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Assam Legislative Assembly Debates

OFFICIAL REPORT

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

ADJOURNED BUDGET SESSION
VOLUME I

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The 27th June, 1955



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

The Assembly met in the Assembly Chamber, Shillong, at 10 A. M. on Monday, the 27th June, 1955.

P R E S E N T

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

QUESTIONS AND ANSWERS

SHORT NOTICE QUESTIONS

(To which oral answers were given)

Recent erosion of Silchar town by Barak river

Shri GAURISHANKAR ROY: Sir, Shri Ram Prasad Chaubey has authorised me to put this question.

Mr. SPEAKER: Yes.

***Shri RAM PRASAD CHAUBEY** asked :

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

- (a) Whether he is aware of the recent erosion of Silchar town by Barak river ?
- (b) If so, whether Government have drawn up any scheme as a measure to protect this town ?
- (c) If the reply is in the affirmative, what are the schemes drawn up for the purpose ?

*Short notice question No.4 standing in the name of Shri Ram Prasad Chaubey was put by Shri Gaurishankar Roy on authorisation.

- (d) When the scheme will be executed and how long it will take for completion ?

Shri SIDDHINATH SARMA (Minister) replied :

4. (a)—Yes.

(b)—Yes. A scheme has already been drawn up for protection of Silchar town from erosion by the Barak river amounting to Rs.3,20,000.

(c)—The scheme provides for protection of Silchar town bank for a length of 11,500 feet by means of Timber/Bhaluka bamboo spurs 60 feet long spaced 150 feet apart for deflection of the current and inducing silt deposits.

(d)—The work will be completed in the next cold season and in the meantime temporary protective measures have already been taken up by the Executive Engineer to arrest further erosion.

Sir, in the meantime the Chief Engineer, Flood Control, and the Superintending Engineer, Shri S. P. Chaudhury, visited the area and submitted a note. With your permission, Sir, I want to read it out for the information of the House. It reads as follows:—

I visited Silchar on the 22nd to 24th June, accompanied by Shri S. P. Chaudhury, Superintending Engineer, to study the erosion problem there.

The Barak is in a meandering stage in the plains of Cachar and in consequence is in as stable a regime at Silchar as any river can be. Records which the Executive Engineer has collected from various sources, particularly, from the Steamer Company, showed that at its worst the erosion was of the order of 150 ft. during the last 50 years. Ordinarily an erosion of this extent on a river of the size of the Barak would not be regarded as extraordinary, but considering that the area is built up right upto the river front, this erosion has been a matter of serious concern. There need be no apprehension however of the erosion at Silchar assuming proportions similar to that at Dibrugarh or at Palasbari.

This year, so far, there has been erosion here and there between the Sadarghat and the Malugram area to the maximum extent of about 10 ft. Between Lady Minto's bungalow

and Annapurna Mandir, there has been sloughing of the bank. The maximum sloughing has been behind the Executive Engineer's residence, where about 30 ft. of the bank has slipped. In this reach, the damage has not so much been due to any erosive action of the water, but has been due to the unsuitable nature of the bank soil which, on getting surcharged with water, became unstable resulting in the slip. In this reach it will be necessary to adopt bank stabilisation measures as otherwise no anti-erosion measures will succeed here.

Permanent or semi-permanent bank protection measures can only be carried out after the rains, when the water level is low, but some temporary measures to retard the erosion just below Sadarghat and opposite the Executive Engineer's residence are called for immediately. These temporary measures are being taken in hand.

The construction of stone spurs as built at Dibrugarh would be entirely unsuitable at Silchar. As a last resort, the bank may have to be pitched with stones in the shape of revetment at vulnerable points. This however will be an expensive measure because of the great depth of the river channel in this reach. The protection of about eight thousand feet length of the bank is likely to cost about Rs.30 lakhs. Also a fair amount of valuable land will need to be acquired and some buildings demolished for trimming the bank to the required slope for laying the pitching. The collection of the large quantity of stone which will be required for the purpose is likely to present serious difficulties as the required quantity is not likely to be available from sources within easy reach.

It is felt that before so expensive and drastic a step is taken, an attempt should be made to hold the bank by less expensive semi-permanent measures. Designs for these semi-permanent measures are being evolved and an estimate will be submitted soon. The cost of these semi-permanent measures is expected to be of the order of Rs.6 lakhs. An estimate for carrying out protection of the bank has already been administratively approved for Rs.3.2 lakhs. This will need to be revised.

This is the note. The estimate as noted in the inspection note will have to be revised.

M. MOINUL HAQUE CHOUDHURY: Sir, is Government aware that, even for taking temporary measures, due to want of iron rods and other materials, the authorities at Silchar are very much handicapped?

Shri SIDDHINATH SARMA (Minister): I have placed all the facts.....

Mr. SPEAKER: The Minister has admitted it in reading out the note that handicap is there.

Shri SIDDHINATH SARMA (Minister): I have stated that the Chief Engineer, Flood Control, and the Superintending Engineer, Shri S. P. Chaudhuri, visited that area on 22nd to 24th June and in the note it has been admitted that handicaps are there for materials. What is possible will be done.

Mr. SPEAKER: There is handicap and they have estimated Rs.3 lakhs for measures to be taken.

Shri SIDDHINATH SARMA (Minister): Sir, the revised estimate will cost about Rs.6 lakhs.

Mr. SPEAKER: It is also stated that revetment work like Dibrugarh will cost Rs.30 lakhs and this will not be suitable for Silchar.

Maulavi MUHAMMAD UMARUDDIN: Sir, are we to understand that the town will be left to the mercy of nature if temporary measures fail to protect the town.

Shri SIDDHINATH SARMA (Minister): Not temporary measures but semi-permanent measures are envisaged, which the expert considers will be effective.

Maulavi MUHAMMAD UMARUDDIN: What will be the consequences if semi-permanent measures do not succeed?

Shri SIDDHINATH SARMA (Minister): That will depend on the advice of the experts.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

States Re-organisation Commission's visit to Garo Hills

Shri EMERSON MOMIN asked :

158. Will the Public Works Department Minister be pleased to state—

- (a) Whether it is a fact that recently the authorities of the Public Works Department, Garo Hills, issued injunctions not to erect gates on the Public Works Department roads in connection with the States Re-organisation Commission's visit to the Garo Hills ?
- (b) If so, why ?
- (c) Whether it is a fact that the Garos were disallowed to erect any gate on the Goalpara Trunk Road when the personnel of the States Re-organisation Commission were passing through the Trunk Road, whereas people of other sections erected gates on the Trunk Road ?
- (d) If so, why such discrimination had been made in the case of the Garos ?

Shri SIDDHINATH SARMA (Minister) replied :

158. (a)—No.

(b)—Does not arise.

(c)—No.

(d)—Does not arise .

Proposal for Construction of Houses for Refugees on the border lands of the Garo Hills

Shri EMERSON MOMIN asked :

159. Will the Chief Minister be pleased to state—

- (a) Whether Government propose to construct houses on the border lands of the Garo Hills to accommodate refugees from the East Pakistan ?
- (b) If so, at what particular places ?

- (c) The number of refugees that will be accommodated in those houses ?
- (d) Whether Government consulted the Garo Hills District Council for allocating lands for the purpose ?
- (e) Whether the District Council of Garo Hills agreed to allot lands for the purpose and to what extent ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

159. (a)—No, there is no such scheme at present.

(b) to (e)—Do not arise.

Umtru Project

Shri A. S. KHONGPHAI asked :

160. Will the Minister-in-charge of Development be pleased to state—

- (a) When the Umtru Project will be completed ?
- (b) Whether primarily and mostly the electric current will be taken to Gauhati and Kamrup ?
- (c) Whether all the expenditure for this project is borne from the grant given by the Centre ?
- (d) Whether any amount is spent by the State Government from the State Revenues for this Project ?

(e) The date on which the Project was started ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

160.(a)—The Umtru Hydro Electric Scheme, in all its essentials, is scheduled to be completed so as to enable the generation of electricity by December, 1956 or January, 1957 though some part of the work may remain thereafter.

(b)—Electrical current will be distributed to consumers along the transmission line between the power house at Dehal and an area covering about 1,000 square miles in and around Gauhati.

(e)—No. All expenditure for the project will be available from the Government of India as loans to the State Government.

(d)—Some small expenditure was incurred by the State Government in the initial stages of the scheme for preliminary survey and investigation.

(e)—Actual work on the project started from 1952-1953. Preliminary work, however, was initiated during the post-war period.

Number of Assistants who were rendered surplus to requirement at the time of the abolition of the Divisional Commissioner's Office at Gauhati

Shri HARESWAR GOSWAMI asked :

161. Will the Minister of Finance be pleased to state—

- (a) How many Assistants were rendered surplus to requirement at the time of the abolition of the Divisional Commissioner's Office at Gauhati and what are their names, period of service rendered by each one of them and their respective educational qualification and pay ?
- (b) How many of them were absorbed in different Offices ?
- (c) Whether it is a fact that some of them were employed in the Supply Directorate at Shillong and, if so, what are their names and what pay was sanctioned to them individually ?
- (d) Whether the length of service of these employees was considered in fixing their pay ?
- (e) Whether these employees were offered permanent jobs against permanent vacancies and if not, why not ?
- (f) How many of the Assistants employed in the Supply Directorate have since retired and what are their names ?
- (g) Whether they are being given pensions ?
- (h) If not, what is the reason for not doing so ?

Shri MOTIRAM BORA (Minister) replied :

161. (a)—On the abolition of the Divisional Commissioner's Office at Gauhati, 30 Assistants of this office were rendered

surplus to requirement, so far as this office was concerned. Their pay and qualifications, etc., so far as available, have been furnished in the list placed on the Library Table.

(b)—All of them were absorbed in different offices.

(c)—The following five Assistants were selected for employment in the Supply Directorate, of whom the last three eventually joined the Assam High Court :—

(1) Shri Banka Chandra Dhar (Pay fixed at Rs.200 p.m.).

(2) Shri Isharam Gogoi (Pay fixed at Rs.160 p.m.).

(3) Shri Jafar Ali Mia (Pay fixed at Rs.155 p.m.).

(4) Shri Abidur Rahman (Pay fixed at Rs.155 p.m.).

(5) Shri Rati Kanta Sarma (Pay fixed at Rs.64 p.m.).

(d)—Yes.

(e)—The permanent employees were allowed to hold lien against permanent posts in other offices.

(f)—Two Assistants employed in the Supply Directorate, viz., (1) Shri Banka Chandra Dhar, (2) Shri Isharam Gogoi have since retired.

(g)—Pension has already been sanctioned to Shri B. K. Dhar and the pension case of Shri Isharam Gogoi is yet under correspondence.

(h)—Shri Gogoi signed his pension papers only on 8th June, 1954. On abolition of the office of the Commissioner of Divisions, Shri Gogoi served in the Supply Directorate retaining his lien in the Deputy Commissioner's amalgamated establishment, Darrang, in his own scale of pay as personal to him. Hence sanction of pension has been delayed due to unavoidable correspondence with different offices.

Shri HARESWAR GOSWAMI: When do the Government expect to finally settle the pension of Shri Isharam Gogoi ?

Shri MOTIRAM BORA (Minister): As soon as the necessary papers are received from the Department.

Shri HARESWAR GOSWAMI: Is it a fact that Shri Isharam Gogoi was appointed as a Lower Division Assistant in the office of the Deputy Commissioner at Tezpur ?

Shri MOTIRAM BORA (Minister): I cannot answer to this, off hand, but he was not made to suffer even if he was appointed in the lower division.

Shri HARESWAR GOSWAMI: Do Government count the temporary services of re-employed officers towards

crements, and if so, was it done in the case of Shri Isharam Gogoi ?

Shri MOTIRAM BORA (Minister): Temporary services are not counted.

Shri HARESWAR GOSWAMI: Is it a fact that in the case of Shri Upendra Kumar Das, the temporary services were counted towards increments ?

Shri MOTIRAM BORA (Minister): I cannot reply to this offhand; I want notice of it.

Post of the Deputy Director of Supply (A)

Shri HARESWAR GOSWAMI asked :

162. Will the Supply Minister be pleased to state—

(a) Whether there was any advertisement for filling the post of the Deputy Director of Supply (A) ?

(b) Whether it is a fact that the present officer was once severely warned by the *ex-Chief* Secretary of Assam for his misconduct and was even at the point of being dismissed ?

(c) Whether it is a fact that this officer while promoting his subordinates does not take efficiency *cum* seniority into consideration ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

162. (a)—Normally only posts, for which suitable permanent Government servants are not available, are advertisements made. In the case of the post of Deputy Director of Supply (A), as the present incumbent is a permanent Government servant, possesses the necessary knowledge of Governmental accounting procedure and rules and was recommended by the Finance Department, he was appointed.

(b)—No, there is no such matter in the record.

(c)—This officer does not promote subordinates. He works under the control of the Director of Supply who takes both seniority and efficiency into account while making promotions.

Lower Primary School Teachers of Silchar Municipal Board

Maulavi MEHRAB ALI LASKAR asked :

163. Will the Minister-in-charge of Education be pleased to state—

- (a) Whether it is a fact that some ten Lower Primary School Teachers of Silchar Municipal Board, now under the School Board, are not being given the flat rate of an increase of Rs.10 to their pay from the year 1948, as sanctioned in Government Letter No.EPS.21/46/33, dated the 4th June, 1948 ?
- (b) Whether any representation regarding this grievance was lately received by the Secretary, State Primary Education Board, from these ten unfortunate teachers ?
- (c) Whether any copy of the Resolution of the Silchar Municipal Board, dated 25th February, 1954 recommending grant of their flat rate of increase of pay to these teachers was received by the Director of Public Instruction ?
- (d) If so, whether any action has been taken so far ?
- (e) Whether Government propose to grant their arrear pay and remove their grievances ?
- (f) If not, why not ?

Shri OMEO KUMAR DAS (Minister) replied :

163. (a)—Yes.
 (b)—Yes.
 (c)—Yes.
 (d) & (e)—The matter is under correspondence with the Municipal Board, Silchar.
 (f)—Does not arise.

Number of Refugees who have so far been given loans in the District of Garo Hills

Shri EMERSON MOMIN asked :

164. Will the Minister-in-charge of Relief and Rehabilitation be pleased to state—

- (a) How many refugees have so far been given loans in the District of Garo Hills ?

(b) What are their names and amount of money each obtained as loan, and the place of their residence ?

(c) How Government is going to recover these loans ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

164.(a) & (b)—A list showing the total number of displaced families with their names, place of residence and the amount received by each as loan is placed on the Library Table.

(c)—From the earnings of the displaced persons who will have rehabilitated themselves through the help of the loans and according to the rules in force regarding realisation of loans under the Assam Displaced Persons (Rehabilitation Loans) Act, 1951.

Total Number of Tea Gardens in Assam

Shri HARIHAR CHOUDHURY asked :

165. Will the Revenue Minister be pleased to state—

(a) The total number of tea gardens in Assam ?

(b) Number owned by Europeans ?

Shri MOTIRAM BORA (Minister) replied :

165.(a)—924.

(b)—439.

Supplementary Demands for Grants

SUPPLEMENTARY DEMAND No. 23

57—Miscellaneous—II Donation for charitable purposes, etc. (concl'd.)

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, on Saturday while I was in the midst of my speech giving reply to my Friend, Mr. Goswami, regarding the Assam House, the House had to be adjourned by the Chairman. Therefore I am to resume my speech to-day. I will just begin from the point from which I left the other day.

I have already made it clear to the House about the location of the Assam House in Calcutta. I had already stated that the site of the Assam House is a nice one; it is located almost in the centre of the city, so to say. As a business proposition also the investment may be called a pretty sound one. The land on which the house stands is a pretty big one; on one side of it stands the Assam House and on the other side, *i. e.*, to the south, there is a vacant space and there is also a vacant space to the east of the house and that also a pretty big one. Thus the compound is pretty big one, and if the house and land can be utilised by the Government in some profitable manner, it will be a nice business proposition. The property is expected to bring a good amount of return to the Government.

This Assam House is now being used for the purpose for which it was acquired. While I was staying in this Assam House for a night the other day, I found three high officers were staying there. The Chief Electoral Officer of Assam who was on his way to Kashmir was staying there with his wife. The other two high officers of the Government were those who were deputed by the Government to visit the Engineering Colleges in different parts of India. They were all staying in the Assam House. Only in one day, I happened to be there, I found the house was in occupation of some of the high officers of our State. That shows the utility of the house. One part of the house is now being utilised by the office of the Trade Adviser. Previously we had to hire some rooms for that purpose. The Assam Emporium is located in another part of the house and the third part of the house is reserved for the residence of the Trade Adviser. The rest of the house is reserved for the accommodation of the Ministers, Members of the Assembly and Parliament and other high officers of the Government.

