure should empower a Government department for all time to purchase arbitrarily. We believe that under normal conditions Government should be required to purchase on the same terms as private individuals and to pay the fair market price. In emergent measures which are passed by this House, there should be a limit for Government to exercise the power but on the other hand, they should not be held to ransom by the hoarder. We have fortunately numerous examples in the Statute Book of this State of legislation enacted for a temporary period. To quote an example the Assam Cement Control Act (XI) of 1949 and the Assam Cement Control (Amendment) Act (XVI) of 1950 were enacted for a limited period. Originally the period of operation of the Act was limited to one year and subsequently extended to three years. In our view it is desirable that Government impose

a limit to the present form of legislation so that when the present emergency passes, there is no temptation to resort to this extraordinary power. Possibly Government may regard my second objection to this legislation as more controversial.

Again we are very little concerned with the acquisition by Government of bamboos, matting, and so on. But it is the principle involved to which we desire to draw the Government's attention. Government are acquiring private properties and are taking action to determine what is a fair price to be paid for them. In order to arrive at a fair price they appointed 3 officers—the Divisional Forest Officer, admittedly an expert in bamboos and matting, the Rehabilitation Officer who is presumably interested in paying as little as possible for the articles taken over and the Deputy Commissioner of the district.

We do not consider the situation is such that the determination of the price to be paid for articles requisitioned should be determined by a Committee of this composition, and that it should be done by Judicial Officers. There is provision in the Constitution for the Separation of Powers and though not particularly applicable to the present case. I would contend that the principle underlying it is the same—that Executive Officers are not the proper persons for determining fair prices. Moreover the decision of this Committee is final and persons are being debarred of any right of appeal. If Government wish to have a group of executive officers for determining compensation, at least let them offer to the person from whom property has been taken the right of appeal to an impartial authority. We do not propose to contest this measure, but we want to place these points of view before Government for their consideration and we would appreciate it if Government could see their way to introducing the small amendments which we consider necessary to make this a better measure, fit to go on to the statute book.

The Hon'ble Srijut RUPNATH BRAHMA : Mr. Speaker, Sir, I am rather glad to find that Mr. Hardman has supported this Bill in principle, but he has raised two points.

The first point is regarding the period for which this Bill when it becomes an Act will remain in force. If any hon. Member brings an amendment fixing up the period, I may consider it provided that it is the sense of the House. As a matter of fact, I had a discussion with some of our party Members on this and if that is the intention of the House then I shall certainly see to what extent this can be done.

As regards the other point, I think that the Divisional Forest Officer, the Deputy Commissioner and the Rehabilitation Officer are the best suitable persons to determine the price of the property locally and I do not find any necessity of referring this to the Court to be decided by the Judicial Officer.

The Hon'ble the SPEAKER : The question is that the Assam Forest Products (Acquisition) Bill, 1950, be taken into consideration.

The question was adopted.

The Assam Legislative Chambers (Members Emoluments) (Amendment) Bill, 1950

The Hon'ble Rev. J. J. M. NICHOLS-ROY : Mr. Speaker, Sir, I beg to introduce the Assam Legislative Chambers (Members Emoluments) (Amendment) Bill, 1950 ; and to move that the Bill be taken into consideration.

The Bill has been published under rule 53 of the Assam Legislative Assembly Rules in the Gazette of the 23rd August 1950.

From the Statement of Objects and Reasons hon. Members will see the necessity of this Bill. Members of the Assam Legislative Assembly have been granted the concession of free medical attendance and treatment by Government executive orders from time to time. It is now necessary that these concessions should be prescribed and given effect to by the enactment of the State Legislature so as to regulate matter. This is a simple Bill and I commend it to the acceptance of the Hon'ble House for it is for the benefit of the hon. Members of this House.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Legislative Chambers (Members Emoluments) (Amendment) Bill, 1950 be taken into consideration".

(After a pause)

Then I put the question:

The question is that the Assam Legislative Chambers (Members Emoluments) (Amendment) Bill, 1950 be taken into consideration.

The question was adopted.

The Assam Agricultural Income-Tax (Amendment) Bill, 1950

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Agricultural Income-Tax (Amendment) Bill, 1950, and to move that the Bill be taken into consideration.

The Bill was published in the Gazette of the 13th September 1950. The principal object of introducing this Bill was to obviate the difficulty that has confronted us in fixing the rate of income-tax in the Finance Bill. Previously the Government of India, before the Finance Bill was introduced in this House and considered by the Select Committee used to send us the rate they proposed to fix up. But now sometimes even after the introduction of the Finance Bill in this House as the Select Committee makes certain changes, the Government of India rates do not reach us in time. Consequently we find it difficult to fix our rate in our Finance Bill because the original Agricultural Income-Tax Act in section 6 has laid down that: "Agricultural income-tax shall be payable by persons whose total agricultural income of the previous agricultural year exceeds Rs.3,000 at such rates as may be laid down from year to year in the Annual Assam Finance Act:

Provided that such rates shall not be greater than the Central Government income-tax rates from time to time and that they shall not be subject to, or include, any surcharge."

So in view of this difficulty we want to change the proviso to this Section by substituting the words "of the previous year" for the words "from time to time". The proviso will then read thus:—

"Provided that such rates shall not be greater than the Central Government income-tax rate of the previous year....."

In that case there will be no difficulty in passing our Finance Bill in the House. Besides that there are some other difficulties in this Act. Since the passing of the Act no amendment has been made. Many loopholes for evasion of taxes have since transpired and in order to make good such loopholes we have proposed amendments in this Bill. I do not like to go into the details with regard to the amendments. I will briefly explain the amendments:—

Clause 2.—This amendment seeks to give the assessee an option of maintaining his accounts and submitting returns of income in respect of any period according to the accounting year followed by him for the purposes of assessment under this Act. This is necessary for the sake of justice especially when no inconvenience is felt even if the year observed by different assesseees is not uniform.

