

Assam Legislative Assembly Debates

OFFICIAL REPORT

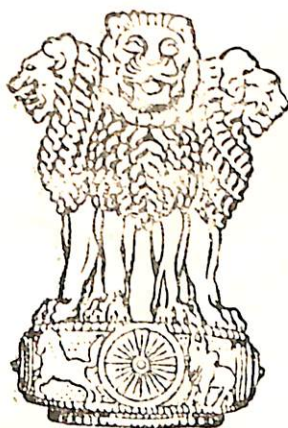
EIGHTH SESSION OF THE ASSAM LEGISLATIVE
ASSEMBLY ASSEMBLED AFTER THE FIRST
GENERAL ELECTION UNDER THE
SOVEREIGN DEMOCRATIC REPUBLICAN
CONSTITUTION OF
INDIA

NOVEMBER SESSION

VOLUME II

No.25

The 16th November 1955



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DEBATES OF THE ASSAM LEGISLATIVE ASSEMBLY, 1955

(November Session)

Vol. II, No.25

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The 16th November 1955

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ASSAM LEGISLATIVE ASSEMBLY

GOVERNMENT OF ASSAM

GOVERNOR OF ASSAM

SHRI JAIRAMDAS DOULATRAM

Members of the Council of Ministers

(1) Shri Bishnuram Medhi, M.Sc., B.L., Chief Minister and Minister-in-charge of Appointment, Home, Confidential, Tribal Areas, Development (Community Projects) including National Extension Service, Departments and matters relating to Welfare and Development of Tribes living in Plains and Hills, Co-ordination of the Five-Year Plan with Development of the State, Election, Social Welfare Organisation and Co-ordination of all Departments.

(2) Shri Motiram Bora, M.A., B.L., Minister-in-charge of Finance and Revenue Departments including Mines and Minerals, Distribution and Allotment of land, Land Reforms, Land Development, Acquisition of Zamin-dary, and matters relating to the implementation within the State of the Agreement between the Prime Ministers of India and Pakistan relating to Minorities including Minority Commission.

(3) Shri Siddhinath Sarma, B.Sc., B.L., Minister-in-charge of Public Works Department including Embankment and Drainage and Flood Protective measures and Transport including Nationalisation of Transport, Co-operative and Rural Development Department.

(4) Shri Omeo Kumar Das, B.A., Minister-in-charge of Labour including Labour Welfare and Education Departments and matters relating to the Development of Backward Areas, Welfare of Backward Classes and Publicity.

(5) Shri Baidyanath Mookerjee, B.A., Minister-in-charge of Supply including Procurement and Consumer Goods, Textile, Relief and Rehabilitation, General Administration and Planning and Development Departments and matters relating to development of Trade and Commerce, Major Industries and Judicial.

(6) Shri Rupnath Brahma, B.L., Minister-in-charge of Medical Department including Public Health, Cottage Industries, Sericulture and Weaving.

(7) Shri Ramnath Das, B.L., Minister-in-charge of Printing and Stationery, Secretariat Administration Departments and matters relating to Forest, Legislative (excluding Election) Electricity, Agriculture, Food and Land Reclamation.

(8) Rev. J. J. M. Nichols-Roy, B.A., Minister-in-charge of Excise, Jails, Registration and Stamps.

(9) Shri Abdul Matlib Mazumdar, M.A., B.L., Minister-in-charge of Local Self-Government Department and matters relating to Veterinary including Live-stock.

Deputy Ministers

(1) Shri Hareswar Das, M.A., B.L., Deputy Minister to assist the Minister concerned in matters of Revenue, Relief and Rehabilitation.

(2) Shri Purnananda Chetia, B.A., Deputy Minister to assist the Minister concerned in matters of Labour, Labour Welfare and Education.

Parliamentary Secretaries

(1) Shri Mohi Kanta Das, M.A., B.L., Parliamentary Secretary to assist the Minister concerned in matters relating to Parliamentary Affairs, *i.e.*, subjects pertaining to Legislative Branch of the Legislative and Judicial Departments.

(2) Shri Joybhadra Hagjer, B.A., Parliamentary Secretary to assist the Minister concerned in matters relating to Public Works Department, Medical, Public Health, Forest and Electricity.

LIST OF MEMBERS OF THE ASSAM LEGISLATIVE ASSEMBLY

1. Mr. A. Alley, B.L., Nongpoh (Reserved for Scheduled Tribes).
2. Mr. Aaran Sangma, Dainadubi (Reserved for Scheduled Tribes).
3. Maulavi Abdul Matlib Mazumdar, M.A., B.L., Hailakandi.
4. Maulana Abdul Jalil, M.M.F.D., Badarpur.
5. Raja Ajit Narayan Deb of Sidli, M.A., B.L., Kokrajhar-Sidli.
6. Mr. A. S. Khongphai, B.L., Advocate, Nongstoin (Reserved for Scheduled Tribes).
7. Shri Akshoy Kumar Das, B.L., Sorbhog.
8. Shri Ananda Chandra Bezbarua, B.L., Nazira.
9. Shri Baidyanath Mookerjee, B.A., Ratabari-Patharkandi.
10. Shri Baikuntha Nath Das, Patacharkuchi-Barama (Reserved for Scheduled Tribes).
11. Shri Baliram Das, B.A., Marigaon-Dhing (Reserved for Scheduled Tribes).
12. Shri Bijoy Chandra Bhagavati, Sootea.
13. Shri Bimala Kanta Borah, B.A. (Cal.), LL.B. (All.), Advocate, Jamunamukh.
14. Shri Bishnuram Medhi, M.Sc., B.L., Hajo.
15. Shri Biswadeb Sarma, B.L., Tezpur-North.
16. Pu Ch. Saprawnga, B.A., Aijal-West (Reserved for Scheduled Tribes).
17. Shri Chanoo Kheria, Golaghat-West.
18. Shri Dalbir Singh Lohar, Digboi.
19. Shri Dandiram Dutta, Kalaigaon.
20. Shri Davidson Bhobora, Panery (Reserved for Scheduled Tribes).
21. Shri Debeswar Rajkhowa, B.L., Dergaon.
22. Shri Dharanidhar Basumatari, Rangiya (Reserved for Scheduled Tribes).
23. Mr. Emonsing Sangma, Phulbari (Reserved for Scheduled Tribes).
24. Mr. Emerson Momin, Tura (Reserved for Scheduled Tribes).

25. Maulavi Faiznur Ali, B.L., Dibrugarh-West.
26. Shri Gahan Chandra Goswami, Gohpur.
27. Shri Gaurishankar Bhattacharyya, M.A., B.L., Gauhati.
28. Shri Gauri Shankar Roy, B.A., Katlicherra.
29. Shri Ghana Kanta Gogoi, M.A., Moran.
30. Shri Girindranath Gogoi, B.L., Sibsagar.
31. Shri Hakim Chandra Rabha, B.A., Goalpara (Reserved for Scheduled Tribes).
32. Shri Hareswar Das, M.A., B.L., North-Salmara.
33. Shri Hareswar Goswami, B.A. (Cal.), M.A. (Cantab.), Barrister-at-Law, Palashbari.
34. Shri Harihar Choudhury, Doom-Dooma.
35. Shri Harinarayan Baruah, Teok.
36. Shri Harrison Momin, Baghmara (Reserved for Scheduled Tribes).
37. Shri Hem Chandra Chakravarty, B.L., Advocate, Hailakandi-Silchar.
38. Shri Hem Chandra Hazarika, B.L., North-Lakhimpur.
39. Shri Indreswar Khound, B.L., Tinsukia-North.
40. Shri Jadab Chandra Khakhlari, Digboi (Reserved for Scheduled Tribes).
41. Shri Jadunath Bhuyan, Tinsukia-South.
42. Shri Jatindra Narayan Das, Gossaigaon.
43. Shri Joybhadra Hagjer, B.A. (Hons.), North Cachar Hills (Reserved for Scheduled Tribes).
44. Rev. J. J. M. Nichols-Roy, B.A., Shillong.
45. Shri Jogakanta Baruah, Jaipur.
46. Shri Kamala Prosad Agarwala, B.L., Tezpur-South.
47. Shri Karka Chandra Doley, North Lakhimpur (Reserved for Scheduled Tribes).
48. Shri Khagendra Nath Nath, Goalpara.
49. Shri Khorsing Terang, Mikir Hills-East (Reserved for Scheduled Tribes).