Shri HARESWAR GOSWAMI: On a point of information, whether the Government is satisfied that the Assam House is a proper place for the purpose of the Emporium or whether it should be shifted to some other locality of the city?

Shri MOTIRAM BORA (Minister): It is proposed to have a show room in some other place. At present it is also located in the Assam House and we have seen people coming to that place also. Thus it will be seen that the Assam House that we purchased the other day with the consent of this House is going to serve a very useful purpose. As a matter of fact a sum of 4 lakhs of rupees was sanctioned by this House about a few months back for the purpose. When the house has been purchased with the consent of the Legislature, I do not see how we can now undo the arrangement. I have already shown to the House that the house (Assam House) has come to good use and therefore I cannot now undo what has been done as a result of the money sanctioned by the House. My Friend, Mr. Bhattacharyya has already stated that he is not against the house itself.

Shri GAURISANKAR BHATTACHARYYA: Not so much against the house, but against the manner in which the Demand has been brought.

Shri MOTIRAM BORA (Minister): So far as the purchase of the house is concerned, I had brought the matter before the House. This House after hearing me was pleased to sanction the money and we have purchased the house and I have already stated that the investment made on this land and house is expected to give a very good return to the Government, if we can only properly utilise the property.

Mr. SPEAKER: Is it on the Russel Street?

Shri GAURISANKAR BHATTACHARYYA: Behind Hall and Anderson, Sir.

Shri MOTIRAM BORA (Minister): It is mainly intended as a residential house and it is centrally situated so to say. The house cannot be said to have been located behind a big building. On the other hand, I have found that the location of the house is really a very good one. It is in front of a good road also.

Mr. SPEAKER: Their objection is about the Emporium.

Shri MOTIRAM BORA (Minister): The Emporium will be taken to somewhere else, say the Hogg Market and we might utilise the house for the purpose of storing all the things of the Emporium. The house will serve that purpose and the vacant space of about a bigha can be utilised for other purposes as well.

Shri HARESWAR GOSWAMI: There are also 18 garages.

Shri MOTIRAM BORA (Minister): Yes, Sir. But as I have already stated, these garages will be converted into residential quarters for officers of the petty establishment of the Trade Adviser and Emporium. As you know, Sir, our Trade Adviser has got several clerks and assistants under him and these garages will be used for accommodating these officers after necessary repair and adjustment. Therefore, it will come to good use of Government. Also, Sir, from the fact that the house in question can accommodate as many as 18 garages, that in itself shows that the house is a big one. I am myself satisfied about this house because I had been there and on the day I went there, I found it

was in occupation of several high officers of Government. Therefore, in my opinion the transaction is a good one and I do not see any strength in the objections raised by my Friend, Shri Bhattacharyya, against the purchase of this property by the Government.

Now, about establishment. What is needed is only a Chowkidar, a Mali and a Darwan for the maintenance of the house. If after we have purchased such a property and if the House refuse a Chowkidar for guarding it and a Mali and Darwan for its maintenance, then what will happen to the property? As I have already said, Sir, we have got a very big vacant space which can be converted into a nice garden but without a Mali how can this be done? That is why I have come forward for sanction of the House to have this petty establishment and the amount involved is also not a very big amount.

Then with regard to furniture. Sir, when this house is intended to be used as a circuit house to be needed for the hon. Members of this House and for Members of Parliament and other high officials and Ministers, it is absolutely necessary that the house should be furnished.

Shri GAURISANKAR BHATTACHARYYA: But why this was not done so long?

Shri MOTIRAM BORA (Minister): We could not do so long, Sir, because negotiation for purchase of this house was a protracted one; the seller could not give title of the property to us immediately and when this was given it had to be examined thoroughly and so it took sometime. In other words, because the transaction could not be completed in time, that is why I have come for sanction of this House for furniture at the earliest possible opportunity.

I hope, Sir, I have been able to satisfy my Friend, Mr. Bhattacharyya, and I would request him to withdraw his Cut Motion.

Mr. SPEAKER: Are you withdrawing it Mr. Bhattacharyya?

Shri GAURISANKAR BHATTACHARYYA: I have no objection to withdraw my Motion, Sir, provided I get an assurance from Government that in future such demands

should be placed before us at a time, preferably during the Budget discussion.

Shri MOTIRAM BORA (Minister): But I have already explained the difficulty why this demand could not be placed during the Budget Session.

Shri HARESWAR GOSWAMI: The question, Sir, is that when we purchase a house of this nature we should also think beforehand what things we will require to maintain the house in proper standard. For example, when we purchase a car, we know that we will need a driver, a garage, etc. Such things should be taken together at a time and not piecemeal as are being done now.

Shri MOTIRAM BORA (Minister): That will be done as far as practicable as it is being done at present.

Shri GAURISANKAR BHATTACHARYYA: I beg leave of the House, Sir, to withdraw my Motion.

(The Cut Motion was, by leave of the House withdrawn).

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, I beg to move that the provision of Rs.71,531 under Supplementary Demand No.23, Major head—57—Miscellaneous—II—Donation for charitable purposes, etc., Minor head—D—Petty Establishment—Sub-head 2(b)—Other Petty Establishment, at page 33 of the List of Supplementary Demands, be reduced by Re.1, i.e., the amount of the whole Supplementary Demand of Rs.2,20,731 do stand reduced by Re.1.

We see, Sir, under this demand a sum of Rs.71,531 under the Sub-head—Other Petty Establishment—is asked for and in the explanatory note at page 34 of the List of Supplementary Demands, at the top, we find—“A sum of Rs.6,875 is required to meet the pay and allowances of 18 gangmen and one Moharrir.....etc”. I have nothing to say about this. But we find again below that “the balance of Rs.64,656 is required

to meet the pay and allowances of 100 porters and 4 sirdars sanctioned recently in connection with the increased activity of the police and other departments in the interior of Naga Hills District where communication is very difficult." Now, Sir, we find from the explanation that has been given at page 64 of this list that, one hundred porters and 4 sirdars have recently been sanctioned for the use of the police personnel in connection with their touring in the interior in the district of Naga Hills. The entertainment of these porters and sirdars has become urgently necessary in the interest of public administration. Construction of three temporary barracks with cooksheds and latrines is also unavoidably necessary for the accommodation of these porters and sirdars. Again, Sir, we find that a sum of Rs.22 thousand and odd has been provided for construction of three temporary barracks, three cooksheds and three pit latrines for this purpose. Now, so far as the explanation goes, it appears that there has been some urgent necessity and that it is a recent one which has made the demand urgently necessary. Now, we should remember that we met here last in March and at that time also there was a Budget and Supplementary Demands placed before us. From this explanation now it appears that some very extraordinary thing has happened since we met last time here because last time a big amount was sanctioned for the Police and for administration in the Naga Hills, this amount was not visualised at that time but now it was thought to be absolutely necessary and it has been stated that there has been increased activity of the police in the Naga Hills. We want to know whether there was any disturbance to account for this increased activity of the Police in the Naga Hills in recent weeks because we have got no information that there has been any large scale disturbance or extraordinary incidents in the Naga Hills recently. Or has it been suppressed from the people? Why was it kept away from the notice of this House? We want to know whether in the alternative, there was quiet in the Naga Hills front? If it is not quiet, why this House has not been given the information with regard to the present situation in the Naga Hills? And yet, if there is nothing extraordinary or things of a serious nature happening there in recent weeks, then why such a necessity suddenly arose as to demand additional sanction of one hundred porters and sirdars? Why could it not be visualised at the time of the Budget Session in the month of March? That is my point and I want to know from Government whether it was due to carelessness that this item was omitted at the time of preparation of the Budget or whether

there has been an exigency of very recent origin, and if so, how much extensive and intensive it is that has prompted Government now to come forward with this additional demand and not during the time of the general discussion of the Budget ?

With these few words, I move my Cut Motion for the acceptance of the House.

Mr. SPEAKER : The Cut Motion moved is that the provision of Rs.71,531 under Supplementary Demand No.23, Major head—57.—Miscellaneous—II—Donation for charitable purposes, etc., Minor head—D.—Petty Establishment—Sub-head 2(b)—Other Petty Establishment, at page 33 of the List of Supplementary Demands, be reduced by Re.1, *i.e.*, the amount of the whole Supplementary Demand of Rs.2,20,731 do stand reduced by Re.1.

Shri MOTIRAM BORA (Minister) : Mr. Speaker, Sir, the reasons for this additional amount have been given in the Explanatory Notes under the demand. I do not know how my Friend, Mr. Bhattacharyya, finds it difficult to understand the same. There has been of late some increase of activity of the Police which has necessitated this establishment. Now my Friend wants to know how the law and order position demands this enhanced amount.

Shri GAURISANKAR BHATTACHARYYA : Has the law and order position in the hill area deteriorated ?

Shri MOTIRAM BORA (Minister) : Not in the entire hill areas. The law and order position in the Mokokchung area in particular is not to our entire satisfaction and as a result of this, activities of the Police had to be increased there. It is known to the hon. Members of the House that we have abolished the system of impressed labour in the Hill areas. So we have got to use paid porters in the interior areas of the Hills to carry our things. Now as a result of the unsatisfactory law and order position in the Mokokchung area, Government has got to undertake large scale police operations involving extra expenditure. This is the explanation. My Friend also wants to know why this amount was not included in the original Budget. That could not be done because the demands in the original Budget were prepared in the month of October when the situation was not so bad. From October, 1954 till June, 1955 nine months have elapsed. Sir, before nine months we

did not anticipate a position that has been obtaining now, we did not anticipate that we will require the 100 porters and 4 sirdars in that area.

Shri GAURISANKAR BHATTACHARYYA: Sir, I beg leave of the House to withdraw my Cut Motion.

(The Cut Motion was, by leave of the House, withdrawn).

Mr. SPEAKER: The question is that an additional amount of Rs.2,20,731 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March 1956, for the administration of the head "57.—Miscellaneous—II—Donation for Charitable purposes, etc".

(The Motion was adopted).

SUPPLEMENTARY DEMAND No.24

"57.—Miscellaneous—III—Contributions"

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs.4,13,153 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head "57.—Miscellaneous—III—Contributions".

			Rs.
I.—Grant originally voted by Assembly	..	..	2,49,900
II.—Additional amount now required	..	...	4,13,153

III.—Sub-head under which the Supplementary Demand will be accounted for—

Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
(1)	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs.	Rs.	Rs.	Rs.
Grants to Local Bodies for general purposes.	2,49,908	..	4,13,153	..	4,13,153

Mr. SPEAKER : The Motion moved is that an additional amount of Rs.4,13,153 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head "57.—Miscellaneous—III—Contributions".

	Rs.
I.—Grant originally voted by the Assembly ..	2,49,900
II.—Additional amount now required ..	4,13,153
III.—Sub-head under which the Supplementary Demand will be accounted for— ..	..

Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
(1)	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs.	Rs.	Rs.	Rs.
Grants to Local Bodies for general purposes.	2,49,908	..	4,13,153	..	4,13,153

Maulavi TAJUDDIN AHMED : Mr. Speaker, Sir, I beg to move that the provision of Rs.4,13,153 under Supplementary Demand No.24, Major head—57.—Miscellaneous—III—Contributions—Minor head—Grants to Local Bodies for general purposes, at page 35 of the List of Supplementary Demands, be reduced by Re.1., i.e., the amount of the whole Supplementary Demand of Rs.4,13,153 do stand reduced by Re.1.

Sir, I have moved this Cut Motion to criticise Government for unnecessary delay in sanctioning the grant-in-aid to the Barpeta Municipal Board. Sir, Government had to pay some

money out of the premium realised from the settlement of land in the Barpeta Town Extension Area as grant-in-aid for improvement of the said area. It was promised in 1948-49.

Mr. SPEAKER : How is your Cut Motion in order ? You have no objection to the amount of grant-in-aid given, is not it ?

Shri GAURISANKAR BHATTACHARYYA : He has no objection to the amount, but to the manner in which the amount has been given.

Mr. SPEAKER : But we do not allow manner here. Your Motion is out of order, but you can speak in connection with it.

Maulavi TAJUDDIN AHMED : Sir, the work was completed in the year 1954-55. The Municipal Board, Barpeta, moved Government for money by as many as 11 letters. The first letter was written as early as 13th October, 1948 and the last one was written on 12th May, 1955. Sir, in my opinion, Government could have given the money much earlier. This unnecessary delay has caused lot of inconveniences to the Municipal Board. So my submission is that when Government once decides to pay any money they should do so timely.

Maulavi ABDUL MATLIB MAZUMDAR (Minister) : Mr. Speaker, Sir, as I have already stated, circumstances are clearly stated in the details at Appendix "A", and I do not think, I shall be in a position to improve upon it. For the information of the hon. Members, however, I would like to say that at the time of sanctioning the grant a condition was laid down and that was this : Payment would be made on receipt of a report from the Municipal Board duly endorsed by the Subdivisional Officer that the road improvement work of the Barpeta Town Extension Area was satisfactorily completed.

This report should be endorsed by the Subdivisional Officer to the effect that actually the work was done. This report did not come in time. The sanction was given by a letter on 21st May, 1954 and the Board could not complete the work in time and the report came at the fag end of the year. Hence the delay. Government is not responsible for it, rather the Municipal Board is responsible for it.

Shri RANENDRA MOHAN DAS: Sir, I want to make a further quiry.

Mr. SPEAKER: No, you cannot do that after the Minister has replied. I am sorry, I cannot allow you now.

The question is that an additional amount of Rs.4,13,153 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March 1956, for the administration of the head "57.—Miscellaneous—III—Contributions".

(The Motion was adopted).

SUPPLEMENTARY DEMAND No.25

"64.—C—Prepartition payment"

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs.1,05,188 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head "64.—C—Prepartition payment".

	Rs.
I.—Grant originally voted by the Assembly...	20,000
II.—Additional amount now required ..	1,05,188
III.—Sub-head under which the Supplementary Demand will be accounted for—	...

Minor and sub-head (1)	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs.	Rs.	Rs.	Rs.
"Forests" ..	3,000	..	1,05,188	..	1,05,188

EXPLANATORY NOTES

Forests Department raised a debit of Rs.1,23,750 under the Defence Service's Budget as compensation for the damages caused to the Forests in Naga Hills during the last war. Defence Department finally disagreed to accept the debit on the plea that the loss had been due to defence activity and hence outside the scope of compensation from the Defence Service Budget. The amount, therefore, has to be refunded to Defence Department.

The transaction relates to prepartition period and as such the refund on the part of State Government should be limited to 85 per cent. only; the balance of 15 per cent. is Pakistan's share. Hence the demand of Rs. 1,05,188.

The transaction will have to be treated as an "Expenditure" from the Consolidated Fund and not a "Refund" as it relates to prepartition period.

Mr. SPEAKER: The Motion moved is that an additional amount of Rs.1,05,188 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head "64.—C—Prepartition payment".

I.—Grant originally voted by the Assembly ...	...	Rs. 20,000
II.—Additional amount now required...	..	1,05,188
III.—Sub-head under which the Supplementary Demand will be accounted for—		

Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
(1)	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs.	Rs.	Rs.	Rs.
"Forests"	3,000	..	1,05,188	..	1,05,188

The question is that an additional amount of Rs.1,05,188 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head "64.—C—Prepartition payment".

(The Motion was adopted).

SUPPLEMENTARY DEMAND No.26

"72.—Capital Outlay on Industrial Development"

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, on the recommendation of the Governor of Assam, I beg to move that an additional amount of Rs. 2,07,113 be granted

to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head "72.—Capital Outlay on Industrial Development".

		Rs.			
I.—Grant originally voted by the Assembly		...	5,25,000		
II.—Additional amount now required		..	2,07,113		
III.—Sub-head under which the Supplementary Demand will be accounted for—					
Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
72.—Capital Outlay on Industrial Development.					
A.—Industrial Finance Corporation.					
Purchase of shares by Government.	75,000	..	2,07,113	..	2,07,113

EXPLANATORY NOTES

(1) Out of Rs.2,07,113, Rs.1,96,500 is required to purchase 1965 shares of the Assam Financial Corporation which remain unsubscribed. These are out of the shares originally allotted to financial institutions and other parties under Section 4(3) of the State Financial Corporations Act, 1951. Originally, 10,230 shares remained unsubscribed, out of which Government have purchased 5,230 shares at the close of the financial year 1954-55. The Corporation has since got 3,035 shares subscribed by three scheduled banks and other parties. The balance of 9,965 shares are now to be subscribed by Government under sub-section (5) of Section 4 of the State Financial Corporations Act, 1951. An amount of Rs.1,96,500 has been advanced from the Contingency Fund for this purpose. Hence the S/D to regularise the advance.