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Under the existing law the year, if not a financial year, is to end on any date within the financial year, but the Bangali and Ram Navami years end after 31st March.

By this amendment we are going to give the assessee the option of maintaining the year for calculation of the agricultural income-tax.

Clause 2, sub-clause (iii).—The definitions of “partner” and “partnership” which are absent in the present Act, must be specifically laid down in order to avoid any future doubt, as in the Bengal Act. Again “partner” as defined in the Indian Partnership Act does not include a minor who should be made assessable under our Act.

Clause 4.—There are unscrupulous and dishonest persons who in order to evade tax may apportion their properties either jointly or severally with their wife or minor child. So there is need for a provision to guard against such acts. This new clause does not allow such transfer or transferee to escape his legitimate share of tax.

Clause 6.—A common manager or guardian may receive agricultural income on behalf of more than one person whose shares in the said income are indeterminate or unknown. In such cases it is impossible to determine the income of, or the rate applicable to each of such persons. So it is proposed to levy tax from such common manager or guardian at the rate applicable to the total amount of such income.

Then in another clause, there is no provision to prevent officers disclosing information received while working in connection with assessment of agricultural income-tax and to that effect a provision has been made here. We are also making a provision enabling us under the Act to disclose information to officers of the Central Income-Tax branch on reciprocal basis.

These are some of the important amendments that are proposed to be introduced by this Amending Bill and I hope the hon. Members will accept my motion for consideration.

The Hon'ble the SPEAKER: Motion moved :

“That the Assam Agricultural Income-Tax (Amendment) Bill, 1950 be taken into consideration.”

(After a pause.)

I put it as a question.

The question is that the Assam Agricultural Income-Tax (Amendment) Bill, 1950 be taken into consideration.

The question was adopted.

(At this stage the Hon'ble Speaker vacated the Chair and the Deputy Speaker occupied it.)

The Assam Declaration of Expenditure on the Salaries and Allowances of the Ministers to be charged on the Consolidated Fund of the State of Assam Bill, 1950

The Hon'ble Srijut OMEO KUMAR DAS: Deputy Speaker, Madam, I beg to introduce the Assam Declaration of Expenditure on the Salaries and Allowances of the Ministers to be charged on the Consolidated Fund of the State of Assam Bill, 1950 ; and to move that the Bill be taken into consideration. This has been duly published in the Gazette.

The House is aware that under Section 78(3) of the Government of India Act, 1935 which was adopted by the Indian Independence Act, 1947, the salaries

and allowances of the Ministers were items of expenditure charged on the revenues of the State. Under Article 202(3) of the Constitution of India, the items to be charged have been enumerated and this Article has not included Ministers salaries and allowances as charged. It has been left open to the State Legislature to declare this item as charged item of expenditure by a piece of legislation.

At the last Budget Session, the State Legislature passed Ministers' Salary Bill and it was considered at the time that this would mean a declaration as needed under the Constitution. Since then there had been discussions on the subject and the Comptroller also agreed to the view taken by this Government. But it was found subsequently that a further declaration is needed and the Government of India had advised that such declaration has to be made by a law passed by the State Legislature and hence this Bill has been introduced.

The DEPUTY SPEAKER: Motion moved:

"That the Assam Declaration of Expenditure on the Salaries and Allowances of the Ministers to be charged on the Consolidated Fund of the State of Assam Bill, 1950 be taken into consideration".

(After a pause.)

I put it as a question.

The question is that the Assam Declaration of Expenditure on the Salaries and Allowances of the Ministers to be charged on the Consolidated Fund of the State of Assam Bill, 1950 be taken into consideration.

The question was adopted.

The Assam Contingency Fund (Amendment) Bill, 1950

The Hon'ble Srijut OMEO KUMAR DAS: Deputy Speaker, Madam, I beg, to introduce the Assam Contingency Fund (Amendment) Bill, 1950; and to move that the Bill be taken into consideration. This has already been published in the Gazette.

The House may remember that it agreed to pass the Assam Contingency Fund Bill in the previous Session for establishing a contingency fund in the nature of an imprest to be placed at the disposal of Governor to enable advances to be made by him out of this fund for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature by law under Articles 205 and 206 of the Constitution of India.

But now after further examination of the relevant Constitutional provisions it appears that certain sections of the Act are superfluous and need amendment. It must be mentioned here that this was a new Constitutional innovation in India and ours was the first State to introduce such a Bill. As such defects crept in and we have introduced this Bill to amend the principal Act to remove these defects.

The DEPUTY SPEAKER: Motion moved:

"That the Assam Contingency Fund (Amendment) Bill, 1950 be taken into consideration".

I put it as a question.

(After a pause.)

The question is that the Assam Contingency Fund (Amendment) Bill, 1950 be taken into consideration.

The question was adopted.

The Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1950

The Hon'ble Srijut OMEO KUMAR DAS: Deputy Speaker, Madam, I beg to introduce the Assam Professions, Trades, Callings and Employments

Taxation (Amendment) Bill, 1950, and to move that the Bill be taken into consideration.

Madam, the House is aware that it passed the above mentioned Act a few years ago. And this has been in force in our State for the last few years. It must be mentioned that the State of Madhya Pradesh also passed an Act similar to that of ours. West Bengal Government also passed a similar legislation, but this has been repealed sometime after.