50. Shri Kistobin Rymbai, Jowai (Reserved for Scheduled Tribes).
51. Maulavi Kobad Hussain Ahmed, B.L., Mankachar.
52. Swami Krishnananda Brahmachari, Bijni.
53. Shri Kuladhar Chaliha, B.L., Jorhat-South.
54. Pu Lalbuaia, Aijal-East (Reserved for Scheduled Tribes).
55. Pu Lalmawia, Lungleh (Reserved for Scheduled Tribes).
56. Shri Lila Kanta Barah, M.A., B.L., Kaliabar.
57. Shri Mahadev Das, Barpeta North-East (Reserved for Scheduled Castes).
58. Mr. Maham Singh, B.L., Cherra (Reserved for Scheduled Tribes).
59. Maulavi Md. Idris, M.A., LL.B., Rupahihat.
60. Maulavi Mahmud Ali, Patharkandi-Karimganj.
61. Shri Mahendra Mohan Chaudhury, B.L., Barpeta North-East.
62. Shri Mahendra Hazarika, Nowgong-Raha (Reserved for Scheduled Castes).
63. Shri Mal Chandra Pegu, M.A., LL.B., Golaghat-West (Reserved for Scheduled Tribes).
64. Shri Manik Chandra Das, Bordubi.
65. Maulavi Mehrab Ali Laskar, M.A., Silchar.
66. Shri Mohendra Nath Deka, B.L., Advocate, Kamalpur.
67. Shri Mohi Kanta Das, M.A., B.L., Dhekiajuli-South.
68. M. Moinul Haque Choudhury, M.A., LL.B., Advocate, Silchar-Sonai.
69. Shri Motiram Bora, M.A., B.L., Marigaon-Dhing.
70. Maulavi Md. Pahar Khan, Tarabari.
71. Maulavi Muhammad Umaruddin, B.A., Bilashipara.
72. Maulavi Namwar Ali Barbhuiya, Katigora.
73. Shri Nanda Kishore Sinha, Sonai.
74. Shri Narnarayan Goswami, B.L., Patacharkuchi-Barama.
75. Shri Nihang Rongpher, Mikir Hills-West.

76. Shri Nilmani Phookan, B.A., Jorhat-North.
77. Maulavi Nurul Islam, Laharighat.
78. Shri Omeo Kumar Das, B.A., Dhekiajuli-North.
79. Shri Prabhat Chandra Goswami, M.A., B.L., Nalbari-North.
80. Sriman Prafulla Goswami, Nalbari-South.
81. Shri Pratap Chandra Sharma, B.L., Nowgong-Raha.
82. Shri Purandar Sarma, M.A., B.L., Mangaldai.
83. Shri Purnananda Chetia, B.A., Sonari.
84. Shri Robin Kakoti, Amguri.
85. Shri Radhacharan Choudhury, B.A., B.T., Boko.
86. Shri Radhika Ram Das, B.L., Advocate, Pub-Bangsar-Silasundari Ghopa.
87. Shri Raghunandan Dhubi, Lakhipur (Reserved for Scheduled Castes).
88. Shri Raichand Nath, Barkhola.
89. Shri Rajendra Nath Barua, B.L., Golaghat-East.
90. Shri Ramesh Chandra Das Chawdhury, Ratabari-Patharkandi (Reserved for Scheduled Castes).
91. Shri Ramesh Chandra Borooah, B.L., Dibrugarh-East.
92. Shri Ramnath Das, B.L., Jorhat-North (Reserved for Scheduled Castes).
93. Shri Ramprasad Chaubey, Lakhipur.
94. Shri Ranendra Mohan Das, M.A., Karimganj.
95. Shri Rupnath Brahma, B.L. Kokrajhar-Sidli (Reserved for Scheduled Tribes).
96. Maulavi Sahadat Ali Mandal, South Salmara.
97. Shri Santosh Kumar Barua, B.A., Golokganj.
98. Shri Sarju Prosad Singh, Titabar.
99. Shri Sarveswar Boruwa, B.L., Pleader, Bihpuria.
100. Shri Sashadhar Ghosh, B.L., Panery.
101. Shri Siddhinath Sarma, B.L., Rangiya.

102. Maulavi Tajuddin Ahmed, M.A., LL.B., Barpeta-West.
103. Shri Tamizuddin Prodhani, Dhubri.
104. Shri Thanuram Gogoi, Nazira-Sonari.
105. Mrs. Usha Barthakur, B.A., B.T., Samaguri.
106. (Vacant) Naga Hills-North.
107. (Vacant) Naga Hills-Central.
108. (Vacant) Naga Hills-South.

The Speaker

Shri Kuladhar Chaliha, B.L.

The Deputy Speaker

Shri Rajendra Nath Barua, B.L.

Panel of Chairmen

1. Shri Mahendra Mohan Chaudhury.
2. Shri Hem Chandra Chakravarty.
3. Shri Kamala Prasad Agarwala.
4. Shri Radha Charan Choudhury.

Secretary

Shri R. N. Barua, M.Sc., B.L.

Superintendent

Shri S. Kar Gupta, B.A.

Editor of Debates

Shri G. N. Deka, B.A.

Proceedings of the Eighth 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 Wednesday, the 16th November, 1955.

P R E S E N T

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

OATH OF ALLEGIANCE

Shri Narnarayan Goswami took the Oath of Allegiance

QUESTIONS AND ANSWERS

UNSTARRED QUESTIONS

(To which answers were laid on the table.)

Housing loan

Sriman PRAFULLA GOSWAMI asked :

1. Will the Minister-in-charge of Planning and Development be pleased to state—

(a) How many persons are granted loan under the new scheme of housing ?

(b) What is the total amount granted as loan up till now since the operation of the scheme ?

(c) How much loan is granted in each Subdivision or District in the State up till now ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

1. (a)—Twelve persons have been granted loan up till 19th October, 1955.

(b)—Rs.87,000 has been granted as loan till 19th October, 1955.

(c)—The following amount has been granted as loan to each Subdivision :

Gauhati Subdivision Rs.72,000 to 9 persons.

Tezpur Subdivision Rs.3,000 to 1 person.

North Lakhimpur Subdivision Rs.12,000 to 2 persons.

Shri RADHIKA RAM DAS: May I know, Sir, what amount has been sanctioned for the Gauhati Subdivision as loan under this scheme?

Shri BAIDYANATH MOOKERJEE (Minister): No fixed amount has been allotted. It will depend on the number of applications received and their acceptance by the Government on merits.

Shri RADHIKA RAM DAS: Is it not a fact, Sir, that about one lakh of rupees has been sanctioned for the Gauhati Subdivision?

Shri BAIDYANATH MOOKERJEE (Minister): That question has already been replied in my previous answer, Sir.

Shri ANANDA CHANDRA BEZBARUA: It appears, Sir, that no amount has been granted for some Subdivisions. May I know why?

Shri BAIDYANATH MOOKERJEE (Minister): The answer is quite simple. When an application is received, necessary enquiries are made and when it is found that the application is in order and meets the necessary requirements making it fit to be entertained, in that case only the loan is given.

Shri HARESWAR GOSWAMI: My I know, Sir, already how many applications have been received for loan all over the State?

Shri BAIDYANATH MOOKERJEE (Minister): That is a new question and I want notice of the same.

Shri ANANDA CHANDRA BEZBARUA: May I know, Sir, what total amount has been sanctioned for our State?

(A voice: তেখেতে total allotment ব কথা কৈছে।)

Shri BAIDYANATH MOOKERJEE (Minister): So far as I remember, Sir, for loans it is to the extent of 9 lakhs for the current year.

Shri ANANDA CHANDRA BEZBARUA: Will the Minister-in-charge see that the cases of other Subdivisions from whom applications have been received may not go by default?

Shri BAIDYANATH MOOKERJEE (Minister): Definitely, it will be seen. But in this connection, I would rather request my hon. Friends, present here, to pay their attention

so that deserving persons who do not know about this scheme may be informed of this and they apply in time and in proper form and that they are not deprived of the facilities that the Government is going to offer them.

Shri ANANDA CHANDRA BEZBARUA: Is it a fact, Sir, that a large number of applications has been received and those applications have been sent to the Sub-Deputy Collectors concerned from whom most of such applications have not been received back?