(2) A sum of Rs. 75,000 was provided to meet the demand for dividend on the shares of the Assam Financial Corporation guaranteed by Government under Section 6(1) of the State Financial Corporations Act, 1951. It now appears that the actual amount required for the purpose is Rs.85,613 and the provision falls short by Rs.10,613. Hence this Supplementary Demand. Although a total provision of Rs.85,613 is necessary to pay dividend on the shares of the Assam Financial Corporation, Government themselves will get Rs.58,333 as dividend on the 50,000 shares subscribed by them.

Mr. SPEAKER: The Motion moved is that an additional amount of Rs.2,07,113 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head "72.—Capital Outlay on Industrial Development".

		Rs.
I.—Grant originally voted by the Assembly	...	5,25,000
II.—Additional amount now required	...	2,07,113
III.—Sub-head under which the Supplementary Demand will be accounted for—		

Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		Total
	General	Sixth Schedule	General	Sixth Schedule	
	Rs.	Rs.	Rs.	Rs.	Rs.
72.—Capital Outlay on Industrial Development.					
A.—Industrial Finance Corporation.					
Purchase of shares by Government.	75,000	..	2,07,113	..	2,07,113

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I do not want to move the Cut Motion. But I would like to speak a few words in this connection.

Sir, here we want that an additional amount of Rs.2,07,113 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head "72.—Capital Outlay on Industrial Development" in connection with the Assam Financial Corporation. In the explanatory notes at (1) and (2) it is stated :

"(1) Out of Rs.2,07,113, Rs.1,96,500 is required to purchase 1965 shares of the Assam Financial Corporation which remain unsubscribed. These are out of the shares originally allotted to financial institutions and other parties under Section 4(3) of the State Financial Corporations Act, 1951."

Sir, on these lines I would like to speak a few words.

"Originally, 10,230 shares remained unsubscribed, out of which Government have purchased 5,230 shares at the close of the financial year 1954-55. The Corporation has since got 3,035 shares subscribed by three scheduled banks and other parties. The balance of 1,965 shares are now to be subscribed by Government under sub-section (5) of Section 4 of the State Financial Corporations Act, 1951. An amount of Rs.1,96,500 has been advanced from the Contingency Fund for this purpose. Hence the S/D to regularise the advance."

"(2) A sum of Rs.75,000 was provided to meet the demand for dividend on the shares of the Assam Financial Corporation guaranteed by Government under Section 6 (1) of the State Financial Corporations Act, 1951." Sir, this another thing on which I want to speak something.

“It now appears that the actual amount required for the purpose is Rs. 85,613 and the provision falls short by Rs. 10,613. Hence this Supplementary Demand. Although a total provision of Rs. 85,613 is necessary to pay dividend on the shares of the Assam Financial Corporation, Government themselves will get Rs. 58,333 as dividend on the 50,000 shares subscribed by them.”

Sir, when we first started the Assam Financial Corporation high hopes were raised and we expected a double march in the field of industrialisation. I wanted to raise a discussion during the last Session. But at the fag end of the day it was not possible to discuss all things about the Assam Financial Corporation. Moreover, we were invited to a tea party thrown out by the Financial Corporation itself and we wanted to know from the people in authority about the Corporation. It is essential for this House to know about certain things on this Financial Corporation. It is a very urgent matter. Although my remarks may not be strictly confined to the rules, yet, Sir, on this very important matter I want your permission to go into the whole matter to know certain things from the Government. Two years back when we passed the Assam Financial Corporation Bill we were led to believe and hopes were aroused in our mind, at least, for once we have an institution which will help the industrial development of our State. I understand that up till now Rs. 31 lakhs have been advanced to the various industries for helping them in their investments. One most important thing to consider is whether we consider this Financial Corporation as a creditor only or a partner in the enterprises. This thing has got to be considered and decided. Although I realise the position of our Government in this matter, because they are regulated and governed by the All-India rules and provisions of the Central Act, and yet in view of the peculiar circumstances prevailing in our State, it is necessary to impress upon the Central Government to certain things which may necessitate amendment of the main or the principal Act. Recently the Commerce and Industry Minister of the Central Government, Shri T. T. Krishnamachari, also stated that from all States in India there had been demands for amending the rules and the provisions of the Act. From the point of view of security it may be essentially necessary to be strict about rules so that no money may be lost. It may be very good in the sense in having these rules that no money may be lost. But, Sir, a Financial Corporation is also to be looked at as a business concern

and in every business there must be some amount of risks. Sir, if we do not allow the Financial Corporation to run that risk then we may not be able to fulfil the expectation which we have laid on it, and therefore, my crucial point arises—how do we look at the Financial Corporation—whether we look it as a creditor to give us the money only, or whether we look at it as an equal partner in the enterprises to take part in the promotion of the industry. If we look at it merely as a creditor then, Sir, my apprehensions are that the expectations which we hold so dearly in our hearts may not materialise. So, Sir, my main point is that we should look at the Financial Corporation not only as a creditor but as an equal partner. Sir, in this connection I may say that in Japan also such systems are in existence, such corporations are in existence. There, Sir, when an investor comes up, it is not insisted that he is to invest the money from his pocket, but the Corporation will see whether he is a good enterpriser and if he is found to be a sound enterprising man, then the financial corporation takes him as a partner and he gets the required loan from the Corporation and after some time if he pays back the money, acquires the ownership of the organisation. Therefore, a distinction has been made between enterprise and investment. Enterprise is something different for investment. A good investor may not be a good entrepreneur. So, Sir, unless we understand this distinction, unless we clarify the distinction between enterprise and investment, then it may be difficult for us to reap the benefit of this Financial Corporation.

Then, Sir, another point which has been objected too much in Parliament as well as on the floors of the Houses in other States, is that there is a possibility of the disclosure of the names of the loanees, and that is the reason why people who want money do not actually come forward to take the loans, because they do not like that their names should be disclosed on the floor of the House. This is the position, Sir, under the present set of rules and people hesitate to come forward to take loans. Credit is a delicate thing, and it is very difficult to regain one's credit. Therefore, Sir, I submit that this point has got to be considered in all its aspects.

Then, I Sir, another thing to be considered is that the Financial Corporation should be an independent corporation and certain things may be left to their discretion, and in exercising those discretions, we must not interfere unnecessarily

sarily. Granting of loan should be such a matter. If we interfere and discuss these things openly, what happens? People may not feel inclined to come to the Financial Corporation for the purpose of taking loans. This thing has also got to be looked into carefully. Sir, in doing this, I realise that there should be some checks on the Financial Corporation in utilising the money economically. Government should be there as a share-holder only, they should have the rights of a share-holder only, nothing more and nothing less, and therefore they should not have any better right than as share-holders only.

Another thing, Sir, which is very important in this connection to be considered is that there are more than one source of getting money—one source is the Financial Corporation and the other source is Government itself. It is generally seen people come to the Government straight to take loans because it is easier to get loans from the Government and because the rates of interest charged by the two bodies are also different. In case of Government loan it is available at the rate of 3 or $3\frac{1}{2}$ or 4 per cent. and in case of Financial Corporation loan it is difficult to get a loan at a rate below $6\frac{1}{2}$ per cent.

Now, Sir, a businessman, will, therefore, not go to the Financial Corporation, when he is getting loans at the rate of interest less than what is charged by the Financial Corporation. Therefore, there is a greater possibility of people coming to the Government than to the Financial Corporation. Sir, if the Government really want to encourage and help the Financial Corporation in building up industries in our State, it is important that Government should not grant any loan to any businessman for running his industry, except through the Financial Corporation, and if that is done, people will surely have to go to the Financial Corporation. But, Sir, from what we know from the replies to many questions, that Government is even now giving loans to private individuals, instead of these private individuals being sent to the Financial Corporation to get their loans. Therefore, in order to help the growth of the Financial Corporation, it is necessary that only one source of getting loans to the businessmen should be there, and that is the Financial Corporation. Sir, there is also a talk of having an Investment Corporation in Assam. I quite appreciate that idea, but in Assam we have got already the Financial Corporation, we need not have an Investment Corporation till we make this Corporation work a success. If the present set of alsrre properly modified

then it possible for the private individuals and other businessmen to run their industries with the help of the Financial Corporation without having to bear additional expenditure of running an Investment Corporation. One more point, Sir, is how do we give the money ?

Mr. DEPUTY SPEAKER: I think you better confine to the points. You cannot roam about like this. You have to confine yourself to the matters only. This is not a case of general Demand. Please confine yourself to the relevant points at issue.

Shri HARESWAR GOSWAMI: Sir, at the outset I requested Mr. Speaker to permit me to speak on this matter generally. We have no opportunity to discuss this point. We wanted to discuss this point also. My criticism cannot be termed as destructive. We not only want that the Finance Corporation should function but that it should be able to give dividends also. Now we find that the Finance Corporation has not been able to function properly because of these difficulties, because of the stringent rules. Various parties purchased shares, as has already been stated in the Explanatory Notes, and they will have to be paid the dividend on their shares. It is stated here that "although a total provision of Rs. 85,613 is necessary to pay dividend on the shares of the Assam Financial Corporation, Government themselves will get Rs. 58,333 as dividend on the 50,000 shares subscribed by them". On the one hand various parties were asked to purchase shares and on the other hand we are committed to give them dividend and therefore this matter has got to be discussed. We cannot do all these things without discussing this matter in greater details and it is our intention in raising this discussion to see that the Finance Corporation works properly and successfully and to impress these points we must discuss the matter.

About the investment, as I have already said, we have to make a distinction between the new and old, that is to say, between the old investment and new investment, between new industries and if the money is to be given for old investment then the function will not be properly discharged. The money should be given strictly for the purpose of new investment. We are very short of industries because there is great difficulties in getting money for investment. Capital is shy it is not forthcoming. A man who wants to promote his industry must invest

money and if he has no property, he cannot go to the Finance Corporation for money. This is a great drawback. I quite appreciate the position of the Government because the Finance Corporation is governed or regulated by the Central Act. But my point is: in view of the peculiar condition of Assam where we have no industries and where capital is proverbially shy and is not forthcoming, a Corporation like Finance Corporation must not be bound by so many stringent rules and there should be some amount of latitude and that it must act as a business concern and not act merely as a Government agency. When it acts as a business concern, it must also run some amount of risk and unless we do so, we cannot go on purchasing our shares in it and we cannot go on the guaranteed rates of dividend and Assam as a whole will not derive any benefit out of it. On these points, I request our Government to impress upon the Government of India about the peculiar position in Assam and to allow the Finance Corporation to function here in such a way so that all these difficulties are eliminated and we may have the best service from this Finance Corporation.

Maulavi MUHAMMAD UMARUDDIN: Mr. Deputy Speaker, Sir, after the formation of the Assam Finance Corporation the Government itself has purchased as much as 50,000 shares. I do not know what is the total authorised capital of this Corporation and how much shares the Government originally contemplated to purchase. In the year 1954-55 we provided a certain amount of money to enable the Government to purchase shares. It has been found that the number of shares earmarked for purchase by private parties was not purchased by them in full and ultimately the Government had to purchase practically more than 50 per cent. of the shares. Now, it appears therefore that the Government holds the largest amount of shares and thus the Government has the biggest interest in this Finance Corporation.

Secondly, Sir, the Government, under the State Finance Corporations Act, has guaranteed payment of dividend to the share-holders, including itself, because unless this guarantee was there nobody would have come forward to purchase any share. Therefore, before the Finance Corporation began to function in the normal way, the Government in a way had to take the liability of paying dividend to the share-holders. My Friend, Mr. Goswami, has rightly pointed out that the Government on behalf of the Corporation had undertaken to

give a certain guarantee, under a particular Act, to pay dividend without the Corporation being able to earn anything tangible. This is a serious matter. Sir, when we have an institution like this we desire that it should be able to earn something and it is also true that it might take some time for the Corporation to function in the normal way and to earn money. But since the Government has invested the largest amount of money in this Corporation there lies a big responsibility on the Government to see that this Corporation acts or functions properly so that it can earn money. The main purpose of this Corporation is to finance industries so that they can be improved. When this Corporation is a business proposition it has got to help all the industries, new and old, by providing them with cheap finance. Secondly, if this Corporation is run efficiently and becomes a sound economic proposition then it should be able to earn money and give dividend to the share-holders as guaranteed and should not throw unnecessary burden on the Government. Therefore, Sir, we are vitally concerned with the working of this Finance Corporation.

Apart from this aspect of the Finance Corporation there is another point. Government has made some provision for financing or helping small industries. As far as this is concerned there is no conflict with the Finance Corporation, because the Finance Corporation is not meant for financing the cottage or small scale industries. The Government has got in this year's budget a sum of Rs. 55 lakhs sanctioned for development of major industries. Mr. Goswami has presumed that out of this amount of Rs. 55 lakhs Government may think it necessary to invest some money or advance money to some such industries at a rate of interest which may be less than or on more favourable terms than the rate of interest charged by the State Finance Corporation. If that is the case, then the Government will be in the position of a competitor with the Finance Corporation. So, there will be a conflict. But as far as we understand, Government's intention in providing Rs. 55 lakhs is mainly for State's participation in certain commercial or industrial undertakings. If that be the case, there will be no conflict, but if that is not the case, that is to say, if Government invests some money placed at their disposal to some industrialists on terms more favourable than the terms offered by the State Financial Corporation, there will be conflict and both the purposes will cut across each other and the ultimate result will be harmful for the State. Therefore, Sir, we want to be enlightened about

Government's policy in this matter. We want to know how this 55 lakhs will be utilised, what have been the activities of the State Financial Corporation, what amount of money has been invested by them and when, what return has so far been received, what is the annual establishment cost of the Corporation, what are the prospects of success of this organisation so far as its working is concerned. We also want a statement of policy with regard to the utilisation of Rs. 55 lakhs because, as I pointed out in my budget speech, no details have been given with regard to this sum; no statement of policy has been made indicating Government's purpose of utilising this money. So, Sir, as Mr. Goswami has rightly pointed out, we want to know the specific spheres in which Government and the Corporation are going to function as investors. If the Government and the Corporation function in different spheres without any conflict, that will certainly advance the economic interests of the State. With these few words, I would request the Finance Minister to give us the necessary information.

Shri MOTIRAM BORA (Minister): Mr. Deputy Speaker, Sir, I had already anticipated the various points that have been raised by my Friends, Messrs. Goswami and Umaruddin, and had prepared a written reply in anticipation, covering almost all these points. It will, therefore, be proper on my part to read out that reply, which will almost cover all the points raised by my Friends, Messrs. Goswami and Umaruddin. Before that, however, I should like to make a few observation in a general way.

My Friend, Mr. Goswami, wants that this Finance Corporation should be associated with the industries of our country as a partner and not as a creditor as it actually is at present. Sir, the Corporation was established by a Central Act and the rules made thereunder. The provisions of those rules do not envisage such a thing. This is the difficulty. Then, my Friend, Mr. Goswami, says that the interest charged is higher than the interest charged by Government in giving loans to various industries. Sir, this is a matter which has already attracted the attention of Government and it is under our active consideration. Really if an industrialist gets loan from Government at lower rates of interest, he will naturally never go to the Corporation. We are, therefore, considering the matter. No decision, however, has yet been reached. Possibly some rules will have to be framed whereby certain kinds of loanes will be diverted to the Corporation and certain others to Government. Any way, Sir, the matter is under our consideration.

Mr. Goswami also wants that names of borrowers should not be disclosed. This is a good suggestion and we accept it. As a matter of fact, we are already trying to establish a convention by which the names of borrowers will not be disclosed. I could not, however, understand one point raised by Mr. Goswami about advancement of money only to new industries and not to old industries. Of course, as far as possible, new industries should get preference, but when there are no new industries—supposing no new industrialist is coming forward to set up any industry in the State—should not the Corporation advance money for the improvement of the old existing industries? Therefore, this is a matter in which some discretion should be left to the Corporation itself.

About the rules, both my Friends stated that the rules were stringent; rules about lending of money, security, etc., are very stringent and should be liberalised as far as possible without, of course, endangering safety. There also we agree, Sir. As a matter of fact, most of the Corporations that have been established in different parts of the country have realised this difficulty and the matter is now under examination.

My Friend, Mr. Umaruddin, said that we have not been able to earn any money so long although we are required to pay the guaranteed dividend to the share-holders. That is true, but the Corporation has been established only a year back and it takes some time to complete the preliminary arrangements and to settle down. But I can tell the hon. Member that we are making some progress in the direction of earning some money by the Corporation. He also wants that some provision should be made whereby Government should not be a rival or competitor to the Corporation. He is right and we are examining that matter also. This is a sound advice and we are taking steps so that Government do not stand as a competitor to the Corporation. With these few observations, Sir, I am reading out the statement which will enable the Members to know about the progress of the Corporation and other matters.

The Assam Financial Corporations was established under the State Financial Corporations Act, 1951 and it has been functioning since June, 1954. The real work of the Corporation began from October, 1954 with the issue of share capital to the public as well as various institutions. The Corporation began its work with right earnest since its inception and it was hoped that the long-felt want of capital in this industrially backward State of ours would to a great extent be removed by the Corporation.