Under this Act all military officers who are on active service within our State have to pay this tax, but it has been pointed out by the Ministry of Defence, Government of India that this is liable to affect the morale of the armed forces, for ours is the only State which is realising this tax from the armed forces, and after consideration of these facts we have brought in certain amendments to remove this difficulty.

The DEPUTY SPEAKER: Motion moved:

“That the Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1950, be taken into consideration”.

Mr. J. S. HARDMAN: Deputy Speaker, Madam, we have always regarded the Assam Professions, Trades, Callings and Employments Taxation Act as an iniquitous form of taxation. It is tantamount to taxing food and levying a tax on eating! A person is employed in a profession and earns money, and he is levied income-tax on his earnings and is required to pay for pursuing his profession. We are not at all surprised that the morale of the Army is being adversely affected by this taxation. We hope that Government will realise that the morale of the public generally is being affected by this tax. It is not so much the amount of the tax by which the morale of the Army is being affected. We are aware that no tax is levied on an income not exceeding Rs.3,500: A tax of Rs.24, that is, Rs.2 per month on a salary between 3,500 and 5,000: A tax of Rs.3 per month on a salary between 5,000 and 10,000: and a tax of Rs.50 a year where the salary exceeds Rs.10,000, that is, just over Rs.4 a month. It is not, I submit, the volume of this tax, but its iniquity which is disturbing the morale of the Army.

We feel also that the Army, whose morale we recognise as of such great importance, are not the only persons who sustain the State. We congratulate them on their good fortune and on their good sense in persuading Government that they deserve this exemption, and we would be the last persons to grudge them this great privilege.

But it is equally true that this tax is also disturbing the morale of all business and professional classes. We find it difficult to draw any distinction between persons who come to the State of Assam in the service of the Army and the persons who come to serve Assam in the role of other Government services—the Postal and Telegraph Departments and so on, and even the Comptroller of Accounts. Unless there is to be some form of discrimination in favour of one particular profession only, we place ourselves on very dangerous ground. Why should this exemption be granted, in the first place, only to one group of Government servants?—why? is it because they are valiant that they are to be spared this illogical and humiliating form of taxation? Is it not equally important that our Railways function well and that our Post and Telegraphic communications are kept at the highest level of efficiency? Once Government accept, as it is evident they have done so, the justice of granting exemption to the military it is reasonable to infer that all these other classes must also be exempted. In the case of the Steamer Companies, many of them have employees

in places outside Assam—and I can assure the House that I am also in that fortunate category having been employed during the summer months in Calcutta ; I hope that Government will be prepared to grant this great privilege, which they are freely offering to the Army, to those less fortunately placed.

We, however, come to a more serious aspect of this case. Under the Constitution of India all citizens are to be treated equally. No one can be given a privilege which is denied to other people and I am confident that Government will recognise that the Constitution requires that the concession which is now being offered to the Army must be extended to all those who are employed or liable to be employed in places outside the State of Assam. I am fortified in this view by decision of the Bombay High Court. Unfortunately though I have been at some pains to find a copy of this decision I have not been able to lay my hands on it ; I am however certain that hon. Members who have been following current news will be equally conversant with this decision. I am referring to the momentous decision on the question of Prohibition. I have endeavoured to refresh my memory as far as possible with the contents of this interesting judgment but as I said, I must rely on my memory ;—if my recollection is correct, the substance of one part of that finding was that certain concessions which exempt those employed in the Military Department from certain rigours of the Prohibition Act, was *ultra vires* of the Constitution. I can see no distinction in principle between that finding and the present proposal. It is obvious to me that if this House passes this legislation it will be passing an Act which the Courts of Law are liable to declare as *ultra vires*, unless they are prepared to give the same concession to all those who are not obliged by the terms of their employment to serve exclusively in Assam. We hope, however, that Government will take a rational view of this taxation. What is reasonable for the Military is equally reasonable for other Government servants who also are liable to be employed outside the State of Assam. Is it then equitable to tax only those Government servants who are liable to serve inside the State ? Once we exempt Central Government servants should not we exempt servants of the Assam Government ? Once we exempt all Government servants then we should extend the Act to cover all groups of professions and occupations, leaving nothing of this iniquitous tax to be collected from any one.

Sir, we feel that this legislation has been rather hastily prepared, and we would suggest that the legal advisers of the Assam Government should be given a further opportunity of expressing their views on this legislation.

The Hon'ble Srijut BISHNU RAM MEDHI: Madam, Deputy Speaker, it is very unsafe to rely on newspaper reports in referring to any decision or judgment of a Court. We have not got before us the judgment of the Bombay High Court and so we do not know under what circumstances a particular section of the Prohibition Act was held *ultra vires*. I am therefore surprised that Mr. Hardman based his arguments on newspaper reports which are not a safe guide. I cannot place much reliance when he passes his argument on newspaper reports, that the Act is *ultra vires*.

Madam, Mr. Hardman most probably knows that the Constitution has given the right to impose professional taxes upto an amount of Rs.250. That means that the representatives of the whole of India, who framed the Constitution, did not think this tax as iniquitous. For his information I may tell him that this Act has been enforced in different provinces but the money realised is taken by different corporations and local institutions, which have been given the power to levy professional tax. This tax is levied in Calcutta and other big cities. There also the military personnel are exempted from the operation

of this tax, not on account of any discrimination but due to the fact that the military authorities are not bound to disclose the names of military personnel serving in different places for security reasons. That was one of the reasons why we had to exempt the military personnel from the operation of this tax.....

Mr. J. S. HARDMAN: On a point of information, Madam. Do the Military Officers pay income-tax ?