Shri BAIDYANATH MOOKERJEE (Minister): It may be so because the Sub-Deputy Collectors concerned could not complete the necessary enquiry as yet and the applications are with him.

Shri ANANDA CHANDRA BEZBARUA: Will the Minister see that the enquiry is expedited?

Shri BAIDYANATH MOOKERJEE (Minister): That is being done and yet it will take some time to complete the necessary enquiries.

Shri MAL CHANDRA PEGU: What is the rate of interest to be paid to the Government for the loan?

Shri BAIDYANATH MOOKERJEE (Minister): It has already been published and so I do not think an answer is necessary here.

(Voice—তথাপিও মন্ত্রী মহোদয়ৰ পৰা শুনিলে আমি আনন্দ পাম।)

Shri BAIDYANATH MOOKERJEE (Minister): এককম আনন্দ না পেলোও চলবে।

State Revenue received under Excise prior to coming into force of Minimum Wages Act

Shri SARJU PROSAD SINGH asked—

2. Will the Minister of Excise be pleased to state:

(a) Which section of our people are Government's highest consumer of country spirit in order of gradation?

(b) What was the State revenue received under Excise in the year prior to the introduction of Minimum Wages Act in tea gardens?

- (c) Whether it is a fact that the revenue under Excise is decreasing yearly with the introduction of Prohibition in the State ?

Rev. J. J. M. NICHOLS-ROY (Minister) replied :

2. (a)—(1) Tea garden labourers.
(2) Labourers of other Industrial Areas.
(3) Hills Tribals.

(b)—The excise revenue derived prior to the introduction of the Minimum Wages Act in 1948 was Rs.73,32,613 for the year 1947-48.

(c)—No.

Shri SARJU PROSAD SINGH: With regard to (c), Sir, my question was "Whether it is a fact that the revenue under Excise is decreasing yearly with the introduction of Prohibition in the State" and the answer to that is "No". May I know, Sir, whether the revenue is increasing after the introduction of prohibition or it is decreasing?

Rev. J. J. M. NICHOLS-ROY (Minister): It is increasing.

Shri SARJU PROSAD SINGH: Is it because of Prohibition, Sir?

Rev. J. J. M. NICHOLS-ROY (Minister): It is due to several circumstances; namely, control of illicit distillation, higher price of liquor in non-prohibited area, and so on.

Maulavi MUHAMMAD UMARUDDIN: Sir, are Government aware that in addition to the labourers of industrial areas, the sweepers as a class in various municipal towns consume a good deal of liquor?

Rev. J. J. M. NICHOLS-ROY (Minister): I think the hon. Member may himself know whether the sweepers as a class consume a good deal of liquor or not. We have no record of that.

Maulavi MUHAMMAD UMARUDDIN: Then how some labourers have been classed as industrial labourers?

Rev. J. J. M. NICHOLS-ROY (Minister): The labourers living in the industrial areas have been classed as industrial labourers. The sweepers do not come under that category.

Shri SARJU PROSAD SINGH: Sir, is it a fact that Government Prohibition policy is based on maximum of consumption with maximum of revenue?

Rev. J. J. M. NICHOLS-ROY (Minister): The policy of the Government is gradual Prohibition and sacrifice of revenue.

Professional Grazing Reserves of Khelli and Mandia in Barpeta Subdivision

Maulavi TAJUDDIN AHMED asked:

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

- (a) Whether it is a fact that the Professional Grazing Reserves of Khelli and Mandia in Barpeta Subdivision will be connected by a new reserve?
- (b) If so why?
- (c) Whether it is a fact that there has been protest on this from the local people?
- (d) Whether Government propose to stop the measure immediately?

Shri HARESWAR DAS (Deputy Minister) replied:

3. (a) & (b)—The proposal for connecting the Mandia Professional Grazing Reserve and Khelli Professional Grazing Reserve by a corridor about 200 feet wide for the movement of cattle from one Professional Grazing Reserve to the other is under consideration of the local officer. This corridor would enable the buffaloes and cattle to be moved with the least disturbance to the inhabitants residing near about.

(c)—The graziers had prayed for reservation of as large an area as 5072 bighas and there were some objections against that prayer. But the Land Settlement Advisory Committee has recommended a corridor 200 feet wide only.

(d)—Government have not yet received the proposal. When it is received, Government will consider all aspects of the matter, including objections, if any, as required under the Rules.

PANEL OF CHAIRMEN

Mr. SPEAKER: The following Members will form the Panel of Chairmen for the present Session, 1955:—

1. Shri Mahendra Mohan Chaudhury, 2. Shri Hemchandra Chakravarty 3. Shri Kamala Prasad Agarwala, and 4. Shri Radhacharan Choudhury.

Announcement by the Speaker of the number of days allotted for transaction of Private Members' Business.

Mr. SPEAKER: In pursuance of rule 22 of the Assam Legislative Assembly Rules, I, hereby allot, in consultation with the Leader of the House, the following days for Private Members' Business during the current Session of the Assam Legislative Assembly:—

22nd November, Tuesday	}	Motions and Resolutions
23rd November, Wednesday (till 12.30 P.M.)		
21st November, Monday	}	Motions and Resolutions (if time permits) after disposal of Government Business for those days
25th November, Friday		
26th November, Saturday		

Statement by the Leader of the House about the Course of Government Business

Shri BISHNURAM MEDHI (Chief Minister): With your permission, Sir, I desire to make a statement about the course of Government Business during the Session.

2. The Government Business which is to be taken up to-day and on the 17th, 18th and 19th November is shown in the agenda which has been placed on each Member's table. I need not detail them again. If the Motions for consideration of the Bills mentioned in the agenda are accepted by the House on any of these days, we propose to have these Bills considered clause by clause and then passed on the 25th and 26th November.

3. On the 21st November, we propose to move the following Resolutions:—

- (1) Resolution regarding control and regulation of Prize Puzzle Competition.

(2) Resolution for appropriation of grants under the head—

(i) 50.—Civil Works—State (excluding Tools and Plant and Establishment).

(ii) 81.—Capital Accounts of Civil Works outside Revenue Account.

On that day we also propose to introduce the following Government Bills and to move the Motions for their consideration :—

- (1) The Assam (Sales of Petroleum and Petroleum Products including Kerosene, Motor Spirit and Lubricants) Taxation Bill, 1955 ;
- (2) The Assam Requisition and Control of Vehicles (Amendment) Bill, 1955 ;
- (3) The Assam Motor Vehicles (Amendment) Bill, 1955 ; and
- (4) The Industrial Dispute (Appellate Tribunal) (Assam Amendment) Bill, 1955.

If the Motions for consideration of these Bills are accepted by the House on that day, we propose to take up the second and the third readings of these Bills on the 25th and 26th November.

On the 21st November, the Minister, Planning and Development, proposes, to make a statement on the Second Five-Year Plan relating to Assam.

4. on the second half of the 23rd November and on the 24th November, we propose to take up the following Government Business:—

- (1) Discussion, if any, of Supplementary Statement of Expenditure charged upon the Consolidated Fund of the State for 1955-56 ;
- (2) Voting on Demands for Supplementary Grants for 1955-56.

5. On the 25th November, we propose to present the Report of the Committee to amend Assembly Rules and to

move for consideration and adoption of the rules as reported by the Committee.

On that day we also propose to introduce the Assam Appropriation (No.IV) Bill, 1955 and to move for its consideration and passing.

It is also proposed to introduce the Assam Fixation of Ceiling on Land Holdings Bill, 1955 either on the 25th or 29th November and to refer the same to a Select Committee.

6. Then any other Government Business which remains unfinished on previous days will be taken up on the 26th November.

As regards the consideration of the recommendations of the States Reorganisation Commission, the agenda is quite clear. They will be placed before the House today and I will make a statement thereon. This being a very important matter, with the permission of the Speaker and the hon. members of the House, I would like to make a written statement so that I can put my view points very clearly before the House and I hope the House will agree in giving me that permission. If the hon. Members think that they have not sufficient time at their disposal to go through the recommendations in the States Reorganisation Commission's Report having not received the Report in time, we may commence discussion thereon tomorrow and continue it for some time. That is for the House and the Speaker to decide. And if after my statement the House consider it desirable to move a Resolution in the matter, they are at liberty to do so.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, regarding the Business before the House, I have a few remarks to make, but before I do so I would like to draw your attention to Rule 3 of the Assembly Rules which provides that at least 30 days' notice will be given for convening the Session of the Assembly. Of course the Governor has power to summon the Assembly at a shorter notice.