After ten months of strenuous work, when the Corporation completed the necessary formalities as required under the Act, its office along with all documents, records, furniture, etc., were burnt by a devastating fire which broke out in the Morello's building on 27th March, 1955. The destruction of all records was an irreparable loss and the consequent reconstruction of accounts and records resulted in a heavy strain on the management. Yet, the Corporation has been able to hold its first Annual General Meeting in time and produce its annual accounts in the said meeting.

Rigidity of rules and regulations.

It has been mentioned above that the Financial Corporation is a creation under a Central Act. Rules and Regulations are framed under the said Act and it is not permissible for the State Government to relax them. The Act itself will have to be amended by Parliament if any change in the Rules and Regulations is to be effected. The State Financial Corporations established in different States, themselves feel that in some cases, there has been unnecessary rigidity under the present Act. In the light of the experience gained, it will be possible to suggest amendment of the Act as and when found desirable. The Union Minister for Industry and Commerce, Shri T. T. Krishnamachari, while inaugurating the Rajasthan Financial Corporation on 8th April, 1955 observed that the Corporation must be prepared to take risks to a certain extent if that was to work effectively and the borrower must have certain standard of morality which would make him repay what he had borrowed in the stipulated time. The Union Minister was not happy with the working of the Corporations. He said, "It must be due to the fact that the legislation made it difficult for the borrower to obtain his requirements except on very stringent conditions". Many of the State Governments are also thinking in the same line. In fact, this Government have advised the Corporation to place this matter before the Board of Directors for discussion and to suggest amendment to the Act in the light of experience gained from actual working, so that Central Government might be moved to introduce necessary legislation for the purpose in Parliament. A reply from the Corporation is being awaited. It will however be wrong to say that it is impossible to utilise the services of the Corporation in view of the conditions a loanee has to fulfill. Our Corporation has got two different forms of loan application; one for corporate bodies and the other for other than corporate bodies. These

are the standard forms of loan application accepted by almost all the Corporations so far established. Besides, mortgage deeds are to be executed by the loanee when he actually avails of the loan.

Since the inception of the Financial Corporation, a large number of enquiries for loan has been received by it. Some of the enquiries do not come under the category of "Industry" as defined in the Act. 31 applications comprising a total sum of Rs. 70 lakhs 20 thousand have been received so far by the Corporation. Out of these, 12 applications for a total sum of Rs. 41 lakhs 25 thousand have been sanctioned by the Board of Directors of the Corporation. Industry-wise division of these 12 applications is as follows :—

					Rs.
Electric supply companies	...	5	Applications	...	21,40,000
Flour Mills	...	2	Do	...	11,00,000
Plywood	...	1	Do	...	2,50,000
Sawmill	...	1	Do	...	50,000
Engineering Workshop	...	1	Do	...	2,50,000
Tea	...	1	Do	...	3,20,000
Furniture making	...	1	Do	...	15,000
Total ... 12 Applications					41,25,000

Six applications were rejected on the ground that the proposals were not suitable. 9 applications are pending for further enquiry and 4 applications are under scrutiny.

This shows the whole position with regard to the progress of the Corporation and this will enable it to earn income on loans issued.

Shri HARESWAR GOSWAMI: What about interest ?

Shri MOTIRAM BORA (Minister): 6½ per cent on loans. It is known to the hon. Members that we have granted 3½ per cent profit to the share-holders, that makes the situation difficult as to whether it will be possible to reduce the interest of 6½ per cent on loan. That is the usual rate for all the Corporations in the country also.

It will thus be observed that in the short space of time the Corporation has made a great stride towards the industrialisation of our State. It is a notable achievement that Rs. 41 lakhs has already been utilised out of Rs. 1 crore. It is a good beginning. By a recent decision taken by the Government, an *ad-hoc* arrangement is made by which some companies will be allowed to take loan from the Corporation only. It may be mentioned in this context that the foremost consideration of the Corporation is to safeguard its interest against all possible loss from its investment. Laxity of control and relaxation of certain important conditions might be a potential danger to the interest of the Corporation. The Corporation is required to keep this in view at all times as it is going to advance money for long periods varying from 5 to 20 years.

As a matter of fact, the interest charged at $6\frac{1}{2}$ per cent cannot be considered as very high, if we take into consideration the fact that the loans are for a long period and for pretty big industries.

Shri HARESWAR GOSWAMI: I am not objecting to the $6\frac{1}{2}$ per cent; if Government give loan at $3\frac{1}{2}$ per cent in that case people will go more for Government loan and not for Corporation's loan.

Shri MOTIRAM BORA (Minister): All will not be entitled to $3\frac{1}{2}$ per cent loan from Government. It should also be borne in mind that Government issue short term loans, whereas the Corporation issue long term loans.

Sir, I think, I have replied to all the points raised by some Friends in the Opposition. I have placed all the relevant facts before the House and I hope the House will be pleased to accept my Motion.

Mr. DEPUTY SPEAKER : The question is that an additional amount of Rs. 2,07,113, be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head "72.—Capital Outlay on Industrial Development."

(The Motion was adopted).

SUPPLEMENTARY DEMAND NO. 27

“81.—Capital Accounts of Civil Works outside the Revenue Account”

Shri SIDDHINATH SARMA (Minister): On the re-commendation of the Governor of Assam, I beg, Sir, to move that an additional amount of Rs.10,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head “81.—Capital Accounts of Civil Works outside the Revenue Account.”

		Rs.
I.—Grant originally voted by the Assembly	...	1,69,47,200
II.—Additional amount now required	... ..	10,000
III.—Sub-head under which the Supplementary Demand will be accounted for—		

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
A—Original Works—					
(b) Communications—					
Ordinary Roads	15,32,000	60,000	..	10,000	10,000

Mr. DEPUTY SPEAKER: The Motion moved is that an additional amount of Rs.10,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head “81.—Capital Accounts of Civil Works outside the Revenue Account”.

		Rs.
I.—Grant originally voted by the Assembly	... •	1,69,47,200
II.—Additional amount now required	... ..	10,000

III.—Sub-head under which the Supplementary Demand will be accounted for—

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
A—Original Works—					
(b) Communications—					
Ordinary Roads	15,32,000	60,000	..	10,000	10,000

The question is that an additional amount of Rs.10,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head “81.—Capital Accounts of Civil Works outside the Revenue Account”.

(The Motion was adopted).

SUPPLEMENTARY DEMAND NO. 28

“81.—A—Capital Outlay on Electricity Schemes”

Shri RAMNATH DAS (Minister): On the recommendation of the Governor of Assam, I beg, Sir, to move that an additional amount of Rs.17,34,110 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head “81.—A—Capital Outlay on Electricity Schemes”.

	Rs.
I.—Grant originally voted by the Assembly	1,03,78,300
II.—Additional amount now required	17,34,110

III.— Sub-head under which the Supplementary
Demand will be accounted for—

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
III. Thermo Electric Scheme—					
1. Electrification of Nal- bari—					
(a) A—Works	2,23,500	..	2,23,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	10,100	..	10,100
Total	2,36,710	..	2,36,710
2. Electrification of Gola- ghat—					
(a) A—Works	3,95,500	..	3,95,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	15,500	..	15,500
Total	4,14,110	..	4,14,110
3. Electrification of Der- gaon—					
(a) A—Works	2,42,500	..	2,42,500
(b) Pay of Establishment	1,410	..	1,

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	13,500	..	13,500
Total	2,59,110	..	2,59,110

4. Electrification of Titabar—

(a) A—Works ..	..	..	2,50,500	..	2,50,500
(b) Pay of Establishment ..	..	..	1,410	..	1,410
(c) Allowances and Honoraria.	..	..	1,700	..	1,700
(d) Contingencies ..	..	..	13,500	..	13,500
Total ..	..	..	2,67,110	..	2,67,110

5. Electrification of Mangaldai—

(a) A—Works ..	..	..	2,32,500	..	2,32,500
(b) Pay of Establishment ..	..	..	1,410	..	1,410
(c) Allowances and Honoraria.	..	..	1,700	..	1,700
(d) Contingencies ..	..	..	10,500	..	10,500
Total ..	..	..	2,46,110	..	2,46,110

Minor and Sub-head		Grant originally voted by the Assembly		Additional amount now required		
		General	Sixth Schedule	General	Sixth Schedule	Total
		Rs.	Rs.	Rs.	Rs.	Rs.
6. Electrification of Goalpara—						
(a) A—Works	2,62,500	..	2,62,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	11,000	..	11,000
Total	2,76,610	..	2,76,610
7. 1. Electricity Section B—Establishment—						
Common Establishment for Thermo Electricity Scheme—						
1. Pay of Officers	8,850	..	8,850
2. Pay of Establishment	10,110	..	10,110
3. Allowances and Honoraria.	8,990	..	8,990
4. Contingencies	6,400	..	6,400
Total	34,350	..	34,350
Grand total	17,34,110	..	17,34,110

EXPLANATORY NOTES

1-6.—In order to give electrical power facilities to the urban and rural areas, the Government of India granted a loan of Rs.42 lakhs to the State Government to select such areas as the State Government deem fit. With a view to implement the execution of these Schemes, the State Government have since selected thirteen places for Departmental Execution, during the

first phase. Provision for one of these, *viz.*, Sualkuchi Scheme has already been made in the Budget. Supplementary grant is necessary now to execute six other schemes as per details noted above. The detailed estimates for the remaining six schemes are under preparation.

7. In order to implement execution of these projects the Government have decided to establish a Division with the following technical and other staff, *viz.*—

1. One Executive Engineer (Electrical) Town and Village Electrification Scheme.
2. Two Assistant Engineers (Electrical).
3. One Assistant Engineer (Civil).
4. Three Civil Overseers.
5. Twelve Linesmen.
6. Five Grade IV Establishment.

This is based on the recommendation of Central Water and Power Commission.

For these posts, no provision existed in the current year's budget and hence the necessity of supplementary demand to cover the cost of entertainment of the staff.

MR. DEPUTY SPEAKER: The Motion moved is that an additional amount of Rs.17,34,110 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956, for the administration of the head "81-A—Capital Outlay on Electricity Schemes."

	Rs.
I. Grant originally voted by the Assembly ...	1,03,78,300
II. Additional amount now required ...	17,34,110
III. Sub-head under which the Supplementary Demand will be accounted for—	

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
III. Thermo Electric Scheme—					
1. Electrification of Nalbari—					
(a) A—Works	2,23,500	..	2,23,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria	1,700	..	1,700
(d) Contingencies	10,100	..	10,100
Total	2,36,710	..	2,36,710

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
2. Electrification of Gola- ghat—					
(a) A—Works	3,95,500	..	3,95,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	15,500	..	15,500
Total	4,14,110	..	4,14,110
3. Electrification of Der- gaon—					
(a) A—Works	2,42,500	..	2,42,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	13,500	..	13,500
Total	2,59,110	..	2,59,110
4. Electrification of Titabar—					
(a) A—Works	2,50,500	..	2,50,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	13,500	..	13,500
Total	2,67,110	..	2,67,110

Minor and Sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
5. Electrification of Mangaldai—					
(a) A—Works	2,32,500	..	2,32,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	10,500	..	10,500
Total	2,46,110	..	2,46,110
6. Electrification of Goalpara—					
(a) A—Works	6,62,500	..	2,52,500
(b) Pay of Establishment	1,410	..	1,410
(c) Allowances and Honoraria.	1,700	..	1,700
(d) Contingencies	11,000	..	11,000
Total	2,76,610	..	2,76,610
7. 1. Electricity Section B—Establishment— Common Establishment for Thermo Electricity Scheme—					
1. Pay of Officer,	8,850	..	8,850
2. Pay of Establishment	10,110	..	10,110
3. Allowances and Honoraria.	8,920	..	8,990
4. Contingencies	6,400	..	6,400
Total	34,350	..	34,350
Grand total	17,34,110	..	17,34,110

Maulavi MUHAMMAD UMARUDDIN : Mr. Deputy Speaker, Sir, we have heard that the Government has decided to launch upon electrification schemes in certain small towns in the State and for this propose certain places have been selected. These places are Nalbari, Golaghat, Titabar, Mangaldai and Goalpara. Apart from the money that has been provided for works that are proposed to be started we also find from the explanatory note that an amount has been provided for a central staff and establishment to execute the projects. Now, Sir, we all know that electrification is necessary to provide cheap power for the improvement of the existing cottage and village industries as well as for domestic consumption. Sir, I do not know whether before these places were selected for the purpose of electrification any survey has been made or undertaken to ascertain extent of possible consumption. In other words, whether the amount of electricity likely to be consumed in a particular area will be sufficient to make the proposition an economic one? We want to know what is the estimate of consumption for domestic purposes and what is the estimate of consumption for industrial purposes and whether there is any scope for future expansion of the sphere of activities of these schemes?

Now, Sir, we know from our experience in many of the towns in Assam that private firms found it very difficult to run electricity as an economic proposition. For instance, in Dhubri a private company for supply of electricity was functioning for some years but that has failed now and for a long time there is no electricity in Dhubri. But now a certain firm has been given license to supply electricity to Dhubri town. In other towns also we know private firms are not functioning properly. But in the face of these facts our Government have decided to start electrification schemes in small towns where population is very small and where the houses, the majority of them, are not suitable for electrification at all and where scope for industrial expansion is also very limited. Therefore, Sir, we want a statement from the Hon'ble Minister-in-charge as to what are the reasons, what are the basic facts on which decision to undertake this scheme has been taken because while we approve that there should be electrification in certain areas, we must on the other hand, see that this becomes a successful and economic proposition and that it gives real service to the people.

Then again, the purpose of the Umtru Hydro Electric Scheme is to provide cheap electrical energy to some outlying

areas of Gauhati in the district of Kamrup, Sir, there is a good deal of difference in the cost of production of electricity between a scheme like the Umtru Scheme and a thermal electricity scheme. We know that cost of production in a thermal electricity station is very much higher than that from a hydro-electric project. In a hydro-electric project we can get energy at a very low cost whereas for a thermal station the cost per unit comes to as much as 6 to 8 annas which will be beyond the reach of the people living in same urban areas. I do not know what price Government will charge? Whether they will charge 6 to 8 annas per unit in places like Nalbari, Titabar Golaghat, etc., I do not know but I think they will not be able to do so unless they are prepared to subsidise. The point is whether on principle Government should subsidise electrification schemes. To my mind, it will be unwise to subsidise such schemes unless it is done with the view to develop and improve certain useful industries and that, too, if it proves economical to the people as well as to the scheme itself. Otherwise, the scheme will be too expensive and bound to fail in the long run. So before we take up such a scheme we must be sure that it will be successful, that it will be economical for the purposes it seeks to serve. Otherwise, if merely on the clamour and cry of the people we come forward with schemes like this and start electrification in all places, it will be wrong. Therefore, Sir, I want to know from the Minister what are the essential data on which these schemes are based so that the House can authorise this expenditure now placed before it. As I have already said, we should not launch upon such expensive schemes merely on the cry of the people without a proper survey and without carefully examining the proposition in all its bearing to ensure its future success.

With these words, Sir, I beg the Minister to make the position clear to us.

Shri RANENDRA MOHAN DAS:—I want to add a few words on the subject which has been dealt with at some length by my Friend Mr. Umaruddin. Sir, so far I can gather information, this 42 lakhs of rupees was sanctioned by the Government of India for expansion of Electricity by the States for combating the unemployment problem. Now, the question is, by electrification of small towns and villages how far the unemployed people of those areas can be employed? Sir, as Mr. Umaruddin has rightly said, we want to know whether Government in presenting this scheme

before us has made any survey on that light? We know that electricity is a public utility concern. Not only it gives light and facilities of fans in urban area, there is also another side of the picture which is the most important consideration for which the Government of India granted this sum of 45 lakhs of rupees—that most important consideration is to solve the unemployment problem. On the one side a number of people both technicians and labour would be employed in the electricity concerns and side by side within its aim is to develop and improve small scale industries. As for example, in a small town if by supplying cheap power for starting small scale industry you will be helping the people for starting say, 50 such industries and thereby you will save 50 families from starvation and further you will give employment to at least one thousand people working in those industries, it is with this object that Government of India sanctioned this loan of 42 lakhs of rupee last year. But during the last year our State Government could not spend a single penny from that and now they have brought a scheme before us. I want to know as my Friend, Mr. Umaruddin has said, on what principle or on what policy Government had selected these places and whether they have made any survey for finding out scope for expansion of small scale industries in those areas. Secondly, I want to know from the Government what they have done about improvement of the existing electrical concerns in our different towns which are in a dilapidated condition. I know some towns—Government is also equally aware of it—towns such as Karimganj, Nowgong, Dhubri—in all these places, persons who are responsible for supply of electricity to the urban people are not in a position to cope with the growing needs of the area and have got to close their concerns at least in one or two cases. Now, before starting new ventures Government should have come to the aid of these old concerns, or should have taken up these concerns in their own hands. This would have not only saved the people of those towns from irregular supply of energy but would have also helped immediate growth of industries in those areas. I do not know what are these 13 places. But for the information of the Government I can tell them that in Karimganj and Silchar, might be also in Gauhati and some other places also, thousands of people settled from Pakistan fully conversant with the technical knowledge of small scale industries are ready to come forward to start industries if cheap electricity was available. If power could be made available to these people, it is sure they could have started new industries in

these areas and helped solving unemployment problem. I know some cases where the parties are quite well-to-do and who are running factories of their own like ice factories, ginning mills, etc. Now, Government of India have sanctioned a sum of Rs. 42 lakhs for ventures like these. But I am sorry to note that our Government have not yet tried to help these industrial concerns so that they can be in a position to utilise cheap electric power.