The Hon'ble Srijut BISHNU RAM MEDHI: This is a different matter. Madam, in the new set-up in independent India we want to encourage our people to join the Army, Navy and the Air Force to protect our borders. That is why we accepted the principle of exempting them from this tax so that people are encouraged in the new set-up to join our Armed Forces. This is no discrimination. I therefore hope that the hon. Members will accept my motion.

The DEPUTY SPEAKER: The question is that the Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1950, be taken into consideration.

The question was adopted.

The Assam Rural Panchayat (Amendment) Bill, 1950

The Hon'ble Srijut BISHNU RAM MEDHI: Madam, hon. Mr. Chaliha will introduce this Bill.

Srijut BIMALA PRASAD CHAUHA: Madam, Deputy Speaker, I beg to introduce the Assam Rural Panchayat (Amendment) Bill, 1950, and to move that the Bill be taken into consideration.

The object of the Bill will be quite clear from the Statement of Objects and Reasons. I will read out the same ;

“Under Section 18 of the Assam Rural Panchayat Act, 1948, the President and the Vice-President of a Panchayat are ordinarily to hold office for a period of 3 years. Under Section 17 of the Act one-third of the members shall retire annually by the drawing of lots. As a President and a Vice-President are also members of the Panchayat their term of office under this Section is likely to be limited to one year. This, however, in their case would be undesirable as even two years would often be too short a time to plan out a line of work and show effective progress.

The original intention was to allow them to continue for three years unless their term was otherwise terminated under Section 21 or 22 of the principal Act. The amendment is necessary to clarify the intention.”

Now, Madam, I will read out sections 18 and 17 of the Assam Rural Panchayat Act. Section 18 reads thus: “When the Constitution of the Panchayat under sections 15 and 16 is complete the Deputy Commissioner or the Subdivisional Officer, as the case may be, shall fix a date for election of office bearers of the Panchayat. The Panchayat shall then elect from amongst its members a President and Vice-President, who shall ordinarily hold office for a period of 3 years”.

Against this provision of section 18, Section 17 reads thus:

“The term of office of a member of a Panchayat shall be three years but one-third of the members shall retire annually by the drawing of lots as prescribed”.

Now, Madam, since the President and Vice-President are also members of the Panchayat under the provisions of Section 17, they also shall have to go for drawing of lots. But if the term of office of a member who has been elected

President according to the result of the lot be one year, then at the end of the first year he has to leave his office of President after the first year. This will create dislocation in the work because nobody could be expected to do something tangible within one year. This was actually not our intention but a defect in the provision of section 17. If the proposed amendment according to the Bill is accepted, section 17 will read thus: "The term of office of a member of a Panchayat shall be three years, but one-third of the members except the President and the Vice-President shall retire annually by the drawing of lots as prescribed".

Madam, I do not think I need explain it further. The amendment proposed is very simple, and if section 17 is amended accordingly, it will be quite consistent with section 18.

With these few words, I resume my seat.

The DEPUTY SPEAKER: Motion moved is that the Assam Rural Panchayat (Amendment) Bill, 1950, be taken into consideration.

As there was no debate, the motion was put before the House, and adopted.

The Assam Evacuee Property Administration Bill, 1950

The Hon'ble Srijut MOTIRAM BORA: Madam, I do not propose to move the Assam Evacuee Property Administration Bill for the present. I think, I owe an apology and an explanation to the hon. Members for not being able to move this Bill. Just now I have got information from India that there has been difference of opinion between Pakistan and our Government regarding the interpretation of certain clauses of the Pact pertaining to Evacuee Property Administration matters. What properties are to be administered by the Trust Committees and in what manner, there has been a difference of opinion between the law officers of the Government of India and that of Pakistan. The Government of West Bengal had drafted a Bill similar to that of ours and they were also contemplating to get that Bill passed in the Legislature but on account of this difference of opinion between the two Governments about the interpretation of certain vital clauses they have stayed their hands. A Conference between the representatives of the Pakistan and India is going to be held in Calcutta on the 12th of October to which representatives of this Government have also been invited, and these matters on which there has been difference of opinion about the interpretation will be discussed and doubts clarified there. It is therefore not desirable, when there is difference of opinion on such important matters, for me to move this Bill till the differences resolved and matters are settled. Therefore, I do not want to move this Bill now.

The DEPUTY SPEAKER: The hon. Members have heard the Hon'ble Minister, as to why he has not moved this Bill.

The Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950

The Hon'ble Srijut BISHNURAM MEDHI: Madam, the Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950 will be moved by my Friend, the Parliamentary Secretary, Srijut Hareswar Das.

Srijut HARESWAR DAS (Parliamentary Secretary): Madam, I beg to introduce the Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950, and to move that the Bill be taken into consideration. The Bill was published in the *Assam Gazette Extraordinary* on the 18th September 1950. The Statement

of Objects and Reasons explains the necessity of the Bill. I may add only a few words. Under the present provision of law assessment of compensation of acquired land is done in two ways, one, by capitalising the net profit and multiplying it by several years purchase. And two, by ascertaining the price from sale deeds of transfer of similar lands in the neighbourhood. Now, the lands we want to take under this Act, are surplus to the needs of the grantees and are lying undeveloped since their existence. The grantees do not derive any profit out of it. So the question of capitalisation of net profit does not arise. Then there is no transfer of similar land in the neighbourhood. So, assessment of compensation from sale price cannot be calculated. In our Act also there is no provision for ascertaining compensation of such lands. Therefore, to remove this difficulty and to lay down a reasonable method of assessment of compensation this Bill has been introduced. Further this Bill seeks to bring the Act in conformity with the provisions of article 31 of the Constitution.

With these words, Madam, I commend my Motion for the acceptance of the House.

The DEPUTY SPEAKER: Motion moved is that the Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950, be taken into consideration.