Our objection is that this time we received as many as 4 notices for this Assembly. The first was that the Assembly would meet at Shillong on the 9th November, the second was that the Assembly would meet at Gauhati on the 9th November, the third was that the Assembly would meet at

Shillong on the 5th December and the fourth was that the Assembly would meet at Shillong, on the 16th November. The last one was a very short notice. These changes have created considerable trouble and inconvenience to the Members because we have also our programmes and we have to fix them according to our convenience and if the decision is changed so often, it is very difficult for us to adjust our programmes. Secondly, Sir, I want to know what was the reason for deciding to convene the Assembly at Gauhati and then again changing the venue to Shillong. My submission is that decision on such important matters should be taken finally and should not be liable to change.

Regarding the transaction of the Business of the House, I find that very often we start on Wednesday and this has almost become a practice. Again we are going to sit on the 23rd November which is a Wednesday and on that day we are going to discuss in the first half Private Members' Business and in the second half Supplementary Demands. Sir, it is of course true that Wednesday need not be a holiday but when we have decided in our rule that Wednesday should be a recess day for the Assembly, we should try to stick to that rule and see that as far as possible we do not violate the rule ourselves. Only in exceptional circumstances, we can change the rule or go against the rule and that also with your permission, and I do not know what is the necessity in this Session to have a sitting again on Wednesday, 23rd November.

Then regarding the Business, this time we did not receive the Bills in time because the date for the sitting of the Assembly was changed so often. Even now we have not received all the Bills to be placed before the House although this is quite an important Session considering the number of the Bills. It is only on the 11th or 12th that we received most of the Bills and some of them have not yet reached our hands.

My whole submission is that when we have to conduct such a large amount of Business, we could have met for 2 or 3 days in the first instance for discussing the Report of the States Reorganisation Commission and then adjourn for a few days, to meet again to take up the remaining Business of the House. Of course, so far as the Business of this Session is concerned, that has already been arranged and I therefore do not press my objection now, but as I have shown these things have put us into great trouble and I hope the Leader of the House will remember these things in future.

Shri BISHNURAM MEDHI (Chief Minister): I am really sorry that the Leader of the Opposition has pointed out that inconvenience has been caused to the hon. Members on account of the changes of dates and venues of this Session of the Assembly. The reason is quite obvious. In view of the States Reorganisation Commission's Report, a Conference of the Chief Ministers was held in New Delhi and so we had to go there and laid down a procedure in consultation with all the Chief Ministers how to deal with the recommendations of the States Reorganisation Commission. It was agreed upon that a general discussion should be held on the Report on each State Legislature and the proceedings be printed and submitted to the Government of India on or before November, 30. So, it was not possible to hold the Session on November 9 as originally fixed.

Of course the Gauhati venue was selected on account of representations received from various quarters. We found that the Session could be held at Gauhati without incurring much additional expenditure as the schools and colleges would be closed during the Puja holidays and the hostels would also be available to us. So, in deference to the wishes of several Members of this House and public opinion outside, we wanted to hold the Session at Gauhati in order to bring our people in direct contact with the proceedings of this House. But, Sir, it cannot be done now since the schools and colleges are opening shortly and we will not get any accommodation. We also do not like to incur any additional expenditure in a matter of this kind.

Then, Sir, this date was fixed because the discussions on the States Reorganisation Commission's Report would take three or four days. We want to give full opportunity to the hon. Members to give their views on the Report. Then, these proceedings will have to be recorded and printed. This also involves some amount of delay. In this connection I would request the hon. Members to correct their speeches without much delay so that we can take up the printing work and forward the printed proceedings in time to reach the Government of India before the 30th of this month because these will have to be discussed by the Parliament. The discussions in the Parliament are scheduled to start on the 21st but this date will have to be changed since it may not be possible for all the State Legislatures to send their views before that date. But in any case our views have got to reach them by the 30th of this month. After the general discussion in the Parliament, a draft Bill will

have to be presented to it under Article 3 of the Constitution and it may be necessary to summon this House then. So, if the Members want, other items of Business may be postponed till then. But the hon. Members will surely appreciate the difficulty of calling the Sessions frequently. Anyway Sir, possibly we have to call a Session before the 31st of January to consider the Draft Bill, which will be presented to the Parliament. Article 3 of the Constitution lays down—

“Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State ;
- (b) increase the area of any State ;
- (c) diminish the area of any State ;
- (d) alter the boundaries of any State ;
- (e) alter the name of any State ;

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the boundaries of any State or States specified in Part A or Part B of the First Schedule or the name or names of any such State or States, the views of the Legislature of the State or, as the case may be, of each of the States both with respect to the proposals to introduce the Bill and with respect to the provisions thereof have been ascertained by the President.”

So, Sir, before the Bill is introduced, they will have to ascertain the views of the different State Legislatures. It is proposed to introduce the Bill in the Parliament by the middle of February. So, this House may be asked to give their views on the draft Bill by the 31st of January. We have not yet fixed any definite dates. And the House may be adjourned if the hon. Members like. If the House think that other Business should be deferred till then, I have no objection.

Mr. SPEAKER: The hon. Leader of the House

has given the reasons why the dates for this Session had to be changed so many times and why the Session could not be held at Gauhati. I have to deal with two other observations. Wednesday has very often been fixed for the beginning of our Sessions and it seems we are getting more business-like and falling in line with the practice obtaining in other Legislatures. Wednesday has been fixed as a recess day in our rules. I hope the House will take steps to change this rule, which is rather unusual. I hope the House will consider this matter and appoint a Committee to do away with this rule.

There are, of course, sufficient reasons for being annoyed with the frequent changes of dates for holding this Session, but I think we are finding a way out to save ourselves from these changes. I suggest that there should be a Business Advisory Committee of this House, which will fix dates for the Sessions before the year begins. We can fix the dates when our Sessions will begin and end, so that the lawyers and other Members, who are incommoded by the present practice, may know, at the beginning of the year, for which periods they will have to be absent from their places and adjust their business accordingly. There will then be no occasion for them to be incommoded by such changing of dates. The Committee, which I have suggested, may fix up dates for the Budget Session, Summer Session and the Autumn Session at the beginning of the year. I would request the House to consider whether this idea is feasible. The Leader of the House, the Leader of the Opposition and some other Members may be in that Committee. If the House agree, they may adopt a Committee like that. This is not only my suggestion but is also the suggestion of a very august body. I hope the House will consider it.

These are the remarks I have got to make. The House have before them a very important subject and I trust they will give their due consideration to the recommendations of the States Reorganisation Commission and give their reasoned views on them.

Shri ANANDA CHANDRA BEZBARUA: On a point of information, Sir, we have been asked to consider the States Reorganisation Commission's Report but we have not got any copy of the Report till now.

Mr. SPEAKER: We received the first batch of the Report

on the 7th and sent them straightway to the Members. The next batch was received on the 9th and we sent them on the 10th. Naturally, some Reports might not have reached some hon. Members and I expect some of them will come back to them here. But I understand many Members have received the Reports. A few spare copies—about 10—are available in this office and we will give it to those Members who have not received the Report.

Shri RADHIKA RAM DAS: In that case, the discussions may be held tomorrow, Sir.

(Voice—আমার মনেৰে কালিটো আলোচনা কৰাই ভাল.)

Mr. SPEAKER: We have got enough Business for to-day. Let us see.

Shri BISHNURAM MEDHI (Chief Minister): We have not printed the copies here; I ordered for some copies when I went to attend the Chief Ministers' Conference in Delhi but as these could not be sent by air, there was some delay as these were sent by post and more than 50 copies at a time cannot be posted. 150 copies arrived by post when I sent a telegram to purchase another 40 or 50 copies from Calcutta and these copies were brought by a particular person who was instructed to bring them here. Of the 150 copies received, copies were sent to the hon. Members living in distant places and afterwards when the copies arrived from Calcutta, these were sent to the remaining hon. Members.

But, Sir, as far as Assam is concerned, I hope, the hon. Members have seen them in the newspapers, a *verbatim* Report of the States Reorganisation Commission was published in the newspapers. In the newspapers the whole Report was published. I am sure, our hon. Members had general idea of the States Reorganisation Commission's Report, particularly, so far as Assam is concerned.