With these observations, Sir, I want to know what are those 13 places our Government contemplate electrification and on what basis they have selected these six places given here.

Shri RAMNATH DAS (Minister) : Mr. Deputy Speaker, Sir, I am surprised that my Friend, Mr. Umaruddin, has to-day raised certain points for taking up certain projects for the implementation of which Government have brought this demand. It is admitted by one and all that electricity is one of the most important factors for development of a country and without which development of a nation is very difficult to achieve. So the Government has taken up certain schemes for providing cheap power with a view to give power facilities and for removing unemployment as much as it is possible to do and also to help people in getting themselves employed in certain other industries. The sites have been also selected in taking into consideration the above facts. Sir, my Friend, Umaruddin, has said that before taking up any scheme or project there should be a thorough survey of the economy concern proposed to be started. Sir, that this is an essential prerequisite and Government is quite well aware of this. It is always necessary to have such surveys before selecting and site or taking up of any scheme. It is, Sir, after doing the preliminary surveys in these places, Government have decided to take up these schemes. Sir, it is admitted on all hands that cottage industries which we want to develop cannot be developed unless we produce the power first. Therefore in selecting sites Government has taken into consideration not only the existing industries which are running at present in those areas, but also has taken into consideration the development that can be brought about in respect of other industries which may crop up with the supply of cheap electricity in those places.

Shri RANENDRA MOHAN DAS : Will Government be pleased to give us an idea as to the total number of

employment Government have envisaged when these schemes will be put into operation ?

Shri RAMNATH DAS (Minister): A good number of people will be employed directly and indirectly, Sir.

Shri RANENDRA MOHAN DAS: The reply is quite vague.

Shri MOTIRAM BORA (Minister): The question is equally vague. A vague question evokes a vague reply.

Shri RAMNATH DAS (Minister): Sir, in my opinion, the question of employment has to be tackled both directly and indirectly. So we have not only taken into consideration the number of persons who will be employed directly but also we have taken into consideration the question of employment through the other industries that may eventually crop up in those places selected by us.

Sir, the points raised by my Friends have been replied by me.

Shri HARESWAR GOSWAMI: May I know the cost per unit of electricity ? I would also like to know what is the total units for domestic consumption and also that for industrial consumption.

Shri RAMNATH DAS (Minister): Sir, these are matters of details. But I can assure the hon. Member that the charges that we are going to levy will not be higher than that at which electricity is now being supplied by the various existing concerns.

(A voice—It is too high).

But even then people do not complain of the charges as much as they do for failure to supply electric current. I think my Friend, Mr. Umaruddin, will bear me out when I say that the people of Dhubri town did not complain about the charge levied by the Dhubri Electric concern but the complaint of the people was that the power which the company failed to supply should be restored as early as possible.

Maulavi MUHAMMAD UMARUDDIN : There is a great deal of difference between Dhubri and Titabar. There at Titabar Government have cottage industries and Government buildings.

Shri RAMNATH DAS (Minister) : Sir, there are cottage industries and Government buildings at Dhubri also.

Sir, with regard to the point raised by my hon. Friend, Shri Ranendra Mohan Das, I would like to say something. My Friend, Shri Das wanted to know what steps the Government have taken with regard to the development of power in Karimganj. Sir, although I did not like to say anything about Karimganj yet, I have to say something now because my Friend, Sri Das, has poked his nose and wanted to have certain informations. With regard to power-supply in Karimganj, my Friend saw me many a time. Sometimes he wanted Government to act in one way and sometimes in the other when with a view to improve electricity in Karimganj. Government had served notice of revocation on the party concerned. Mr. Das appeared before me and requested me not to revoke the licence of the present licensee and to grant time. The other day he again saw me and told me that it would be better if the Government could take up the management themselves. Sir, I do not know, how to please my hon. Friend, Sri Das.

Shri RANENDRA MOHAN DAS : Sir, no question of pleasing me. We want light and we want sun.

Shri RAMNATH DAS (Minister) : But, Sir, Mr. Das did not tell me so. He once told me that the license of the existing concern should be revoked and the same should be given to some other party.

Shri RANENDRA MOHAN DAS : Sir, as Chairman of the Karimganj Municipality, I wanted continuance of electricity in Karimganj. The Government may cancel the license of the existing concern, but light must be there and that light should continue. Sir, the best thing would be that Government should take up the management as ultimately they are responsible for continuing electric light in Karimganj.

Shri RAMNATH DAS (Minister) : Sir, my hon. Friend, Shri Das I think has not gone through the Electricity Act. A

license cannot be revoked at once as some time is to be given to the party concerned in whose name the license stands to show cause and when a license of a party is revoked, the management can stop supplying of current and Government cannot compel the party. Therefore, when Sri Das wanted that the license should be revoked and at the same time light should be there, so these contradictory wishes of his could not be given effect to. Further when Government served notice of revocation, Sri Das, with the party approached me to grant time to the party. Shri Das cannot say that Government did not or has not taken any steps so long to improve the power situation of his own town. Government have taken into consideration the difficulties of the existing licensee and have been considering now whether that concern should be taken up by the Government.

Mr. DEPUTY SPEAKER: The question is that an additional amount of Rs.17,34,110 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March 1956, for the administration of the head "81.-A—Capital Outlay on Electricity Schemes".

(The Motion was adopted.)

Supplementary Demand No.29 "Loans and Advances" etc.

Shri MOTIRAM BORA (Minister): Mr. Speaker Sir, on the recommendation of the Governor of Assam, I beg, to move that an additional amount of Rs.4,63,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head 'Loans and Advances, etc'.

Rs.

I. Grant originally voted by the Assembly	..	11,87,00,200
II. Additional amount now required	... ..	4,63,000

III. Sub-head under which the Supplementary demand will be accounted for—

Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
II. Loans and Advances by the State Government— B—Loans to Municipalities, Port Funds, etc.					
Loans to Autonomous Districts and Regional Councils.	..	..	..	10,000	10,000
Miscellaneous and advances.	Loans 1,22,20,000	..	4,53,000	..	4,53,000
Total	1,22,20,000	..	4,52,000	10,000	4,63,000

EXPLANATORY NOTES

1. The amount asked for was required to grant a loan to the Pawi-Lakher Regional Council to enable it to meet necessary expenses for, the management of its affairs. This being an unforeseen expenditure an advance of Rs.10,000 was sanctioned from the Contingency Fund. The loan is free of interest and recoverable in five equal instalments commencing from the next financial year.

2. The Government of India has sanctioned a loan of Rs.2,50,000 to this Government for the grant of Industrial Loans very late last year out of which Rs.47,000 only was spent during 1954-55. The Government of India has also recently sanctioned further loan of Rs.2,50,000 for the grant of Industrial loans during 1955-56. The balance amount of Rs.2,03,000 received last year and the further amount of Rs.2,50,000 received now is likely to be spent during this year. The expenditure could not be foreseen as the communication from the Government of India was received after the budget had been printed and hence the Supplementary Demand.

Mr. DEPUTY SPEAKER: The Motion moved is that an additional amount of Rs.4,63,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March, 1956 for the administration of the head "Loans and Advances, etc".

Rs.

I. Grant originally voted by the Assembly	..	11,87,00,200
II. Additional amount now required	... ..	4,63,000
III. Sub-head under which the Supplementary demand will be accounted for—		

Minor and sub-head	Grant originally voted by the Assembly		Additional amount now required		
	General	Sixth Schedule	General	Sixth Schedule	Total
	Rs.	Rs.	Rs.	Rs.	Rs.
II. Loans and Advances by the State Government— B—Loans to Municipalities, Port Funds, etc.					
Loans to Autonomous Districts and Regional Councils,	..	..	..	10,000	10,000
Miscellaneous Loans and Advances.	1,22,20,000	..	4,53,000	..	4,53,000
Total	..	1,22,20,000	..	4,53,000	10,000
					4,63,000

Mr. DEPUTY SPEAKER : The question is that an additional amount of Rs.4,63,000 be granted to the Minister-in-charge to defray certain charges which will come in the course of payment during the year ending 31st March 1956, for the administration of the head "Loans and Advances, etc".

(The Motion was adopted).

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

***SRIMAN PRAFULLA GOSWAMI:** Mr. Deputy Speaker, Sir, I beg to move the amendment to the Assam Adhiars Protection and Regulation (Amendment) Bill, 1955 (as reported by the Select Committee).

(i) That after item (i) of Sub-clause (1) of Clause 5 a new proviso be added before the existing proviso as follows:—

“Provided that if the area of cultivable land held by the landlord in the aggregate amounts to only thirty bighas, he shall be entitled to resume for personal cultivation the entire land, but if it exceeds thirty bighas, then he shall be entitled to resume only two-thirds of the total area held by him or thirty bighas, whichever is higher, subject to an overall maximum of one hundred bighas, including the land already held by him under his personal cultivation at the time of resumption”.

(ii) Add the word “further” after the word “Provided” in the first line of the existing proviso.

Mr. Deputy Speaker, this is a very important piece of amendment. It is intended to save the Adhiars from the hands of the landlords. Sometimes we have seen that landlords under some plea or other want to take away the lands from the tenants (Adhiars). So, Sir, with that idea, when we have amended this Act, we want further to amend it so that the landlords may not take away the entire lands under cultivation by the Adhiars. Sir, any landlord or landowner who wants to do cultivation will be able to take the land entirely provided if the land aggregate amounts to thirty bighas only, but if it is more than thirty bighas, in that case he cannot resume the entire land, that is why this amendment has been moved wherein we have fixed some amount of limitation subject to an overall maximum of one hundred bighas, that is he cannot take or resume more than 100 bighas. Sir, in the previous Act there was no such fixation of limit. So it is seen, sometimes landlords who have several bighas of land in their hands, under some plea or other take away the land from the Adhiars. So in order to protect the Adhiars, this amendment has been moved so that the Adhiars cannot be exploited by the landlords or landowners on some certain pretext.

With this idea, I am moving this amendment. I hope the House will accept it.

Mr. DEPUTY SPEAKER: The Motion is (i) that after item (i) of Sub-clause (1) of clause 5 a new proviso be added before the existing proviso as follows:—"Provided that if the area of cultivable land held by the landlord in the aggregate amounts to only thirty bighas, he shall be entitled to resume for personal cultivation the entire land, but if it exceeds thirty bighas, then he shall be entitled to resume only two-thirds of the total area held by him or thirty bighas, whichever is higher, subject to an overall maximum of one hundred bighas, including the land already held by him under his personal cultivation at the time of resumption".

(ii) Add the word "further" after the word "Provided" in the first line of the existing proviso.

Shri HARESWAR GOSWAMI: Mr. Deputy Speaker, Sir, although I am in agreement with the amendment moved by Sriman Prafulla Goswami, yet I consider at this phase it is out of tune with the Adhiars Protection and Regulation (Amendment) Bill. Sir, I know that my Friend wants to help and protect the Adhiars from the grips of the greedy landlords, but the amendment suggested raises a question of fundamental policy, and if that fundamental policy is to be discussed in the body of an amendment, we are put to a difficult position. What is the fundamental policy here? The fundamental policy here is underlying a principle of the amendment that 30 bighas should be the family or economic holding, and whatever the policy may be, the whole conception of the amendment is to put the maximum limit at one hundred bighas; and if we are wedded to it, then of course this amendment fits in. But we have still doubts about it. In a State like Assam where we have so very little of land left that even if we redistribute it, there is not much land to go round. Sir, due to intensive and mechanical cultivation we can increase the yield of our land, and this is being done also by the Japanese method of cultivation. But now, Sir, by this amendment, we are trying to fix the ceiling at 100 and bottom at 30 without taking into consideration the changes in the method of cultivation and the availability of land. Sir, once the Congress wanted that 150 bighas should be the maximum holding, and a resolution to that effect was passed. To-day we find here 100 bighas has been fixed as the maximum holding.

Here in the amendment, we find, "Provided that if the area of cultivable land held by the landlord in the aggregate amounts to only thirty bighas, he shall be entitled to resume for personal cultivation the entire land, but if it exceeds thirty bighas, then he shall be entitled to resume only two-thirds of the total area held by him or thirty bighas, whichever is higher, subject to an overall maximum of one hundred bighas."

Here, Sir, the wording is very defective and there will also be some amount of discrimination. So, Sir, we find that 100 bighas will be the maximum, otherwise what is the use of putting here the overall maximum at one hundred bighas.

Sir, although it is not clearly stated here that 30 bighas is the family holding and 100 bighas the maximum holding, but the whole policy is that we are moving towards that goal, and that is the underlying purpose of the amendment.....

(Voices.....100 bighas is not necessarily the maximum holding. আপুনি কথাটো ভুল বুজিছে।)

There is a possibility—there is room for some other type of interpretation also, but we find here the policy underlying this amendment is 100 bighas as the maximum holding, otherwise why this word 100 bighas is here in the amendment. Sir, entirely I agree with the mover of the amendment, I would rather give less, but I will not put the maximum as this because of some other reasons. Sir, the consideration of this nature of amendment involves consideration of a very important basic principle. Therefore, it should not come in the form of amendment. Sir, it is quite possible to introduce a land reform Bill incorporating these principles in the next session and we should put pressure on the Government by bringing such a Bill which will be the foundation of stone our land reforms setting the minimum and maximum holding. It is time we made up our minds and once made up we should not go on changing these things so often. If the Adhiars have been suffering so long, let them suffer for three months more; personally I don't mind, but our minds on this vital point has to be made up what we consider the proper amount of land for family or economic holding and the maximum holding and then put those figures in the amendment. Sir, I admit that the Adhiars should be protected from grips of the landlords or landowners but that is no reason why we should do thing hastily to be changed later on.

My whole contention is that it should be discussed in a proper Bill and I would like that to come before the House immediately, if possible tomorrow, in the form of a new Bill. I or my Friend, Sriman Goswami, knows well that the Adhiars have been suffering for ages and if their sufferings by a few more months compel us to legislate on this all important subject, that will be only too good. This is an important matter on which something has to be said. I personally think that 30 bighas of land need not be given to form a family holding for an average family in Assam and in view of modern method of cultivation hundred bighas of land need not be the maximum holding; it should be less. The Planning Commission also stated that maximum holding should not be more than 3 times the average family holding. As I stated in the last Budget session, I consider that in Assam 50 bighas should be the maximum and 15 bighas should be the minimum for an average family and on that line I am thinking and till that is done, I would request Sriman Goswami to withdraw the Amendment not because I am opposed to it but because there will be some conflict if it is adopted. I therefore request Sriman Goswami to put pressure on the Government to come forward with a new Bill so that we can decide to fix the maximum and minimum in this respect once and for ever.

Shri GAURISANKAR BHATTACHARYA : Mr. Deputy Speaker, Sir, this Amendment has raised before the House a very important issue, the issue of maximum and minimum holding. I had the honour of sitting in the Select Committee when this Bill was being considered by the Select Committee and I can tell the House that the Select Committee also had discussed this point elaborately and it was our considered opinion that the question of maximum and minimum or rather both should not be brought in the present Bill because that involves a fundamental policy of agrarian reform. The Agrarian Reforms Committee was also not in favour of making this sort of piecemeal reform.