Mr. J. S. HARDMAN: Madam, less than two years ago legislation was passed regulating the requisition and acquisition of land in Assam and this has been ably explained by the hon. Parliamentary Secretary. Two methods were laid down for determination of compensation. The reasons for making a change are we find somewhat obscure, because the principles enshrined in the Land Acquisition Act follow the law of compensation not only in India but in other countries outside India and these principles are to be neglected and rejected of hand and an arbitrary value applied as if one piece of land was indistinguishable from another. We consider that when the original Act was passed the principle of compensation was not unsatisfactory. There was, however, a further amendment, which introduced a less favourable interpretation of the value of land. The date of notification which was to determine the market value was subsequently amended to read as "the three years before the 31st March, 1946". We would urge most strongly that the conception of market value which is the basis of land acquisition, has already been weakened by the last amendment and there is no occasion for fixing an arbitrary or nominal figure for compensation, which should be determined on the basis already accepted. Our main objection however is not so much to the fixing of an arbitrary value but to the assumption that all land is similar. We have lately had a brief experience of this requisitioning of land and we find that land which the owners have already cleared for cultivation is being sought to be acquired and now on the basis of a land revenue of Rs. 2 to Rs. 3 a year Government are proposing to pay Rs. 20 to Rs. 30 per acre for land which would have cost not less than Rs. 70 to Rs. 100 per acre to clear. At the present time clearance will easily cost far more than the amount now proposed to be given in compensation for land which has been cleared, and prepared for cultivation of crops. This would have been realised if the hon. Parliamentary Secretary had taken the trouble to consult the Public Works Department on the expense in clearing land. If he had done so, he would not have proposed a measure which is obviously unsatisfactory to the individual owners. It is a fact that land varies very greatly in value. I do not regard ten times the land revenue at all unfair for certain classes of land which has been neglected, is fairly compensated at ten times the land revenue. But, Madam, there are lands on which expenditure has been incurred on clearance and so on,

and it seems grossly unfair that land should be taken over without any attempt to give a reasonable compensation. We have a number of persons in the Congress Party in this House who are interested in the Planting industry and we look to them to see that the interests of this particular commercial enterprise are not entirely neglected on the ground that Government must have a system which is so simple that it is bound to cause great injustice.

The DEPUTY SPEAKER : The hon. Member's time is up.

May I know from the hon. Members of the House if they are prepared to sit for a longer time ?

(Voices : Yes, yes.)

Mr. J. S. HARDMAN : Madam, I will not take more than 3 or 4 minutes. Then, there is another case. Government propose to pay the same price for land which is uncultivated and has no trees, as for land which is carrying heavy jungle. Government may well argue that the owner has not planted trees on it and as such, he has no case for additional compensation. But Government have not built up their extensive reserve forests by planting of trees, and it is by adopting the same methods by giving a little natural protection that forest blocks have been created on tea gardens. I can assure the hon. Members that many tea gardens have spent considerable sums on developing their forest reserves.

This year the Government of India and the State Government devoted considerable energy to promoting a Tree Planting Week. If Government propose to take over land covered with substantial timber at a nominal rate, are they not going to do a great disservice to the owners ? They are unlikely to encourage anyone to develop land with tree plantations which we consider is very essential as a reserve supply of fuel. Without fuel timber reserves in the tea gardens, it is quite certain that Industry would not have been able to produce in Assam the large crops that have been possible in recent years. This year the coal situation has greatly improved, but we have still extensive areas which have had to rely on wood fuel to a considerable extent. Now, Government propose to take over the fuel reserves worth probably Rs.500 to Rs.1,000 per acre at a nominal sum of Rs.20 to Rs.25. I repeat, Madam, that this cannot be regarded in any sense as fair compensation. Then, we find that Government propose to treat as waste land, land which is described as fallow land, but we can find no definition of fallow. We consider that there is a wide difference between land which has been out of cultivation for a long while and the land which is left uncultivated in the normal course of agricultural operation. We would, therefore, suggest to Government that land which has been cultivated within three years should not be requisitioned on this unsatisfactory basis. We trust that Government will realise the force of the objections which we have put forward dispassionately. It is not likely to serve the ultimate interest of the State of Assam for legislation which is discriminatory against the private owners of land to be passed, because we have found that economic progress does not march with legislation which presses heavily on property-owners and removes all incentive for commercial effort.

The Hon'ble Srijut BISHNU RAM MEDHI : Deputy Speaker, Madam, I have attentively heard the speech delivered by Mr. Hardman. For more than 60 years the tea gardens have been allotted vast areas of land which they have not been using for growing any crop and even in spite of my appeal to them since 1948 they have not shown any inclination in voluntarily surrendering the land that is not necessary for them and has become the abode of wild animals which are causing depredation in the locality. I appealed to them