Notification under Section 296 of The Assam Municipal Act, 1923

Maulavi ABDUL MATLIB MAZUMDAR (Minister): Sir, I beg to lay the following Notification under Section 296 of the Assam Municipal Act, 1923—

Notification No. LML.261/52/102, dated the 4th November, 1955.

*Copies of the Notification have been supplied to the hon. Members.

**Presentation of the Appropriation Accounts, 1952-53
and Audit Report, 1954.**

Shri MOTIRAM BORA (Minister): Sir, I beg to present the Appropriation Accounts, 1952-53 and the Audit Report, 1954.

**Draft amendment of the Assam Legislative Assembly
Rules**

Shri BAIDYANATH MOOKERJEE (Minister): Sir, I beg leave to move: that in sub-rule (13) of Rule 127 of the Assam Legislative Assembly Rules, the words 'The Secretary to the Government of Assam in the Finance Department' shall be substituted by the words 'The Secretary to the Assembly'.

Mr. SPEAKER: The Motion moved is: that in sub-rule (13) of Rule 127 of the Assam Legislative Assembly Rules, the words 'The Secretary to the Government of Assam in the Finance Department' shall be substituted by the words 'The Secretary to the Assembly'.

Has this Motion got the leave of the House ?

(Voices—Yes, yes.)

Shri BAIDYANATH MOOKERJEE (Minister): Sir, I beg to move that this Assembly do proceed to elect, in accordance with Rule 131 of the Assembly Rules, six Members to the Committee for consideration of the draft amendment.

Mr SPEAKER: The Motion moved is that this Assembly do proceed to elect, in accordance with Rule 131 of the Assembly Rules, six Members to the Committee for the consideration of the draft amendment.

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

I hereby fix Saturday, the 19th November, 1955 as the date and Room No. 2 of the Assembly Building as the place where election of the Committee to consider the draft amendment to Assam Legislative Assembly Rules will take place.

The voting, if necessary, will be held between the hours of 2 P. M. to 4 P. M.

Committee on Petitions

Mr. SPEAKER: Under Rule 84 (1) of the Assembly Rules, I nominate the following Members to constitute a Committee on Petitions relating to Bills for the current Session of the Assembly :—

1. Shri Hem Chandra Chakravarty,
2. Shri Sarju Prosad Singh,
3. Mr. A. Alley,
4. Shri Dharanidhar Basumatari, and
5. Shri Rajendra Nath Barua, Deputy Speaker, who under the rule, will be the Chairman of the Committee.

House Committee

Mr. SPEAKER: Under Rule 167 of the Assembly Rules, I nominate the following Members to constitute a House Committee for the November Session of the Assembly :—

1. Shri Girindranath Gogoi,
2. Shri Indreswar Khound,
3. Maulavi Mahmud Ali,
4. Shri Mal Chandra Pegu,
5. Shri Ranendra Mohan Das,
6. Shri Raghunandan Dhubi, and
7. Shri Rajendra Nath Barua, Deputy Speaker, who, under the rule, will be the Chairman of the Committee.

Privileges Committee

Mr. SPEAKER : Under Rule 139(1) of the Assembly Rules, I hereby nominate the following Members to constitute a Committee of Privileges for the current Session.—

1. Shri Mahendra Mohan Chaudhury,
2. Shri Hareswar Das,
3. Shri Mohi Kanta Das,
4. Shri Ghana Kanta Gogoi,
5. Shri Ramesh Chandra Borooah,
6. Shri Mahendra Nath Deka, and
7. Shri Rajendra Nath Barua, Deputy Speaker, who, under the rule, will be the Chairman of the Committee.

Message regarding assent to Bills

Mr. SPEAKER : Information has been received from the Secretary, Legislative Department that, under the provisions of Article 201 of the Constitution of India, the President has assented to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in the Budget 1955 Session—

1. The Assam non-Agricultural Urban Areas Tenancy Bill, 1955.
2. The Assam State Road Transport (Amendment) Bill, 1955.

Intimation has also been received from the Secretary, Legislative Department that, the Governor of Assam has assented, under the provisions of Article 200 of the Constitution of India, to the following Bills which were passed by the Assam Legislative Assembly in its meetings held in the Adjourned Budget (June) 1955 Session—

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

2. The Assam Taxation (On Goods carried by Roads or Inland Water-ways) (Amendment) Bill, 1955.

3. The Assam Appropriation (No.III) Bill 1955.

4. The Assam Khadi and Village Industries Board Bill, 1955.

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

The Assam Disturbed Areas Ordinance, 1955

Shri BISHNURAM MEDHI (Chief Minister): Sir, I beg to lay out copies of the Assam Disturbed Areas Ordinance, 1955, under Article 213 (2) of the Constitution of India.

Sir, as I have also proposed to introduce a Bill in this connection during this Session, I will make a statement at that stage, why this Ordinance was promulgated, the necessity of this Ordinance and the necessity of the Bill, so I do not want to make any statement at this stage.

Assam Requisition and Control of Vehicles Ordinance, 1955

Shri SIDDHINATH SARMA (Minister): Sir, I beg to lay out copies of the Assam Requisition and Control of Vehicles (Amendment) Ordinance, 1955, under Article 213(2) of the Constitution of India.

Sir, I propose also to introduce an amending Bill during this Session and at that time, I shall make a statement about the reasons of this.

The Assam Court Fees (Amendment) Bill, 1955

Shri MOTIRAM BORA (Minister): Sir, I beg to introduce the Assam Court Fees (Amendment) Bill, 1955.

The necessity of this amending measure has been given in the amending Bill, placed before the hon. Members, so no additional speech is necessary.

Mr. SPEAKER: The Motion moved is that the Assam Court Fees (Amendment) Bill, 1955, be introduced.

(The Bill was introduced).

Maulavi MUHAMMAD UMARUDDIN: Sir, is it not a money Bill ?

Shri MOTIRAM BORA (Minister): No, Sir, it is not a money Bill.

Maulavi MUHAMMAD UMARUDDIN: When it involves taxation, it is a money Bill.

Mr. SPEAKER: What are the grounds for that ?

Maulavi MUHAMMAD UMARUDDIN: All measures of taxation come under the definition of money Bill and money Bill requires the assent of the Governor. If the hon. Minister says that it is not a money Bill, in that case I have nothing to say.

Shri MOTIRAM BORA (Minister): I feel, Sir, it is not a money Bill.

Mr. SPEAKER: Mr. Goswami, under what provision of the Constitution you say ?

Shri HARESWAR GOSWAMI: Sir, it will come under 199 (1) (a) "Imposition, abolition, remission, alteration or regulation of any tax". Now, court fee is a tax.

Mr. SPEAKER: No, I do not think it is so. Court fee is a fee for service rendered.

Shri HARESWAR GOSWAMI: True it is so, but I do not think, a tax has been defined. Here a fee and tax are put together. Your interpretation is right, Sir, so far as fee is concerned. But so far as tax is concerned, even without rendering any service we have to pay tax. Here in the Constitution no difference has been made between a fee and a tax.

Shri MOTIRAM BORA (Minister): But, Sir, by this measure we are only going to delete a certain clause because this House is not competent to enforce it because it relates to Income Tax which is a Central Subject—not within the scope of the State Legislature.

Mr. SPEAKER: In other words, you have gone beyond your jurisdiction ?

Shri MOTIRAM BORA (Minister) : Yes, Sir, and we want only to rectify a mistake.

Shri HARESWAR GOSWAMI : Sir, I have no objection to the introduction of this Bill under Rule 61 (2) of the Assembly Rules.

Mr. SPEAKER : Let us confine ourselves to one thing. As Mr. Bora has said that since we have gone beyond our jurisdiction, this is only for rectifying a mistake.

Shri HARESWAR GOSWAMI : Even to do that we must have the assent of the Governor.

Mr. SPEAKER : Even if we have this enactment, we will have no power to enforce it and therefore the legal effect would be that it would be infructuous and so it is not necessary.

Shri HARESWAR GOSWAMI : Even if the Court declares this to be *ultra vires* and it is necessary to amend it, to do that we must follow the procedure laid down in the Constitution and the Rules.

Mr. SPEAKER : But as Mr. Bora has already stated that they have exceeded their jurisdiction and that is why they want to rectify that mistake.

Shri HARESWAR GOSWAMI : Sir, it may be that this clause will not alter the tax.