Now, Sir, the very purpose of the Adhiars Act is to give some immediate protection to the Adhiars and to regulate the relationship between the Adhiars and the landlord. The purpose of the Adhiars' Act is not to make a thorough change or an overall change of nature of land tenure which is left to the Agrarian Reforms Committee. Now, has the Government finally decided as to what will be the minimum holding and what will be the maximum holding? I think not. And if a decision

has not been taken on that question then this amendment cannot come. Further more, there are important implications involved in this amendment. Firstly, it takes as granted that 30 bighas will be the minimum holding. What policy the Government follows at the time of allotting land to the landless when a reserve is thrown open and when some settlement is given in the Khash land? Generally we find that in some cases for an average family of 5 members 10 bighas, in some cases 12 bighas and in some cases 15 bighas are allotted. There are very few instances where the Government has been allotting more than 15 bighas to an average family. So, it appears that the policy which is followed by the Government up till now with regard to the minimum is 15 bighas. Now, how is it that all on a sudden this minimum is raised to 30 bighas with a view to evict an Adhinar for his being deprived of his land. As Mr. Goswami has aptly said, the suggestion of the Agrarian Reforms Committee is that maximum should be 3 times of what the minimum will be. Now, if the minimum be fixed at 15 bighas, the maximum will be 45 bighas, if the minimum is 20 bighas then the maximum will be 60 bighas, and so on. In the proposed amendment the maximum is more than 3 times. So, I think that this is a matter which requires more serious attention of the Government and Government should as quickly as possible to come forward with a measure wherein this question of ceiling and the bottom will be decided. But so far as this amendment goes it is only apparently in favour of the Adhinar, but is not really so. In other words, this Amendment does not propose any relief to the Adhinar. If an Adhinar holds only 10 bighas or 15 bighas of land and if he has nothing to fall back upon when he is evicted, he becomes completely stranded; so for whom it is made? It is made in the interest of the landlord, and not in the interest of the Adhinar. It is found here that if an area of cultivable land held by a landlord in the aggregate amounts to 30 bighas he shall be entitled to resume for cultivation the entire land of the Adhinar. If an Adhinar has only some 10 or 15 bighas of land under his plough having no other means of livelihood to fall back upon and if the landlord takes away his entire holding, the Adhinar becomes completely stranded as after he is evicted nothing is left to him. I would have been grateful to the mover if he would have made some provision of maximum and minimum for the Adhinar so that under no circumstances he could be evicted from that ceiling. Unless that is done or an alternative occupation is found out for an Adhinar he should not be evicted without leaving any land for him. He will then be a pauper and he will

be a burden to the society. But a landlord who has some other avocation in his life doing something or other will not be affected so much if he is not allowed to resume for his personal cultivation as much as land is contemplated here. But an Adhjar will be greatly affected, vitally affected, if nothing is left to him to plough. Here in this Amendment real or proper protection to the Adhjar is not given, rather it encourages the landlord to go on with eviction. I do not say that the lot of the landlords should not be improved.

But we should also see that we do not impoverish a vast number of people altogether and give some additional benefit to some people. Therefore, Sir, this amendment is, in the words, of Mr. Goswami, not only premature but is also mischievous. The ultimate effect will be dangerous to the Adhijars. If this amendment is passed, we shall see that there will be numerous cases of eviction of peasants and Adhijars who have been holding land from the middle or even rich peasants will be evicted from their land because the landlords will get this amendment as a handle. Now, it may be said that even without this amendment this kind of eviction is possible. Yes, it is possible but then in the Bill there is scope for the discretion of the Court and Conciliation Board. If this amendment is passed, there will be no discretion left to the Board, as the Board shall have to be guided by this amending clause. Without this clause the Board will have a greater scope for consideration. In certain cases, if the Board feels necessary, it may consider in favour of the landlord if the hardship of the landlord is really appreciable and in some other cases it may decide in favour of the Adhjar if his hardship is really great. At any rate, this Conciliation Board will have a wider scope of discretion if this amendment is not there. On the other hand if the amendment is accepted, the scope of the Board will be limited as it cannot go beyond what is specifically stated in the Act. That is why, Sir, at the consideration stage of the Bill, we did not, having considered all the pros and cons, press for fixation of the maximum and the minimum. Now, with all respect to the intention and spirit in which this amendment has been brought forward, I think it is not only premature but its result will be very harmful to the Adhijars. I think and believe that the intention of the mover or movers of the amendment is far from that. They want to do some good to the Adhijars. Therefore, I hope they will press the Government to decide once and for all about maximum and minimum ceiling of agricultural holding and not try to put this sort of amendment to

this Bill because this amendment will not improve the Bill but will, on the contrary, make it more complicated. It will circumscribe the scope of the discretion of the Conciliation Board and also of the appellate court and it will above all go very clearly against the Adhiars. I, therefore, oppose this amendment moved by my Friend, Mr. Goswami.

Shri BIMALA KANTA BORA: Mr. Deputy Speaker, Sir, I find this amendment, moved by my Friend, Mr. Goswami, is absolutely necessary in order to give some protection to the Adhiars. Without this amendment, the Adhiars will get absolutely no protection. Mr. Bhattacharyya said "let them be left to the mercy of the Conciliation Board; do not fix any limit to the area which can be resumed by the landlord; leave the whole matter to the Conciliation Board". Now, Sir, the Bill, as came out of the Select Committee, did not contain this provision, and I find that this was really a defect. This amendment seeks to remove that defect. Mr. Bhattacharyya was a member of the Select Committee and he also did not notice this defect. He now criticises the landlords as exploiters. He says the amendment is mischievous, dangerous and so many things. He himself admitted that this matter was discussed in the Select Committee; why did he not suggest more protective measures for the Adhiars then? He did not do anything for the Adhiars there, he left them to the complete mercy of the Conciliation Board, but what will that lead do? This law has given the landlord the right to resume land; this right of resumption given to the landlord is not disputed. If that right had not been given, you could take away the entire land from the landlord. That is a different matter, but so long as the landlord enjoys the right of resumption you must give some protection to the Adhiar under the Bill. This lacuna is sought to be removed by the amendment.

Then, Sir, I feel that my Friend, Mr. Goswami, is not clear in his mind about the scope of the amendment. He spoke about maximum ceiling, economic holding, and so on. But here we are dealing with the relations between the landlord and the Adhair. Here, the landlord has got full rights over his land. The land is not expropriated from him. This question of maximum and minimum ceiling come only with regard to the landholder. The landholder should have an economic holding and a ceiling may be fixed in relation to him, but the question of fixing a maximum or minimum

holding for the Adhiar is not the fundamental issue in this case. Now, a landholder who gives land to an Adhiar for cultivation may himself become a cultivator after resumption. My Friend, Mr. Bhattacharyya, thinks that if 30 bighas of land is fixed as the area that can be resumed by the landlord, the Adhiar's interest will be in jeopardy. But that is a wrong conception because as soon as the land is restored to the landlord he himself becomes a cultivator and he must have an economic holding, which is normally 30 bighas. Therefore, the right of resumption of 30 bighas of land, given to the landlord, is not inconsistent with the fixing of maximum or minimum ceiling. You should not grudge to give an economic holding to the landlord if he wants to resume the land and cultivate it himself. There is nothing wrong with this amendment. I consider it to be a good amendment. My Friend, Mr. Bhattacharyya, said that in allotting waste lands we do not give more than 10 or 12 bighas to a man. He, therefore, asked why we did not give 30 bighas to those persons if that was considered to be the economic holding here. Sir, that is a different matter altogether. Allotment of waste lands depends on the availability of land. I know of cases where even 3 or 4 bighas have been allotted because land is not available. That point is not at all relevant here. I, therefore, find, Sir, that there is nothing wrong with the amendment and I support it.

Adjournment

The Assembly was then adjourned for lunch till 2 P. M.

After lunch

Shri MOHI KANTA DAS (Parliamentary Secretary):

Mr. Speaker, Sir, in connection with the amendment submitted by Sriman Goswami, two points have been raised one by Shri Hareswar Goswami and another by Shri Gaurisankar Bhattacharyya. Shri Goswami said that without fixing ceiling for land we should not fix any ceiling when resuming land and that we should not fix 30 bighas as minimum and 100 bighas as maximum.

Mr. SPEAKER: I think, Mr. Umaruddin, should speak now as just before the House adjourned for lunch he took his stand.

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, now the Motion before the House is the amendment moved by my hon. Friend, Sriman Prafulla Goswami, on clause 5 of the Amending Bill. Here, he goes to fix certain ceilings on lands which under some circumstances a landholder will be able to have for personal cultivation. When the Bill was under discussion, I pointed out that in view of certain provisions which have further reduced the proportion of share of a landlord there will be a tendency on the part of many landlords to resume their land under clause 5 of this Bill.

Now, with a view possibly to control that tendency or to give effect to the idea of giving only a definite area of land to the landlord to resume this amendment, he proposes to fix a ceiling. In other words, this is an idea which has cropped up in the mind of the Mover of the amendment that some restriction should be placed. But he has failed to explain the basis of 30 or 100 bighas, as a ceiling on land which a particular landholder will get for his personal cultivation. Therefore, it seems, Mr. Goswami has tried to raise this point only in respect of the Adhiar and not in respect of a tenant, which is also a matter which should engage the attention of Government in connection with land reforms. For instance, under the Zamindari Abolition Act, we have fixed a ceiling for 150 bighas of private land to a tenure holder. This is applicable in the district of Goalpara and some parts of Cachar alone. I do not know for the rest of Assam, what ceiling is going to be fixed for private land of tenure holders on abolition of intermediaries. The whole question is inter-connected and so, I find that Government have not been able to come to a decision on the general question of ceiling because we do not know what will be the repercussion of this amendment on the Adhiars and the landholders. We cannot visualise the extent of the repercussions unless the total area of land in possession of Adhiars in the State, is ascertained and the total number of Adhiars likely to be adversely affected by this legislation? The whole economic structure so far as land is concerned should be taken into consideration. An Adhiar is a mere partner in the matter of cultivation of the land with the landholder. He is not a tenant; so with the abolition of intermediaries a tenant gets the land on payment of compensation but in the case of an Adhiar he stands nowhere. He is at the mercy of the landholder. He gets a share of the crop by an arrangement with the landlord. This has

been a social arrangement by which an Adhiar gets a share for his labour. We are trying to give protection to the Adhiar but in practice he will be at the mercy of the landholder, because if the landholder wants to resume his land.....

Mr. SPEAKER: You mean to say that there is no definite rule how it should be done?

Maulavi MUHAMMAD UMARUDDIN: Unless, we have got a comprehensive picture of the whole State so far as Adhiars are concerned, we cannot come to a definite conclusion with regard to their fate. I want to know, whether an Adhiar is a landless person? Merely because an Adhiar cultivates land on share basis, I want to know whether he will be treated as a landless person? Under the present system we cannot confer on him any right on the land. For this reason, we can curtail certain amount of rights of the landholder in order to give relief to the Adhiar, but the question is how far we can reasonably encroach on the rights of a landlord. For instance, if we allow the landholder to resume say 30 bighas, there will be a tendency to resume the same area on the part of the landholder because you have cut down his share from $1/3$ to $1/4$ and from $1/4$ to $1/5$.

How many people are going to be thrown out of employment when the land is resumed by the landlord and what is going to happen to them—that is a pertinent question. What will be the fate of these people and how will they be provided—that is also a question to be looked into. And in estimating the number of landless people in the State, whether Government should take the Adhiars as landless people? Sir, in my opinion people who stand on such precarious rights so far as enjoyment of land is concerned should be treated as landless people. Therefore, Sir, these things have got a very important bearing from the economic point of view. We have seen that Government have brought various amendments to this Act from time to time without examining the question very thoroughly and carefully. It seems to me this is simply a propaganda. In 1948 the Assam Adhiars Protection Bill was brought. In 1953 certain amendments were brought and again this year some more amendments have been brought. It appears that Government have been changing their mind year after year without actually applying the Act into practice. In my own district I find there is not a single official arrangement to put the existing

Act into practice. Mere extension of the scope of the Act is not enough. What administrative machinery we have got to give relief to the Adhiars so that they can take advantage of the provisions of the Act? Now this Act will be a dead letter unless it is put into practice. I want to know from Mr. Goswami and Mr. Das whether any difficulty has been experienced in applying the existing provisions of the Act into practice? If so, what are those difficulties? Or whether these amendments have been brought only with the motive of propaganda or to remove certain difficulties in giving relief to the Adhiars. When Adhiars Protection Bill was brought as early as 1948 and was applied in some districts only and yet no action was taken to enforce it seriously. This is a very serious matter. We have not been able to take advantage of all such land reform measures in the context of our development programme or in the context of improvement of the economy of the people, because still we are being guided by the Assam Land Revenue Regulation. We have been seeing how amendments are coming year after year, but nothing has been done in actual practice. It seems as if these amendments have been brought with some ulterior motive. Amendments should not be brought with any other motive than giving actual relief to the Adhiar. If the landlord himself becomes a tiller of the soil, what will be the fate of the Adhiar? Of course, if a landlord become himself a cultivator and cultivates the land and raises more crop and gets higher produce, that is quite good, but at the same time there should be some arrangement to give employment to another set of people who will be thrown out of the land as a result of certain measures we are now taking. Will Government now say that these people should find out avenues for themselves and the State have no responsibility? As I stated before, it is a mere piece of propaganda which is brought to hoodwink the people, as we find no corresponding measure to help those effected people, who are left to their fate. It has been brought with a view to forestall the Bill of which Mr. Gaurisankar Bhattacharyya gave notice during the last Session and there is no sincerity of purpose behind it.

So, Sir, we must examine the consequences—economic and social—so that we may know where we stand and devise ways and means to meet the consequences arising from such legislation. On the one hand we must have such a scheme by which we shall be allowing the landowner to become the tiller of the

soil and on the other hand we should be able to provide to the ousted Adhiars other avenues of employment. Unless we can do that we cannot improve the present situation.

I, therefore, maintain that this measure should be a subject of study and examination. I suggest that a Committee should be set up to go into the whole question of Adhiars in this State and bring out the actual conditions of the Adhiars and advise Government as to the advisability or otherwise of this measure. This problem should be considered from all stand-points and after proper study and examination necessary measure should be devised. With these words I oppose the Amendment moved by my Friend, Mr. Goswami.

Shri MOHI KANTA DAS (Parliamentary Secretary): I beg to support the Amendment moved by my Friend Sriman Goswami. The amendment has been objected to firstly on the ground that ceilings of land—minimum or maximum have not been fixed and secondly.....

Mr. SPEAKER: He has not expressed in those terms, but I feel there must be ceiling for each family. If a family consists of 35 members, how much will you give—100 bighas or more?

Maulavi MUHAMMAD UMARUDDIN: That is one of the basis I say.

Mr. SPEAKER: Here you have no basis. Either you give individually or per family, say for a family of 3 or 4 the limitation should be 40 bighas or for an individual it should be 10 bighas. I may be thoroughly wrong and you are perfectly at liberty to controvert these points.

Shri MOHI KANTA DAS (Parliamentary Secretary): The trend of objection of my Friends, Sir, is that without fixing the maximum or minimum ceiling for land there should not be fixation of maximum or minimum in case of resumption. That is one point. The second point as pointed out by my Friend, Mr. Bhattacharyya, is that this amendment is a mischievous one. Now, as regards the first point, my Friend, Mr. Das, will be in a better position to explain why without fixing the maximum and minimum ceiling of the land, ceiling for resumption has been fixed. Sir, it may be that according to my Friend, Sriman Goswami, 30 bighas of land would be an

economic holding. He is at liberty to think like that ; of course Government or this House may fix in due course what may be the minimum and maximum holding that a family may possess but that is a different matter. As I said, Mr. Goswami may think that 30 bighas of land is a minimum and if after resumption something is sliced out of it for the tenant, it will benefit nobody. Suppose 10 or 15 bighas are left for the tenant out of 30 bighas, will that benefit anybody? No. As regards land which exceeds 30 bighas his amendment is that $\frac{2}{3}$ rd should be resumed and $\frac{1}{3}$ rd should remain with the tenant. Thus Mr. Goswami's amendment has some consideration for the tenant, because, as I have already explained in the case of a minimum holding comprising 30 bighas he thinks it should be entirely resumed. But so far as the area which exceeds 30 bighas he reserves some portion for the tenant. Suppose a tenant was given 150 bighas of land, the landlord can resume 100 bighas only if he wants it for his personal cultivation or use and must leave the rest for the tenant.

Mr. SPEAKER: What is the average for a family of 5 or 6 members?

Shri HARESWAR DAS (Deputy Minister): In Lakhimpur it is 6, but in Sibsagar it is 5.5. So in the average this is the average—5.5.

Shri KARKA CHANDRA DOLEY: মহোদয়, কিছুমান এনেকুৱা পৰিয়াল আছে, যত ৫০/৬০ জনকৈ একোটা পৰিয়ালতে মানুহ আছে। বিশেষকৈ নই সাধাৰণ মিৰি আৰু দেউৰী পৰিয়াল বিলাককে উল্লেখ কৰিব পাৰো। তেনে পৰিয়ালৰ ১০/১৫ বিঘাকৈ Economic holding হ'ব নোৱাৰে, তাতকৈ বহুতো বেচি মাটি লাগিব।

Mr. SPEAKER: There you have got the information that in a Miri family you have got 50 to 60 bighas, per family.

Shri MOHI KANTA DAS (Parliamentary Secretary): Then in the case of land below 100 bighas, if $\frac{2}{3}$ rd of it is resumed, still $\frac{1}{3}$ rd is left for the tenant. So Mr. Goswami has reserved certain portion of land for the tenant in case of resumption.