several times on the floor of this House as well as outside to surrender such land but they continued to retain the possession without utilising it for growing crops which would have come to the benefit of the State and the country. On the other hand, there are large number of the indigenous people—many of them are landless and many of them have no economic holdings for growing crops. I ask, what right these grantees have to keep these lands under jungle? Can Mr. Hardman cite a single instance where the land utilised by them has been requisitioned by our officers in the public interest during the last 3 or 4 years? I advise them to give up the habit of keeping the surplus land unutilised and thereby deprive others to grow crops thereon. This is the point which I ask Mr. Hardman to seriously consider. I draw his attention to the condition of Naharkatia area where vast areas of land included in grants have not been utilised and have become the abode of tigers and other dangerous wild animals killing men living in the neighbourhood. In view of the reluctance on the part of the grantee to part with even land surplus to requirement, we have been forced to introduce this Bill. To my knowledge the grantees of such grants have not carried on extensive plantation on land which we propose to requisition under the Bill. They should under the circumstances immediately surrender their unnecessary land without compensation (*hear, hear*) so that the number of wild animals does not increase and the landless people can grow food crops on such land. They have been enjoying the land for the last 60 years free of rents and have deprived the State of a sum of Rs.180 per acre at least. They have not planted any trees or grown any crops on such land with a view to increase the wealth of the State. I therefore fail to understand why Mr. Hardman is opposing the acquisition of surplus land for which they might have paid from Rs.2 to Rs.5 per acre only. Is there any justification for not surrendering such surplus land? They took advantage of our helplessness and secured vast areas almost for a long. We do not want to interfere with the tea industry. We would like to leave them the entire area of occupation and land ancillary to the development of the tea industry. We are taking great care to see that they get sufficient land for their requirements. Taking advantage of our unwillingness to requisition land without giving them an option of surrendering surplus land, they are reluctant to part even an inch of land. I saw with my own eyes that on account of river erosion large number of people have been thrown out of their houses in Naharkatia. They have no land. I saw high lands included in grants now lying under deep jungles but the grantees won't part with any portion of such grant even to accommodate the people in distress.

So I appeal to my Friend to consider this aspect of the case. We are going to allow sufficient land for tea industry. Thousands of acres of land are lying fallow, and in spite of the option being given they won't give up any. Under the present Constitution this principle of compensation is allowed. The tea industry have no justification to retain this land without payment of revenue. Under the circumstances we have no alternative but to requisition these surplus lands not utilised by the tea industry. We will not interfere in any way with whatever is necessary for development and extension of tea in the grant. In Mangaldai there was a proposal for requisition of some lands and the grantees heard of the proposal and they began to start cultivation of the land. When this fact was brought to my notice I passed orders not to interfere in their agricultural operation and the proposal for requisition should be abandoned. It may be reasonable to allow them to utilise land for growing food crops but there is no justification to allow them to retain the land which is not utilised by them. Besides ten times revenue to be paid as compensation the premium if any paid will also be refunded. Under the circumstances Government have no alternative but to lay down certain

principles under which compensation should be assessed as it is difficult to ascertain market value of such surplus land under jungle.

In view of this I hope the whole House will agree to my Motion and I hope that hon. Mr. Hardman will also withdraw his objection.

The DEPUTY SPEAKER: I put the question.

The question is that the Assam Land (Requisition and Acquisition) (Second Amendment) Bill, 1950 be taken into consideration.

The question was adopted.

The Assam Drugs (Control) Bill, 1950

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Deputy Speaker, Madam, I beg to introduce the Assam Drugs (Control) Bill, 1950 and to move that the Bill be taken into consideration.

As required by the proviso to article 304(b) of the Constitution, previous sanction of the President has been obtained. The Bill has also been published under article 53 of the Assembly Rules. The Statement of Objects and Reasons will show the necessity of the Bill. The object is to control the rates, supply and distribution of drugs in the State. Parliament passed an Act called the Drugs (Control) Act, 1950 for Part C States. The President gave assent to this on 7th April, 1950. Some of the Part A States also adopted an Act like this. The provisions of the Assam Drugs (Control) Act are the same as those of Government of India Drugs (Control) Act for Part C States.

I may inform the House that in order to prevent the rise in prices of drugs after the devaluation, the Government of India promulgated the Drugs (Control) Ordinance, 1949. According to Government of India's instruction the Assam Government also promulgated the Assam Drugs (Control) Ordinance, 1949 on 3rd October, 1949, but that Ordinance lapsed on the 25th of April, 1950. With the lapse of this Ordinance, Government cannot exercise any control on the prices, sale and distribution of drugs in this State. It is therefore very necessary that this Bill should be passed in this House.

I must point out that there are some printing mistakes in this Bill. In clause 11, line 8 the word 'Ordinance' should be read as "Act"; also in sub-clause (1)(b) of clause 12 the word "search" should be "such", also in the fourth line the word "or" should be "as". These are the printing mistakes.

I commend this Bill to the House.

The DEPUTY SPEAKER: Motion moved is that the Assam Drugs (Control) Bill, 1950 be taken into consideration.

(After a pause)

I put the question.

The question is that the Assam Drugs (Control) Bill, 1950 be taken into consideration.

The question was adopted.

The Assam Primary Education (Amendment) Bill, 1950

The Hon'ble Srijut MOTI RAM BORA: Madam, this will be moved by the Parliamentary Secretary, Mr. Mohendra Mohan Chaudhury.

Srijut MOHENDRA MOHAN CHAUDHURY: Madam, Deputy Speaker, I beg to introduce the Assam Primary Education (Amendment) Bill, 1950 ; and to move that the Bill be taken into consideration.

The Bill was published in the *Assam Gazette, Extraordinary* on 22nd September, 1950. By the provision of this Bill it is intended to obviate certain difficulties that have been found in the Act in course of working and also to give the principal Act a greater democratic appearance. I hope the clauses in the Bill will find ready support from the hon. Members of this House.

The DEPUTY SPEAKER: Motion moved is that the Assam Primary Education (Amendment) Bill, 1950 be taken into consideration.

(After a pause)

I put the question.

The question is that the Assam Primary Education (Amendment) Bill, 1950 be taken into consideration.

The question was adopted.

The Assam State Acquisition of Zamindaris Bill, 1948

The Hon'ble the SPEAKER: The next item of business in the agenda is laying out copies of amendments recommended by the President with regard to the Assam State Acquisition of Zamindaris Bill, 1948.

The Hon'ble Srijut BISHNURAM MEDHI: It is not yet ready and that I have already mentioned.