Mr. SPEAKER : Here is the definition of Tax—it is from Hellerstein Report—"A Tax is a compulsory contribution from the person to the Government to defray the expenses incurred in the common interest of all, without special benefits conferred." Here it says "without special benefits conferred" but as I have said, for conferring benefits we want fees for services rendered. Therefore, I think there is a difference. Here it also says "A tax is an enforced contribution for the payment of public expenses." It is an enforced contribution, but court fee is not like that. We cannot force anybody. The people can go to court if they want to. Apart from that, we are only rectifying a mistake because we went beyond our jurisdiction, we cannot deal with income tax which is a Central Subject and therefore we must correct ourselves when we have infringed in others' fields. So I say there is a difference. Yes, Mr. Bora.

Shri MOTIRAM BORA : Sir, I beg to move that the Bill be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Court Fees (Amendment) Bill, 1955, be taken into consideration.

(The Motion was adopted.)

The Assam Repealing Bill, 1955

Shri RAMNATH DAS (Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Repealing Bill, 1955.

Mr. SPEAKER : Has he got leave of the House to introduce the Bill ?

(Voices—Yes.)

I have a message from the Governor in this connection.

“I recommend that under Article 207 (3) of the Constitution of India that the Assam Repealing Bill, 1955 be taken into consideration by the Assam Legislative Assembly.

Jairamdas Doulatram”

Shri RAMNATH DAS (Minister) : I beg to move that the Bill be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Repealing Bill, 1955 be taken into consideration.

Shri HARESWAR GOSWAMI : Sir, so far as this Motion and other subsequent Motions are concerned, I have an objection to make as regards the procedure. Under Rule 61 (2) of the Assembly Rules, so far as consideration clause is concerned it is clearly laid down: provided further that no such Motion shall be made until after copies of the Bill have been made available to the members seven days before the Bill is circulated to us. Now I received this Bill only on the 10th and.....

Mr. SPEAKER : I find that the Bill was received by us on the 6th and we sent it on the 8th October.

Shri BISHNURAM MEDHI (Chief Minister) : Sir, I would like to say a few words. This is a matter which gives a privilege to the House and to the Members of the Opposition Party because we want to entrust the hon. Members with rights of Voting Demand relating to the Ministers' salaries and allowances. So long the salaries of Ministers were 'charged' instead of 'voted' under provision of an Act. Now we want to liberalise the principle so that in the next budget the hon. Members will have the right of voting Demands relating to salaries of Ministers and may be taken out of the charged head. That being so, I do not think the Hon'ble Leader of the Opposition has any objection to consideration of this Bill.

Shri HARESWAR GOSWAMI : So far as the merits of the Bill are concerned, I have no objection. But so far as the procedure is concerned, I am only submitting that the procedure should be followed. Regarding this Bill, as I have said, I received it on the 10th.

Shri BAIDYANATH MOOKERJEE (Minister) : May we know, Sir, when this Bill was actually sent by your Department ?

Mr. SPEAKER : I have already said that it was sent on the 8th October but there is the Gazette Notification on the 28th September. However, I think it is all right.

The question is that the Assam Repealing Bill, 1955, be taken into consideration.

(The Motion was adopted.)

The Assam Excise (Amendment) Bill, 1955

Rev. J. J. M. NICHOLS-ROY (Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Excise (Amendment) Bill, 1955. The object of introducing this Bill is for the purpose of disposal of Excise appeals more quickly.

Mr. SPEAKER : The Motion moved is that the Assam Excise (Amendment) Bill, 1955, be introduced.

(The Bill was introduced.)

Rev. J. J. M. NICHOLS-ROY (Minister) : I beg to move that the Assam Excise (Amendment) Bill, 1955, be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Excise (Amendment) Bill, 1955, be taken into consideration.

Shri HARESWAR GOSWAMI : Here also, Sir, this Bill was sent on the 11th November, 1955.

Rev. J. J. M. NICHOLS-ROY (Minister) : Sir, this Bill was published in the Gazette on 10th October, 1955.

Mr. SPEAKER : In the *Assam Gazette*, it was published on the 19th October, 1955.

Shri HARESWAR GOSWAMI : That may be. But the Bill was sent from here on the 11th November, 1955.

Mr. SPEAKER : I think you received the Gazette where the Bill was published.

Shri HARESWAR GOSWAMI : Yes, Sir.

Shri BIMALA KANTA BORAH : Mr. Speaker, Sir, the portion of the Bill "the Assam Excise Act, 1910 (Eastern Bengal and Assam Act I of 1910)" as given in the preamble should go away. Eastern Bengal has gone to Pakistan now. I think the Minister-in-charge of the Department will consider this and bring in an amendment to remove the portion.

Rev. J. J. M. NICHOLS-ROY (Minister) : Sir, we have already by law named this parent Act, namely, the Eastern Bengal and Assam Excise Act I of 1910 as the Assam Excise Act, 1910. The name of the parent Act, namely, Eastern Bengal and Assam Act I of 1910 is put in here for easy reference. We have been advised that the name of the parent Act and the number of the Act should be put in the amending Bill for explaining what the Assam Excise Act, 1910 is.

Shri BIMALA KANTA BORAH : But, Sir, Government should take steps to remove this obnoxious portion "Eastern Bengal and Assam".

Shri BISHNURAM MEDHI (Chief Minister) : Sir, there would be no difficulty. The Eastern Bengal and Assam Act may be amended.

Mr. SPEAKER : This is a case for the lawyers. We know the 1910 Act. This gives a reference to the Act of 1910, and therefore, I do not think, Shri Borah, in raising this point, will, in any way, be inconvenienced and this will mean anything else. Therefore, I think it is more convenient for us that the Act 1 of 1910 should have a reference here.

(After a pause)

The Motion moved is that the Assam Excise (Amendment) Bill, 1955, be taken into consideration.

(Again after a pause)

The question is that the Assam Excise (Amendment) Bill, 1955, be taken into consideration.

(The Motion was adopted.)

The Assam Ganja Prohibition Bill, 1955

Rev. J. J. M. NICHOLS-ROY (Minister) : Sir, I beg to introduce the Assam Ganja Prohibition Bill, 1955.

The object of the Government is to have gradual prohibition of Ganja in the State and accordingly we are introducing this Bill to prohibit Ganja. We have already taken steps to prohibit Opium in the State and we have also the Liquor Prohibition Act. Now we have come with this Bill to prohibit Ganja in the State.

Mr. SPEAKER : The Motion moved is that the Assam Ganja Prohibition Bill, 1955, be introduced.

(The Bill was introduced.)

Rev. J. J. M. NICHOLS-ROY (Minister) : Sir, I beg to move that the Assam Ganja Prohibition Bill, 1955, be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Ganja Prohibition Bill, 1955, be taken into consideration.

Shri HARESWAR GOSWAMI : Here also, Sir, the Bill was published on the 27th September, 1955.

Only one thing I would like to know from the Minister-in-charge. What is the quantity of Ganja we have consumed in Assam and what is the amount of revenue ? Is there any loss ?

Rev. J. J. M. NICHOLS ROY (Minister): Sir, this is entirely a different thing. However, I can inform the hon. Member from memory that only over 3 lakhs of rupees as revenue are received from Ganja.

Mr. SPEAKER: The question is that the Assam Ganja Prohibition Bill, 1955 be taken into consideration.

(The Motion was adopted.)

The Assam Aid to Industries (Small and Cottage Industries) Bill, 1955

Shri RUPNATH BRAHMA (Minister): Mr. Speaker, Sir, I beg to introduce the Assam Aid to Industries (Small and Cottage Industries) Bill, 1955.

This Bill was published on the 4th November, 1955. The Statement of Objects and Reasons gives the clear indication as to why we have come to introduce this Bill. We have no statutory rules so far for issuing industrial loans. This Bill will enable us to issue loans under liberalised terms and conditions.

Mr. SPEAKER: The Motion moved is that the Assam Aid to Industries (Small and Cottage Industries) Bill, 1955, be introduced.

(The Bill was introduced.)

I now read the message from the Governor of Assam which runs as follows:—

“I recommend under Article 207(3) of the Constitution of India that the Assam Aid to Industries (Small and Cottage Industries) Bill, 1955 be taken into consideration by the Assam Legislative Assembly.

Jairamdas Doulatram,
Governor of Assam.”