Sir, without Mr. Goswami's amendment there will be no reservation of any land for the tenant in the case of

resumption under clause 5 (1) (i). Now Sir, hon Members will judge whether our Mr. Goswami (Voices from the Opposition—Not our Mr. Goswami.) (*Laughter*) So, Sir, my Friend Mr. Bhattacharyya's remarks that this amendment is a mischievous one is unwarranted. It has been his habit from the very beginning to accuse the Government without reason.

Mr. SPEAKER: Don't be too harsh on him.

Shri MOHI KANTA DAS (Parliamentary Secretary): All right Sir, I will conclude by saying that that his remark that our Mr. Goswami's amendment is a mischievous one is unwarranted and uncalled for.

With these words, Sir, I resume my seat.

Shri NILMANI PHOOKAN: Mr. Speaker, Sir, I want to support this amendment on the ground that at least it will have some measures of palliative to the Adhiars who have been harassed even during the Adhiars Protection Act was in operation in hundred and one way. I know some particular cases where the big landlords all on a sudden wanted to become tillers of the soil after having for a generation two or three Bharals to the fullest capacity and without having a single plough or a pair of bullock of his own but feeding all the while fat on the produce grown for him by the Adhiars. But when the Adhiars Protection Act came into operation they had to lose a moiety of the *Adhi* and for that reason they wanted to use all sorts of pressure on the poor tenant who is very helpless in spite of the so called Adhiars Act for the protection of the tenants. Now Sir, it is the policy of the Government to introduce radical land reforms for the protection of the poor tenants, the big landlords and the zemindars are harassing and oppressing the poor tenants by various devices. Therefore, in my opinion this amendment will protect the Adhiars to some extent at least before a system of radical land reforms that are so much in the air now are introduced. A man should be allowed to hold at least 30 bighas of land to till. If a landlord wants more land over and above these 30 bighas he can utilise for himself up to the limit of hundred bighas. This ceiling of maximum and minimum—30 bighas to 100 bighas—does not bind the hands of the future legislators to wreck their brains as to what should be the economic holding at that time. It is in case of the landlords and tenants only that a ceiling has been fixed. Therefore the big landlords will naturally try to oust the tenants on the pretext that they will themselves till all their lands. That has already been happening

in my side of the country. But as my Friend, Mr. Umaruddin, has said "one thing is not very clear. Who is the landless tenant at present? Can we call a tenant landless in all cases?" Can we call all big landlords tillers of the soil? We can easily presume that a man having 100 bighas of land for himself to till will not come to till others land, only to part with half of the fruit of his labour. Therefore, Sir, a few acres or bighas of land are not sufficient for maintenance for the whole year. Therefore my contention is that the Adhiars Protection Act is not doing as we expected that it will do. We expected all the time that another piece of legislation will be enacted very soon to bring about a radical change in the land policy of the Government. In the meantime to protect the tenants from the harassment of the landlords, this amendment will serve as a sort of preventive.

I have some other reasons to support this amendment. Recently Government of India have circulated to the State Governments, I do not know whether our Government have received this circular, but I have seen this in a newspaper report—that in anticipation of the new radical change in the land policy of the Government, many of the landlords will try their best to oust the tenants as soon as possible. Therefore that the State Government should take care so that these people who are already getting lands under the tenancy settlement are not ousted. As a matter of fact, we have already seen that the Adhiars Protection Act, has not been able to give much relief to the poor tenants and now, in anticipation of the proposed measures of land reforms to be undertaken by Government, landlords take resort to any repressive method of harassment. I hope this amendment will serve, at least to some extent, as a palliative measure, and therefore I would request the House to accept the amendment.

Mr. SPEAKER: শ্রীকৰ্ক চন্দ্ৰ দলৈ, আপুনি কব খুজিছিল,—কওক এতিয়া।

Shri KARKA CHANDRA DOLEY: চাৰ শ্ৰীডেকাই আগতে কওক, তাৰ পিছত মোক কবলৈ দিলেও হব। মোৰ বেচি কবলগা নাই—কাৰণ মোৰ কব লগা কথা খিনি আগতে কেবাজনেও কৈছে।

Shri MOHENDRA NATH DEKA: Mr. Speaker, Sir, I beg to take my stand to support the amendment moved by my Friend, Sriman Prafulla Goswami. This amendment is really a very important one and if accepted by the House, it will go a great deal both in favour of the Adhiars in occupation

of the lands and also in favour of those persons who are so called landlords. It is known to the hon. Members of this House that the owners of land in our State, each owning 30 bighas, or less are far greater in number than the number of persons owning more than thirty bighas each. This is a fact. A poor widow, for example with five or six minor children, having 30 bighas of land is often compelled to allow her land to be occupied by Adhiars and if she is not allowed under the provision of the law to resume her land she will be thoroughly reduced to the position of a landless person; it will indeed be a great hardship on her part. Such a person should have protection under the law. Now, Sir, my Friends Mr. Bhattacharyya and Goswami have spoken in favour of fixing a ceiling on ownership of land. In this particular case, my Friend Goswami has come with a provision to make a case of resumption from the Adhiars. Sir, it is not a question of ownership. The question of future acquisition of land and the question of reduction of land of those landlords and Zamindars only come when the ceiling of ownership of land comes in. In the case of ownership of land of 500 bighas in anybody's possession it may lie fallow still he is the owner of the land. So, Sir, with the question resumption from Adhiars we need not confuse the question of ownership. So I would like to say that the contention of Shri Goswami is fallacious. Therefore, I whole-heartedly support the Motion moved by Sriman Prafulla Goswami.

(Sriman Prafulla Goswami rising to speak),

Shri HARESWAR GOSWAMI: Sir, on a point of order, there is no right of reply on an amendment.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I accept the amendment moved by my Friend, Sriman Prafulla Goswami. From the speeches of my hon. Friends both Shri Hareswar Goswami and Shri Gaurisankar Bhattacharyya, it appears that they are labouring under a misconception.

Now, Sir, both my Friends, Sri Goswami and Bhattacharyya raised their voices that this amendment fixes the ceiling and the bottom of land. This amendment does not fix any ceiling or bottom of land. It merely puts a restriction as to how much could be resumed. If a landlord has got 300 bighas of land he can resume the entire land under the Bill and the Act, and in future the landlords will begin eviction. As a matter of fact, eviction has begun. So just to put a restriction, we have

fixed 100 bighas of land for resumption and not more than that. This very clause with regard to the resumption of land for personal cultivation is mentioned in items 2, 3 and 4, so it is not a ceiling.

Mr. Goswami has raised the question that wherefrom this 100 bighas and 30 bighas have come. The present policy of the Government had been laid down in 1945, which is rather better known as 'Tripartite Agreement of 15th July, 1945'. There this principle was accepted. 20 bighas of land for a family consisting of five members, and 30 bighas of land for a family consisting of more than five members. So, it appears that the economic holding of land for a cultivating family of five members had been fixed at 20 bighas and for a cultivating family of more than five members 30 bighas had been fixed.

Sir, on this point Mr. Umaruddin has raised a very pertinent question that there may be cultivators in the family. A man dies leaving behind him some minors and the entire land is given to the Adhiars for cultivation and after some time the sons want to cultivate the land by themselves and it would be sheer injustice to prevent them to take back the land from the Adhiars ; so up to 30 bighas of land will be held by a cultivating family, and in that case they will be entitled for personal cultivation and they can resume the entire 30 bighas of land. But there may a landlord who is not a cultivator, in that case a ceiling should be fixed. This should be just in line with the recommendation of the Planning Commission.

Shri HARESWAR GOSWAMI: Sir, on a point of information. Just now the Deputy Minister-in-charge of Revenue told us that in accordance to the Tripartite Agreement of July, 1945, 20 bighas had been considered as economic holding for a cultivating family of 5 members and 30 bighas for a family of more than 5 members. Then, Sir, are we going to change this and increase it to 50 bighas as suggested by the Planning Commission ?

Shri HARESWAR DAS (Deputy Minister): Another mistake has been committed by my Friend Shri Goswami. 20 and 30 bighas economic holdings are not ceilings. This economic holding is for settlement of waste land, that is not ceiling.

Shri HARESWAR GOSWAMI: I wanted to be clear about this point. Can there be two concepts of economic

holdings—one for the purpose of settlement and another for cultivation ?

Shri HARESWAR DAS (Deputy Minister): That is not so. These words were used in 1945. What was correct in 1945 may not be correct now. The Planning Commission does not use those words.

Mr. SPEAKER: It depends on the availability of land.

Shri HARESWAR DAS (Deputy Minister): The Planning Commission directs that the maximum ceiling should be three times the family holding and not economic holding.

Shri HARESWAR GOSWAMI: Family holding cannot be more than two times the economic holding.....

Shri HARESWAR DAS (Deputy Minister): If my Friend disturbs me like this, I may miss my link. I am not an orator.

Sir, in 1945 the words “economic holding” were used. But this description is misleading. What is economic for a family of 5 members may not be so for a family of 20 members. Therefore the concept of optimum holding replaced that of economic holding. Optimum holding means so much land by cultivating which a family can maintain itself just like families following other vocations. This theory is also going to be exploded now. The Planning Commission therefore uses the words “family holding”. But it has not defined it. Its area differs from State to State. The Land Settlement Policy of Government adopted in 1945 defined the word economic holding as 20 bighas and 30 bighas but due to dearth of land it could not be given effect to.

There is another factor. The general tendency of our cultivators is not to move away from their paternal homes. They generally demand lands near about their paternal homes. They are even willing to take five bighas of land near their paternal homes instead of 30 bighas of land, say, 10 miles away from them. So, Sir, there is some difficulty in settling lands with them. The theory of 15 or 30 bighas cannot therefore be maintained. The theory of land reform has completely changed since 1945.

Another point raised by my Friend, Mr. Bhattacharyya is that this amendment is detrimental to the interests of the Adhiars. That is not so. Under the present provisions of the Act, the landlord can resume the entire land. This amendment does not allow him to do so. It does not put an over all upper limit of land, which will be fixed by a comprehensive legislation, to be brought later. This amendment is to prevent eviction of those adhiars who occupy land over the limit fixed for resumption for personal cultivation.

The amendment says—"provided that if the area of cultivable land held by the landlord in the aggregate amounts to only 30 bighas, he shall be entitled to resume for personal cultivation the entire land, but if it exceeds 30 bighas, then he shall be entitled to resume only two-thirds of the total area held by him or thirty bighas, whichever is higher"

So if a landlord holds 60 bighas of land then he will be entitled to resume two-thirds, that is 40 bighas. If he holds 31 bighas, he will be entitled to resume 30 bighas. This is a marginal case. It may be said what the Adhiar will do with one bigha of land? But there is no help. Land is not like cash money that it may be changed into small coins and distributed among people. So, Sir, that is the meaning of two-thirds or 30 bighas which ever is higher. If a landlord left out 200 or 300 bighas, he will be entitled to resume only 100 bighas. On completion of 100 bighas the landlord will be prevented from resuming any more land for personal cultivation but he may hold any quantity of land.. There is no ceiling here. The landlord can resume more land on other grounds *e. g.*, if the Adhiar does not cultivate or makes the land unfit for cultivation. On these grounds land may come back to the landlord.

Mr. SPEAKER: Mr. Karka Chandra Doley also raised some points on this issue.

Shri HARESWAR DAS (Deputy Minister): Those points will be decided in the comprehensive Act. All those points will be thrashed out there.

Now, Sir, my Friend Mr. Bhattacharyya has raised a point that we have fixed a minimum of 30 bighas. I have already said that we have not fixed any minimum.

Mr. Umaruddin pointed out that 150 bighas ceiling have been put in Zamindari Abolition Act. That is not correct. That 150 bighas, which an intermediary can retain, is out of his private land. He can purchase any quantity above this 150 bighas. There is no bar. A proprietor is entitled to retain 400 bighas and an intermediary, say, a Jotdar will be entitled to retain 150 bighas from his Khamar land, that is to say his private land. Under the Goalpara Tenancy Act any land can not be declared as Khamar land. In 1929 the Golpara Tenancy Act was passed and at that time the private lands were so declared under the provisions of that Act. It cannot be done now. Now my Friend says that there is some contradiction. I Say that there is no contradiction. Here in the Amendment there is a ceiling for personal resumption. When the Zamindari Abolition Act comes into force the overall land system will be modified according to our present law.

My Friend Mr. Umaruddin says that an Adhiar is not a tenant. This is an old concept. Even this Act confers some tenancy rights on the Adhiar by giving protection from eviction. The direction of the Planning Commission is to give the Adhiars occupancy right. Their direction is rather very strict. Even for one year's possession they recommend conferment of occupancy right on the Adhiar. Then they recommend conferment of the right of purchase on the Adhiars holding occupancy right. The price recommended is 10 times the rent, and that is also to be paid not at a time but by instalments spread over several years. If these directions are given effect to, I do not know what would be the position of the argument that an Adhiar is not a tenant. That old concept has now totally changed. Now my Friend has conceded that an Adhiar must have some rights over the land he cultivates. My Friend, Md. Umaruddin, has also admitted ultimately towards the end of his speech that it is correct that land should now go the tillers of the soil. Now, how to give effect to it? In this Amendment the provision is that if a man lets out 300 bighas of land, he can get back only 100 bighas for his personal cultivation and 200 bighas will remain with the tillers. In this way land will go to the tillers of the soil. My Friend, Mr. Umaruddin, is a landlord. So, he can also get back some land for his personal cultivation if he is so minded but not all (*laugther*). This amendment does not protect the landlord, it protects the Adhiar. That being so, what objection is there? This problem of fixation of a ceiling and transferring land to the tillers of the soil have been dealt with by China in a peculiar way. The main difficulty is with the rich peasants, who are themselves cultivators. China did

not put any over all ceiling, but allowed a peasant to retain an equal quantity of land over that under his personal cultivation. So, if you have 100 bighas under your personal cultivation, you will be allowed to retain another quantity of 100 bighas. But then a basic need has been fixed. If a family requires annually 200 mds. of paddy for consumption, then it is its basic need. Paddy over this basic need is taxed in kind, the tax rising upto 80 per cent. It is therefore not paying to keep more land. So, people keep only so much as they can cultivate. In this way land was released, which was given to poor peasants.

As you pointed out, Sir, these rich peasants in Russia are called "Kulaks". Kulak means exploiter. It is the rich peasant who exploited the poor most. He was therefore nick named "Kulak". Ultimately the rich peasants came to be known as Kulaks. Russia found great difficulty in liquidating them.

My Friend, Mr. Umaruddin, has very pertinently pointed out that the landlords may also be cultivators. When one cultivates some amount of his own land and lets out some to Adhiars, he is both a landlord and a cultivator. Then if a cultivator dies leaving a widow and 4 minor sons and the latter lets out their land, they become landlords, though they are actually cultivators. In case of rich peasants there are certain difficulties because they stay in the villages, and with their Adhiars not only look after their land but also share the joys and sorrows of villagers. With regard to owners who stay in towns and own land in rural areas there is not much difficulty.

Mr. Umaruddin questioned about the execution of the present Act. The Act has already been enforced, but the difficulty is with regard to rich peasants who live in the villages. The Adhiars are in their grip, so it is difficult to give relief to the Adhiars. So, this Amendment has been tabled to curtail the rights primarily of the rich peasants. Mr. Friend, Mr. Goswami, who stays in town will not cultivate his land personally, so it is not difficult to deal with him, but it is very difficult to control the rich peasants who are themselves cultivators. This Amendment therefore primarily intends to control such rich peasants.

Mr. SPEAKER: The question is that after item (i) of sub-clause (1) of Clause 5, a new proviso be added before the existing proviso as follows:—

“Provided that if the area of cultivable land held by the landlord in the aggregate amounts to only thirty bighas, he shall be entitled to resume for personal cultivation the entire land, but if it exceeds thirty bighas, then he shall be entitled to resume only two-thirds of the total area held by him or thirty bighas, whichever is higher, subject to an over all maximum of one hundred bighas, including the land already held by him under his personal cultivation at the time of resumption”.

(ii) Add the word “further” after the word “Provided” in the 1st line of the existing proviso.

(The motion was adopted.)

(After a pause)

The question is that clauses 2 to 4 do form part of the Bill.

(This was adopted.)

The question is that clause 5, as amended, do form part of the Bill.

(This was adopted.)

The question is that clauses 6 to 9 do form part of the Bill.

(This was adopted.)

The question is that the title and preamble do form part of the Bill.

(This was adopted.)

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to move that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1955, as amended, be passed.

Mr. SPEAKER: Motion moved is that the Asam Adhiars protection and Regulation (Amendment) Bill, 1955, as amended, be passed.