Adjournment

The Assembly was then adjourned till 10 A.M. on Saturday, the 30th September, 1950.

SHILLONG :
The 18th November, 1950.

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

APPENDIX G

The 31st March 1950.

No.LML.132/48/36.—In exercise of the powers conferred by section 296(2) (i) of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, the Governor of Assam is pleased to make the following rule to have effect from the date when the Board is next to be reconstituted and thereafter, for the division of the Nowgong Municipality into wards and for fixing the number of members to be elected for each of such wards of the Municipality.

This rule, when given effect to, shall supersede the rule published with Notification No.100-L.S.-G., dated the 27th January 1931.

Nowgong Municipality

The Municipality shall be divided into six wards with the boundaries detailed below. Each ward shall elect the number of members noted against it.

Ward number and boundaries

Number
of mem-
bers to
be elect-
ed from
each
ward

WARD NO.I

3

An area of (.04 Sq. miles) will be included in Ward No.I of the Nowgong Municipality and the boundaries of the Ward No.I with the newly included area will be as follows:—

North—A line starting from the Northernmost boundary pillar of the Municipality situated at a distance of 330 ft. from the diversion Road and then running west along the Laokhowa Road stopping at a point 194 ft. East of the junction of the Juria Road and the Laokhowa Road and thence a line up to the Theodolite station in *Dag 327* of town Haiborgaon Kisamat (chit No.II) where a Banian tree stands at a distance of 608 yards from the junction of the Juria Road and the Laokhowa Road and thence the Juria Road up to a point 180 ft. west of the S. M. Railway level crossing.

South—The Assam Trunk Road from the western end of the “Reid bridge” over the Kallong river up to the junction of the Assam Trunk Road and Dhing Road and thence the Dhing Road running towards west to a point 105 ft. from the Theodolite station situated at a distance of 80 ft. from the S. M. Railway level crossing on Dhing Road.

West—A line from the western end of the Southern boundary described above (*i. e.*, from the point 105 ft. west of the Theodolite station on the Dhing Road) running towards North meeting the Juria Road at a distance of 180 ft. west of the S. M. Railway level crossing on the Juria Road.

Ward number and boundaries

Number
of mem-
bers to
be elect-
ed from
each
ward

WARD No.II

2

East—Kallong river.

North—From the western end of "Reid bridge" along the Assam Trunk Road up to its junction with the Dhing Road, then along the Dhing Road to a point 105 ft. from the Theodolite station situated at a distance of 80 ft. from the S. M. Railway level crossing.

East—From the western end of "Reid bridge" along the Kallong river to the Municipal boundary pillar which is at a distance of 380 ft. from the junction of Kallong bank road and Khutikatia cow-path.

South—From the boundary pillar at the Eastern end which is at a distance of 380 ft. from the junction of Kallong bank road and Khutikatia cow-path along the Khutikatia cow-path to its junction with the Assam Trunk Road.

West—The Assam Trunk Road from its junction with the Khutikatia cow-path to a point which is 1,176 ft. distance from its junction with the Dhing Road and thence a line 1,193 ft. at right angles to the Assam Trunk Road going west where it meets the Jagi Road and thence along a line 822 ft. along the boundary of Nij-sahar mouza to a Theodolite station on the Dhing Road, which is at a distance of 80 ft. from the S. M. Railway level crossing.

WARD No.III

2

An area of (.03 Sq. miles) will be included in Ward No.III of the Nowgong Municipality and the boundaries of the Ward No.III with newly included area will be as follows:—

North—Kallong river from its meeting point with Kacharigaon Road up to the Difalu ferry and then a straight line running south meeting the junction of Nartamgaon Road and Marikalong-Panigaon Road then the Panigaon-Marikalong Road and the Panigaon village path near *Dag* No.341 and thence a straight line running East stopping at the South-West corner of *Dag* No.448 of Nartamgaon Kisamat of town mouza which is at a distance of 660 ft. from the Trijunction station situated on the South-East corner of *Dag* No.465 of the Nartamgaon Kisamat on the Assam Trunk Road.

East—A line from the South-West corner of *Dag* No.448 of Nartamgaon Kisamat of town mouza running straight towards south up to the above Trijunction of the Assam Trunk Road.

South—Assam Trunk Road from the above Trijunction station to the junction of Assam Trunk Road, Brahmamandir Road and Kacharigaon Road.

West—Kacharigaon Road from its junction of the Assam Trunk Road and Brahmamandir Road running towards north up to the Kallong river.

WARD No.IV

3

An area of (.6 sq. miles) will be included in Ward No.IV of the Nowgong Municipality and the boundaries of the Ward No.IV with the newly included area will be as follows:—

North—Kallong river from its meeting point with Kacharigaon Road upto the "Reid bridge".

East—A line running South-East from the Trijunction station on the South-East corner of *Dag* No.465 of the Nartamgaon Kisamat, on the Assam Trunk Road and stopping at the Eastern meeting point of *Dag* Nos.322 and 321 of the town Kachalukhowa Kisamat of town mauza and the Chochabat Road at a distance of 660 ft. from the above Trijunction station of Assam Trunk Road.

South—A line from the junction of the Nowgong-Kampur Road and Chochabat Road running East along Chochabat Road up to C. S. Railway level crossing on the Chochabat Road, thence a straight line running towards North stopping at the Northern boundary of the C. S. Railway lands (160 ft.) from the above level crossing, thence a line running towards West along the Northern boundary of the C. S. Railway lands stopping at a distance of 660 ft. from the point where the Northern boundary of the C. S. Railway land and the Marikallong-Panigaon Road meet, then from that point a straight line running towards North stopping at the Southern meeting point of *Dag* Nos.276 and 278 of own Kachalukhowa Kisamat of town mouza at a distance of 460 ft. from the junction of Assam Trunk Road and Marikallong-Panigaon road, then a straight line running towards East meeting the Eastern boundary described above at its Southern end.