Shri RUPNATH BRAHMA (Minister): Sir, I beg to move that the Assam Aid to Industries (Small and Cottage Industries) Bill, 1955 be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Aid to Industries (Small and Cottage Industries) Bill, 1955, be taken into consideration.

(After a pause.)

The question is that the Assam Aid to Industries (Small and Cottage Industries) Bill, 1955 be taken into consideration.

(The Motion was adopted).

The Assam Disturbed Areas Bill, 1955

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, I beg to introduce the Assam Disturbed Areas Bill, 1955.

Sir, this Bill, as a matter of fact, is the verbatim copy of the Ordinance which was already promulgated and published on 20th of July. The reason for coming to this House with this Bill is that although in the major portion of the Naga Hills comprising Angami and Lotha areas there is no disturbance and is practically normal now but in view of the disturbances that were caused in Tuensang areas in N. E. F. A. there has been some instances of infiltration of person responsible for disturbances in our areas in the Naga Hills adjoining Tuensang area. The hon. Members know that the Mokokchung Subdivision in the Naga Hills district adjoins the Tuensang area in N. E. F. A. and it is very easy for armed gang to infiltrate and enter into our area. Moreover, the Naga National Council were intensifying their activities in the Mokokchung Subdivision as Angami and Lotha area has been practically returning to normalcy due to firm administrative action. The situation in the Mokokchung area worsened as they carried on a campaign of non-payment of house-tax, boycott of all Government schools, putting of pressure on Gaonburas to resign, posting of threatening posters, to kill loyal Nagas, refusal to sell supplies to Government officials and police, refusal to repair bridle paths. However, these loyal villagers who defaulted in the matter of payment of house-tax, etc., under threat at the instigation of other, later paid up their dues with arrears. During the last week of March or the beginning of April there was a conference in Huchirr village in Tuensang Frontier area in which a resolution was adopted

to kill Assam Rifles personnel and Government officials and disrupt communication and attack outposts. On the day following the conference, 3 Assam Rifles men were attacked in Huchirr of whom 2 were killed and one injured in Kephire village (in T.F.D.). During the beginning of April, one Gaonbura was beheaded by Naga terrorists. On the 31st March last a report from this area was received to the effect that widespread attacks were in progress in Tuensang and there was every likelihood that the Sema, Ao, Konyak and Sangtam areas in the Mokokchung Subdivision bordering Tuensang would be similarly affected. It was further reported that top leaders of the Naga National Council were moving about the area covered by a large number of armed volunteers who had rifles, bren guns, etc., and that there were also two training camps in the State area. In the face of this report, it was decided to undertake a combined Police and Assam Rifles operation to comb out these terrorist gangs and also their training camps in the State Area. But in view of the heavy down pour of rains and difficult nature of the terrain full of jungle, the armed gangs made good their escape and could not be captured. The visit of the Police had, however, a very salutary effect on the number of loyal villages which were terrorised and kept under pressure. Those dutiful and loyal villagers who at the instigation of these armed gangs withhold payment of house-taxes, came forward voluntarily to clear their dues with whatever arrears they accumulated. Repairs of bridle paths which were earlier refused were taken up and completed without any pressure being put from the side of the Government. At about the same time, the Assam Rifles men in the North Eastern Frontier Area again went into action against the villagers in Huchir and Chessor. Our men had, however, to face determined resistance from these armed gangs from their prepared positions and were fired at by bren guns and rifles, and a regular encounter took place in that area. In April, two companies of troops were moved to Tuensang to do garrison duties and release Assam Riflesmen for operation against the miscreants and subversive elements armed with bren guns and other mortal weapons. As a result of this the armed gangs sought shelter and food from the villages on the border by terrorising and intimidating them and also tried to enlist their support and co-operation for organizing armed attack on our men and by sabotaging the communications. On the 23rd June 1955 it was decided by us at a meeting that a joint police and Assam Rifles operation

should be undertaken on both sides to effectively combat against the depredations of the armed gangs.

The first armed attack took place on a police outpost in the State area on the 30th June 1955 when about 100 Naga National Council Volunteers consisting of Sangtams, Phoms, Changs, Konyaks and Aos being armed with sten guns, rifles and other dangerous weapons attacked the outpost at Chuchuyimlang at about 4 O'clock in the morning. The gang fired about 50 rounds and the Police fired 3 rounds in reply when the gang retired. There was, however, no casualties on either side.

Another organised attack on the State area took place on the 7th July, 1955 when at about two O'clock in the morning a mob of about 200 Naga National Council miscreants attacked the Assam Rifles camp at Dikhu Bridge by opening fire from rifles and sten guns. The Assam Rifles also opened fire in reply and the exchange of fire continued till 3 O'clock in the morning when the miscreants withdrew leaving behind one rifle, one sten gun magazine and several weapons and also some rounds of misfired ammunition. Some damages were caused to the clothing and tarpaulings, etc., in the Assam Rifles camp and two Riflemen were injured. These armed gangs tried to disrupt the communication to our Military and Assam Riflemen. On the 4th of July 5 Army jeeps were ambushed in Amguri-Mokokchung road and there were ambushes on the patrols moving from Zunheboto in the State area of Aghunato in North East Frontier Agency. -

After the attacks on the Chuchuyimlang and Dikhu posts and ambush on the road, it was decided that the Police and the Assam Rifles should be given sufficient power to deal with saboteurs and the armed gangs and also the necessary legal immunity. The Assam Disturbed Areas Ordinance was promulgated on 20th July, 1955 and extended to the Naga Hills particularly to the area where the disturbances took place.

The promulgation of the ordinance had a very deterrent effect and no violence with arms has been committed as pressure is being put by the military in the Tuensang area all those armed people will try to take their shelters and bring arms and ammunitions. There is an information

that arms and ammunitions are being infiltrate in our State area and it is for the reason to deal with armed gangs that we want to give our officers proper protection and power, and if they prepare hide-outs and trenches and such other things, we want to give power to the magistrate and police to demolish those areas because it is under the regular administration of the State. So naturally, without the power to deal with such matters it will be very difficult for the officers to deal with miscreants and armed gangs. Although an Ordinance was promulgated and as we issued instructions that unless it is absolutely necessary this power should not be exercised by any officer. I am glad that the Ordinance acted as a deterrent effect and our officers have no occasion to use or utilise the power given to them. So I want the Members of the House to see that the Bill is passed so that officers can have power to act in case of attack by armed men and gang for preserying law and order. The pressure which is being put by the military these armed gang may infiltrate into our territory and then such person is being arrested arms are being seized. We have an information in another case when 2 Nagas pointed their rifles at a patrol, the Police gave chase and the 2 Nagas made off. It was just fortunate that in neither case, the Nagas, probably being untrained and frightened, did not fire first and kill or wound the Police. In such circumstances it is absolutely necessary that we give them sufficient protection against such armed gangs. We apprehended that since the pressure is increased in the Tuensang area this people will try to infiltrate and come here and threaten our loyal citizens who are in the border area. So we are keeping guards in the border area. That is why we want such power should be given on the Bill in the disturbed area. I do not want to extend the provision of the Bill to any other part of the State because I want to confine it in the Mokokchung Sub-division adjoining Tuensang. Not only this provision gives power to use arms against the armed gangs but also under clause 5 of the Bill power is given to destroy such structure where they take shelters and prepare their position. Certain hostile villages were found to have erected bamboo panjis, cut trenches or prepared other defensive work and it was found necessary to have them destroyed. With that idea I have come before the House to introduce the Bill. The hon. Members may say why the Bill was not sent to them, I submit that the Ordinance was before the

hon. Members since 20th July and only the verbatim section and provisions is introduced in this House in the form of the Bill. I hope, in view of the disturbance in the country, the hon. Members will not take any technical objections in introducing this Bill as well as the next Motion that I propose to move.

Mr. SPEAKER: The Motion moved is that the Assam Disturbed Areas Bill, 1955 be introduced.

(The Assam Disturbed Areas Bill, 1955 was introduced.)

Shri BISHNURAM MEDHI (Chief Minister): Mr. Speaker, Sir, I beg to move that the Assam Disturbed Areas Bill, 1955 be taken into consideration.

Mr. SPEAKER: The Motion is that the Assam Disturbed Areas Bill, 1955 be taken into consideration.