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

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

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, I beg to move that the Assam Mizo District (Acquisition of Chiefs' Rights) (Amendment) Bill, 1955, be passed. There is no amendment so I commend by Motion to the acceptance of the House.

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

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

The Assam Taxation (on Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1955

Shri MOTIRAM BORA (Minister): Mr. Speaker, Sir, as there is no amendment, I beg to move that the Assam Taxation (On Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1955 be passed.

Sir, the other day while I was speaking on this measure two observations made by my Friend, Mr. Bhattacharyya escaped my attention unwittingly. One was whether this measure would have any prejudicial effect on the Tea Industry in Assam *vis a vis* the Tea Industry outside Assam. I can assure him that we considered the measure from all aspects and were satisfied that this would not have any prejudicial effect on the Assam Tea Industry in comparison with the tea industry in other places because the Tea Industry in Assam enjoys certain advantages of a monopolistic nature, unlike others, in view of the fact that two-thirds of world consumption of tea is produced in our State.

His second point was that since we were taking some share out of the profits of the industry, we should see whether we can give them certain facilities in other ways. This is a point which needs examination and consideration. We have borne this in mind and certainly we shall consider this in due course.

With these observations, Sir, I commend my Motion to the acceptance of the House.

Mr. SPEAKER: Motion moved is that the Assam Taxation (On Goods carried by Roads or Inland Waterways) (Amendment) Bill, 1955, be passed.

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

The Assam Khadi and Village Industries Bill, 1955.

Shri RUPNATH BRAHMA (Minister): Mr. Speaker, Sir, as there is no amendment, I beg to move that the Assam Khadi and Village Industries Bill, 1955 be passed.

Mr. SPEAKER: Motion moved is that the Assam Khadi and Village Industries Bill, 1955 be passed.

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

The Assam State Road Transport (Amendment) Bill, 1955

Mr. SPEAKER: There are amendments. The first amendment stands in the name of Mr. Radha Charan Choudhury.

Shri RADHA CHARAN CHOUDHURY: Mr. Speaker, Sir, I beg to move that in sub-clause (3) of clause 1, the words "on the day on which the principal Act comes into force" be substituted by the words "with retrospective effect from 1st April, 1952." Sir, the object of this Bill.....

Mr. SPEAKER: Before I go into this, may I know when the Act was passed?

Shri RADHA CHARAN CHOUDHURY: In October, 1954.

Mr. SPEAKER: But you want to give effect from 1st April, 1952, i.e., before the Act was passed. Can you do that?

Shri SIDDHINATH SARMA (Minister): It has not yet come into force, Sir.

Mr. SPEAKER: So, you want to give retrospective effect before the Act comes into force. On what basis can you do it?

(After a pause)

I think you are not in order.

Shri HARESWAR GOSWAMI: May I make a submission, Sir?

Mr. SPEAKER: Yes.

Shri HARESWAR GOSWAMI: There are certain Acts which have retrospective effect. Only the provisions of the Constitution cannot have retrospective effect. So far as Acts are concerned, when they do not take away any right, it is possible to give retrospective effect to them. Unless Mr. Choudhury makes his submission, it is difficult to say either way in this connection.

***Shri SIDDHINATH SARMA (Minister)** : Sir, may I be permitted to say, what will be the fate of the amendment ? It shall come into force with retrospective effect and from 1st April, 1952. Now, what is the original Act ? It was passed by this House and received the assent of the President on 5th October, 1954 and as soon as it was published in the Official Gazette it came into force. If that Act is amended, then there is no meaning as it is not before the House.

Clause 3, gives power to the State Government to run Road Transport Services and there will be no meaning in bringing amendment to this Act now.

Shri HARESWAR GOSWAMI : It cannot go beyond the principal Act.

Shri SIDDHINATH SARMA (Minister) : Yes, so far as retrospective effect is concerned.

Mr. SPEAKER : In the present context I disallow this.

Shri HARESWAR GOSWAMI : Mr. Speaker, Sir, I beg to move that in item (a) of the proposed section 7A sought to be inserted by clause 2, *delete* the words "on the scale specified in the Second Schedule."

Now, the proposed section 7A(a), reads "where the amount of compensation can be fixed by agreement on the scale specified in the Second Schedule it shall be paid in accordance with such agreement." I want to delete the words, "on the scale specified in the Second Schedule." That is, I want the amount of compensation to be fixed by agreement. But the Second Schedule in page 108 of the Act, actually page 4, lays down about the amount of compensation that is to be paid and it states, *inter-alia*, that :—

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

By a subsequent amendment, I want to delete the Second Schedule altogether. My whole purpose is if the compensation is to be paid by agreement or in accordance with an agreement, there should be no fetters on the limit of the agreement and the party should be left to come to their own schedule of rates that is to be paid, and therefore, I think, the Second Schedule is redundant and the words specified in the Second Schedule are not necessary.

My main submission is that we have worked out the Schedules in such a way that if the compensation is to be determined by arrangement then it is less than the compensation fixed in the Second Schedule and is discriminatory and offends the articles of the Constitution. Therefore, to avoid conflict with that Article, we must not fix two standards of compensation. We are sure also when the State Government will be a party, it may or may not agree to the amount of compensation demanded by the permit-holder. If permit-holder's demand for compensation is too high then Government may not agree and the whole matter will go for arbitration. But if it can be agreed, it would be well and good and the clause becomes redundant. Therefore, I move the amendment for the acceptance of my Motion.

Mr. SPEAKER: The Motion moved is that in item (a) of the proposed section 7A sought to be inserted by clause 2, delete the words "on the scale specified in the Second Schedule."

Shri SIDDHINATH SARMA (Minister): Sir, by this amendment and his amendment No. 8, which is to the effect "to delete the whole of Second Schedule," if read together, the Mover intends to give power to the Government to fix a compensation by agreement as sought to be made free and unfettered. If the whole Second Schedule is dropped, there will be no basis for compensation.

Under the present Bill, Government's powers in this regard are sought to be controlled by the Second Schedule. His intention by this amendment is to give unfettered power to the Executive. Power in this regard is sought to be controlled. If the amendment is accepted and the Second Schedule is deleted, the Executive will have free and unfettered power. This will mean giving any compensation by the Executive to the permit-holders whose permit will be cancelled.

If unfettered discretion is given to the Executive to determine the question of compensation, that may also be made a ground of attack as leaving loopholes for discrimination or nepotism.

It may therefore be more appropriate to lay down some specific principles for guidance of the Executive.

Mr. SPEAKER: Mr. Goswami, what do you think of Article 207 (1) of the Constitution read with 199(1) (b) ?

Shri HARESWAR GOSWAMI: It has no connection Sir, because there will be two parties.....

Shri SIDDHINATH SARMA (Minister): But you want to give unfettered power to the Executive.

Shri HARESWAR GOSWAMI: Unfettered in the sense that it is not fettered by any figure.

Mr. SPEAKER: Suppose if the Hon'ble Transport Minister gives 10 thousand, what would you do ?

Shri HARESWAR GOSWAMI: But why should we think that he should give 10 thousand ? Why should we say so ?

Shri SIDDHINATH SARMA (Minister): I cannot accept this amendment, Sir, because there will be bitter criticisms and attacks as this amendment opens a way for corruption, favouritism and nepotism.

Shri GAURISANKAR BHATTACHARYYA: Corruption of the Minister ?

(Laughter from the Opposition.)

Mr. SPEAKER: If you judge them too severely sometimes their hearts fail !

(More laughter.)

Shri SIDDHINATH SARMA (Minister): As I have already stated in a previous occasion, this provision is made as a result of the decision by the Supreme Court in Bela Banerjee's case in which it is laid down that any such laws must either fix the amount of compensation or specify the principles of compensation. So, Sir, after what I have explained, I cannot accept this amendment of my Friend.

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

Shri RADHA CHARAN CHOUDHURY: Mr. Speaker, Sir, I beg to move that in the last line of the proviso to the proposed section 7-B sought to be inserted by clause 2, the figure "3½" be substituted by the figure "5".

Mr. SPEAKER: Have you got the Governor's sanction?

Shri HARESWAR GOSWAMI: The point is, Sir—we got this Bill only yesterday, we have no time for seeking the Governor's sanction. When this Bill comes to us in such a hurry, it is better not to be so strict about this procedure.

Mr. SPEAKER: Yes, we appreciate your difficulty, but then you should also appreciate our difficulty. You will put the Governor as well as this House in an awkward position. As such, I rule it out of order.

Next amendment—clause 2.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that in the proposed section 7-C sought to be inserted by clause 2, substitute the word "may" for the word "shall" occurring after the words, "State Government" in the second line.

Sir, during discussion stage of this Bill, I made my submission that it is not necessary to give the word "shall" here because "shall" will put an obligation on the part of Government to purchase any vehicle that may be offered by the permit-holder. Sir, the clause says "Upon the cancellation of a permit, the State Government shall, when the owner of the vehicle so desires within a specified period, take over such vehicles held under the cancelled permit including spare parts and other accessories as may be found in the opinion of the State Government in usable condition on payment of the value thereof determined in accordance with the provisions in sub-section (2)". Here I want to delete the word "shall" and substitute it by the word "may" because that discretion should be left with the Government otherwise an obligation will be put on the part of Government to purchase any vehicle offered by the permit-holder.

Mr. SPEAKER: Mr. Goswami, what is the legal interpretation of this word "may"?

Shri HARESWAR GOSWAMI: It will be interpreted on the circumstances of each case. "May" may mean "shall" in certain cases. But it cannot be taken that "may" always means "shall".

Now, Sir, there are two types of vehicles, namely, good and unworthy ones. If we put this word "shall" as it is then, we will have no power to induce the permit-holder to offer good type of vehicles on the rates prescribed and, therefore, we shall not get good vehicles but, at the same time, we shall have no alternative but to purchase whatever is offered.

M. MOINUL HAQUE CHOUDHURY: That is not the case, Sir.

Mr. SPEAKER: Yes, Mr. Choudhury how do you interpret this word "may" in law?

M. MOINUL HAQUE CHOUDHURY: Sir, "may" generally means "shall" unless contrary is the case from the context. In that case it may mean "may" only. As for this case the word "may" as suggested by my Friend will mean nothing but "shall".

Shri HARESWAR GOSWAMI: That will not be. As a matter of fact, the meaning of "may" will have to be ascertained from the context of each case and from the body of the Act. Now, here my submission is that "may" will not mean "shall", because the vehicle may be unusable or a rickety one. Then will the Government pay Rs. 500 or so for that? So far as the second type of vehicles are concerned, it will have to be purchased on his application. That is why we say that the discretion should be given to the State Government. Even according to the interpretation given by the Supreme Court, when a new route is taken the vehicle need not be purchased by the permit-holder.

Mr. SPEAKER: What about the good-will?

Shri HARESWAR GOSWAMI: That is a different thing. Good-will cannot be seen on the body of the vehicle. The question of good-will arises when we purchase the name. Therefore, in this case good-will is not necessary. We are not using his name. Therefore, my amendment is a very simple one. It does not affect the Government policy. I, therefore, hope my amendment will be accepted.

Mr. SPEAKER: Motion moved is that in the proposed section 7-C sought to be inserted by clause 2, substitute the word, "may" for the word, "shall" occurring after the words, "State Government" in the second line.

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, I do not want to speak on the points already referred to by Mr. Goswami. Sir, I do not think that it will be fair and just to make it a statutory provision.

Mr. SPEAKER: Have you got the permission of the Governor to move your amendment?

Maulavi MUHAMMAD UMARUDDIN: We do not know what has happened to our application. We went to the Minister of Transport. It is for him to say.

Mr. SPEAKER: If you have not got the permission of the Governor, I am afraid, I shall have to rule it out.

Shri HARESWAR GOSWAMI: He can then speak on my amendment, 'may' and 'shall'.

Mr. SPEAKER: All right.

Maulavi MUHAMMAD UMARUDDIN: My point is, Sir, that here the word 'may' will serve the purpose, because in that case discretion will be both on the Government as well as the owner of the vehicle. Then the position will be quite proper, otherwise there will be compulsion or statutory obligation on the part of the Government to acquire a vehicle if the owner cannot be given some other route, notwithstanding the fact he will be getting some compensation for cancellation of permit before expiry or curtailment of route. If the cancellation is co-terminus with the term of the permit then, of course, the question of compensation for cancellation of his permit does not arise. If the permit is valid say upto two years and the permit is cancelled on the expiry of that period then there should be no obligation on the part of the Government to acquire the vehicle. Then again in addition to giving compensation, Government will have to take the liability for purchasing the vehicle. I do not think this is consistent and there is no justification to throw an obligation on the Government simply because the owner offers the vehicle. Therefore, Sir, these two things are inconsistent and it will be more appropriate to make acquisition of a vehicle discretionary with Government even if such a vehicle is offered by the owner.

If a permit is cancelled before expiry, then under the proposed section 7-A there is some provision for relief to be given to the owner. I do not think there is any justification to pay compensation as well as to acquire a vehicle irrespective of the fact that the vehicle concerned is usable or not, because it may be completely useless or a scrap, but according to the provisions as laid down here in sub-section 2(a) at least Rs.500 will have to be paid for it. So, Sir, I do not see any reason why such a vehicle should be accepted. Therefore, I support the amendment of Mr. Goswami.

Shri SIDDHINATH SARMA (Minister): Mr. Speaker, Sir, it has been criticised that the compensation is not adequate. Sir, if a route is nationalised and in case of cancellation of a permit, the permit-holder can come to an agreement under the proposed section 7-A(a) "where the amount of compensation can be fixed by agreement on the scale specified in the Second Schedule, it shall be paid in accordance with such agreement". But there may not be any agreement. Then in that case he will have to seek remedy under the arbitration clause 7-A(b). Sir, my Friend on the opposite criticises the Government as alternate route proposed to be allotted to the ousted permit-holders may not be economical. He may think that the compensation is not adequate. A permit-holder may go to Arbitration Court to fix the compensation. Then there is provision for filing appeal before the High Court. But to go to High Court for a permit-holder may be a very costly affair. The permit-holder may not be able to take all these steps. So, Government in that case have an obligation to purchase the vehicle. The principles are laid down in the clause to find out the value of the vehicle. The substitution of the word "shall" by the word "may" as suggested by the Leader of the Opposition and Maulavi Umaruddin, gives discretion to the Government.

Mr. SPEAKER: Even if you agree to pay.

Shri SIDDHINATH SARMA (Minister): In such circumstances, if the permit-holder does not come to an agreement, he may not be in a position to go to the Arbitration Court and if he is not satisfied with the alternative route, when such a contingency arises what will he do with the vehicle? So it is for the interest of the permit-holder that Government should purchase the vehicle and its value will be determined on principles laid down in the Amending Bill.

Mr. SPEAKER: There is certain amount of inconsistency in it.

Maulavi MUHAMMAD UMARUDDIN: Sir, we leave it to the discretion of the Government.

Shri SIDDHINATH SARMA (Minister): We will have to pay.

Shri HARESWAR GOSWAMI: Sir, so far as the purchase of vehicle is concerned, a value to the permit-holder should be fixed and that it should be made.

Shri SIDDHINATH SARMA (Minister): The word "may" will also mean "shall" in law. There is very little discretion for the Executive. So, Sir, I oppose the amendment

Mr. SPEAKER : The question is that in the proposed section 7-C sought to be inserted by clause 2, substitute the word "may" for the word "shall" occurring after the words, "State Government" in the second line.

(The Amendment was negatived).

Maulavi MUHAMMAD UMARUDDIN : Mr. Speaker, Sir, that in the proposed section 7-C sought to be inserted by clause 2, substitute the following for sub-clause (2) (a).—

"(a) In respect of a vehicle, the market value as at the date of transfer, to be determined having regard to the cost of replacement by a new vehicle of a similar type and general condition of the vehicle."

Here, Sir, I am only prescribing certain modified principles for the determination of the value of a vehicle. Here in the proposed clause it is stated, "In respect of vehicle, value will be the cost as at the date of transfer, of replacing the vehicle by a new vehicle of a similar type, less depreciation at the rate of 25 per cent per annum on the declining values from the date of first registration with a margin of Rs.500 either way as an allowance for the condition of the vehicle".

Sir, I think this principle should be to calculate depreciation from the date of registration not on the basis of a fixed rate but on actual depreciation.

Mr. SPEAKER : I find some difficulty to follow.

Maulavi MUHAMMAD UMARUDDIN : The point is here. There is specific principle.....

Mr. SPEAKER : It involves application.

Maulavi MUHAMMAD UMARUDDIN : No, Sir, it involves many difficulties.

Shri HARESWAR GOSWAMI : Sir, may I suggest one thing ? The Bill will not be finished to-day. We can wait for tomorrow.

Adjournment

The Assembly was then adjourned till 10 A. M., on Tuesday, the 28th June, 1955.

Shillong :

The 23rd May, 1956. }

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

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