West—Assam Trunk Road from the feet of the "Reid bridge" upto the junction of the Assam Trunk Road and the Nowgong-Kampur Road—then the Nowgong-Kampur Road (Town portion of this road is also called Cotton Road) up to the junction of this Nowgong-Kampur Road and the Brahmamandir Road, thence a straight line running towards East meeting the Marikallong-Panigaon Road at C. S. Railway level crossing then the Marikallong-Panigaon Road up to the junction of the Chochabat, Nowgong-Kampur and Marikallong-Panigaon Road.

North—From the junction of Cotton Road and Khanajan Road along the Cotton Road to its junction with the Brahmamandir Road and Nuruddin Ahmed Road and then a straight line running towards East to the C. S. Railway level crossing on the Marikallong-Panigaon Road.

WARD NO.V

East—From the level crossing of C. S. Railway on the Marikallong-Panigaon Road along the Marikallong-Panigaon Road to its junction with Dabaka Road, thence along the Dabaka Road running west to its junction with the Hospital Road and then a straight line from this junction running towards South to a Theodolite station and a line from this station to a village Trijunction prism on the Patakallong.

South—From the above Trijunction prism on the Patakallong along the Patakallong to its junction with the Kallong River.

West—From the junction of the Khanajan Road and Cotton Road along the Khanajan Road to its junction with the Desualipatty Road, thence along the Desualipatty Road to its junction with the Hospital Road and Kirtanghar Road to its meeting point with the Khanajan.

WARD NO.VI

North—From the junction of Assam Trunk Road and Strand Road along the Assam Trunk to its Trijunction with the Cotton Road and Desualipatty Road and thence along the Cotton Road to its junction with the Khanajan Road.

East—From the junction of the Khanajan Road and Cotton Road along the Khanajan Road to its junction with the Desualipatty Road, thence along the Desualipatty Road to its junction with the Hospital Road and Kirtanghar Road to its meeting point with the Khanajan Road.

South—From the meeting of Khanajan and Kirtanghar Road along the Khanajan to its meeting point with the Kallong river, thence along the Kallong river up to the Gunabhiram Barooah Road where it meets the Kallong river.

West—From the point where Gunabhiram Barooah Road and Kallong river meets along the Kallong river to the junction of Assam Trunk and Strand Road.

APPENDIX H

The 8th July 1950

No.LML.14/47/127.—In exercise of the powers conferred by Section 296(2) (1) of the Assam Municipal Act, 1923 (Assam Act I of 1923), as subsequently amended, which was extended to the North Gauhati Small Town by Notification No.LML.14/47/94, dated the 25th January 1950, the Governor of Assam is pleased to make the following rules for the division of the said Small Town into wards with the number of members to be elected for each of such wards:—

NORTH GAUHATI SMALL TOWN

1. The North Gauhati Small Town shall be divided into four wards with the following boundaries:—

WARD NO. I

North—From the Rice Mill to *Dag* No.116 along the road leading to Hajo and the boundary of Tilling village and Avayapur village.

South—Brahmaputra and boundary of Gauhati Circle

East—Sarkari *Dag* Nos.112 and 390 along the North Gauhati-Jhargaon Road.

West—Periodic *Dag* Nos.1447, 476, 475, 463 and upto the 'Dhop' tree on the road leading to Tilling village.

WARD NO. II

North—Boundary of Avayapur village and periodic *Dags* Nos. 839, 1454, 846, 610, 609, 592, 593, 606, 596, 597, 604, 600, 626, 1497, 627, 628 (temporary settlement) and annual *Dag* Nos. 1485, 1441.

South—Brahmaputra and boundary of Gauhati Circle and the boundary of the village grazing ground.

East—Sarkari *Dag* No.833 along the road from Rudreswar.

West—Sarkari *Dag* Nos.112 and 390 along the North Gauhati-Jhargaon Road and the boundary of Abhayapur village.

WARD NO. III

North—Sarkari *Dag* Nos. 776, 799 and 1173 ; Periodic *Dag* Nos. 832, 828, 826, 1381, 814, 815, 1345, 1346, 890, 889, 901, 780, 1187, 1418, 1422 and 1427, and Sarkari *Dag* No.1087 (annual settlement) along the road leading to Mandakata and boundary of Rudreswar village.

South—Brahmaputra and boundary of Reserve and *Dag* No.988 along the Sarkari road, and periodic *Dag* Nos.1167, 1168, 789, 1171, 1179, 1180, 1191.

East—Sarkari *Dag* Nos.1354 and 1108 along the road leading from Post Office to Mandakata, and periodic *Dag* Nos.1017 and 1097.

West—Sarkari *Dag* No.833 along the road from Rudreswar and periodic *Dag* Nos.1071, 1127, 1128, 1179, 1180, 1191 and Sarkari *Dag* No.1173.

WARD No.IV

North—River Barnadi and Dakhin Fullung village of Barbangsar Mauza and *Dag* Nos.988, 1108 along the Sarkari Road.

South—Brahmaputra and boundary of Gauhati Circle and boundary of the Reserve.

East—The Brahmaputra and the outlet of the Barnadi River.

West—Sarkari *Dag* Nos.1354 and 1108 along the road from the Post Office to Mandakata and periodic *Dag* Nos.1017, 1095.

2. There shall be one elected member from each of these wards.

M. SULTAN,

Secy. to the Govt. of Assam, Edn., L. S.-G. & Medl. Deptts.