Shri HARESWAR GOSWAMI: Mr. Speaker Sir, My preliminary objection to this Bill—although it is a technical objection, it is a valid objection—is that the Bill as a Bill has been circulated to us only on the 11th November and under Rule 61 (2), a Bill should be made available to the Members at least 7 days before it is taken up for consideration. So, nothing will be lost, no damage will be done if this Bill is moved on 19th or 20th even because we do not want to disrespect the Rule which we have ourselves made. In the mean time the Ordinance is there to see to the situation of law and order in that area. Then Sir, I oppose this Bill on two grounds—both on theoretical grounds as well as on practical grounds. My theoretical objection to this Bill is that in a democratic country where we have made laws sufficient to deal with any situation the ordinary law should prevail and extra-ordinary laws should not be enacted at one's whim. Here Sir, it is an extra-ordinary piece of legislation that this Assembly is wanted to enact and this legislation will not be confined to a particular area in Naga Hills but this Bill is applicable to the whole State of Assam. It may be that immediately it may be confined to a disturbed area of a particular place. But tomorrow if Mr. Medhi is not there somebody may come in who may desire to have more power, who may like to use power or make a show of the power by virtue of this Bill. He may declare any area in Assam to be a disturbed area not for the purpose of maintaining law and order but for the purpose of preserving his power. But as I have just said this is a theoretical part of the discussion and this theoretical part has got to be taken into consideration.

Mr. SPEAKER : You mean an idealistic part.

Shri HARESWAR GOSWAMI: It is not an idealistic part. In no country of the world, even in England, extraordinary laws are allowed to remain for long. They are meant for a particular purpose and immediately after the situation is dealt with, they are repealed but in our country we have a sad experience that when a legislation is passed to meet a particular situation, that legislation remains in the statute Book and very often legislation is used not to curb the extraordinary and illegal activity of a section of the people but even to curb the normal democratic activity of the people. I have my apprehension that tomorrow some unscrupulous hand who may also get elected in a democracy may take advantage of this piece of legislation, and this piece of legislation may be used not to maintain law and order but to maintain himself in power. History has given us many examples of such extraordinary legislations being taken advantage of by unscrupulous man. History has shown us many examples where we have found that in such a way legislation are taken advantage of. This part of the speech may sound very theoretical today, but tomorrow if such a man comes into power it will never remain theoretical and will rule the day. So, why should we be so anxious for passing this Bill?

(A Voice : সেইটো আপোনাৰ ভাব প্ৰবলতাহে ।)

Now I come to the other aspect of the matter. The Mover of the Bill, Shri Medhi, has said in his explanatory speech that the disturbed area is the Tuensang area which is in the N.E.F.A., area and not within the State part of the Naga Hills.

Shri BISHNURAM MEDHI (Chief Minister): In my speech I referred to several serious incidents that took place in our area.

Shri HARESWAR GOSWAMI: In the Tuensang area I learn that people are now passing their days in a normal way. I also feel that the situation there needs tackling with tact and determination. But, Sir, there can be no reason for giving extraordinary power under an extraordinary legislation. I feel that the ordinary laws are quite sufficient to tackle with the problem there. Mr. Medhi has himself admitted just now that we have not taken the aid of this Ordinance uptil now and it has not become necessary to make use of it at present. When he himself has said that we have not made use of it, I do not

see any reason for having a legislation of this type unless an impelling situation demands that such a power is necessary to curb the illegal activities of a certain section of the people.

Sir, the Mover of the Bill, in course of his explanatory note, said about the Naga National Council and that the volunteers of the Naga National Council having arms are trying to create an unlawful situation in that area. But, Sir, we also read in the paper that our Chief Minister met Mr. Phizo, the leader of the Naga National Council, and other members and discussed with them the situation and in that meeting an assurance was given from the side of the Naga National Council that they would co-operate with the Government in the maintenance of law and order. Sir, what is necessary in tackling such a situation is not such a piece of legislation but the willing co-operation of some people to persuade the Nagas not to create the disturbances or troubles. Even after passing this piece of legislation, if some people are determined to create troubles they will be able to do so because the area is so vast and the terrain is difficult. So if we have willing co-operation of some people in tackling the situation that willing co-operation will be coming in greater degree. If that willing co-operation does not come then this Government may use the extraordinary power to deal with the situation. If the Naga National Council gave that assurance and if I am correct.....

Mr. SPEAKER: Are you speaking on the Bill or at its consideration stage?

Shri HARESWAR GOSWAMI: I am speaking at the consideration stage.

Mr. SPEAKER: Then you may take your stand when it will be taken up on the 19th.

The Assam State Acquisition of Zamindaris (Amendment) Bill, 1955

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to introduce The Assam State Acquisition of Zamindaris (Amendment) Bill 1955.

Mr. SPEAKER: There is a message from the Governor which I may read out:

"I recommend under Article 207(1) of the Constitution of India that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1955 be introduced and moved in the Assam Legislative Assembly.

JAIRAMDAS DOULATRAM,
Governor of Assam".

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg, to move that the Bill be taken into consideration. In this connection an Amendment has become necessary for this reason. There is a provision in the present Act that to acquire a Zamindari a notification has got to be served on the proprietor or the tenure holder, but in Karimganj this cannot be done. The Deputy Commissioner there does not maintain any general register. He maintains a register called Tonji Ledger, which has not been corrected for the last 150 years. For this reason a special officer was appointed and after a few months he reported that the names of such persons would exceed one lakh and it is very difficult to correct their names as some of the proprietors are living in the foreign countries and some are in Pakistan. So, Sir, it is very difficult to serve notice on those proprietors and tenure holders. Therefore, we have sought to amend Section 3 here. Now, after this Bill is passed here, it will have to go for assent of the President and that will take some time and as we want to apply this Act this year I request the hon. Members not to press for the 7 days notice rule and they will pass this Bill in this Session.

Mr. SPEAKER: The Motion moved is that the Assam State Acquisition of Zamindaris (Amendment) Bill, 1955, be taken into consideration.

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

The Assam Urban Areas Rent Control Bill, 1955

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg to introduce the Assam Urban Areas Rent Control Bill, 1955.

Mr. SPEAKER: Motion moved is that the Assam Urban Areas Rent Control Bill, 1955, be introduced.

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

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, I beg, to move that the Assam Urban Areas Rent Control Bill, 1955, be taken into consideration.

The Assam Urban Areas Rent Control Act has expired on the 30th September and so at present there is no law on this subject. But the necessity for such a legislation is still felt. Hence this Bill has been introduced.

Sir, this Bill contains almost all the provisions of the old Act. Only there is one new provision here— it is actually not a new provision but the old provision has been substituted by a new one— and that is with regard to the rate of rent. In the old Act, the standard rent was accepted as the rent which was in vogue from January to September of 1943. This is almost an anachronism now. In this Bill the rent prevalent in 1946 has been taken as standard, *i. e.*, just before partition of India. Then there may be houses constructed after that date or there may have been some improvements in some houses after that date. According to the old Act, the Collector could fix any rent but in this Bill it is laid down that it will not exceed $7\frac{1}{2}$ per cent of the cost of construction. This is the only variation from the old Act.

Now, here also, Sir, I request the hon. Members not to press the limitation point because at present there is no law at all on this subject. So, we want to pass this Bill during this Session.

Shri HARESWAR GOSWAMI : We have no objection to the Bill being taken into consideration. The only thing is that during discussion of the Bill clause by clause we should be allowed to speak something relevant to the clauses of the Bill.

Mr. SPEAKER : The question is that the Assam Urban Areas Rent Control Bill, 1955, be taken into consideration.
(The Motion was adopted.)

The Assam Rural Panchayat (Amendment) Bill, 1955

Shri SIDDHINATH SARMA (Minister) : Mr. Speaker, Sir, I beg to introduce the Assam Rural Panchayat (Amendment) Bill, 1955.

Mr. SPEAKER : Motion moved is that the Assam Rural Panchayat (Amendment) Bill, 1955, be introduced.

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

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

Shri HARESWAR GOSWAMI : This is an important Bill but we have only just received copies of it, Sir.

Shri SIDDHINATH SARMA (Minister) : May I make a submission in this connection, Sir ?

In pursuance of Article 40 of the Constitution of India, the State Government decided to establish Rural Panchayat in the entire State within two years. In the working of the Rural Panchayats already established certain difficulties were experienced in the management of schools, hospitals, bridges, etc., as the Rural Panchayats were not in a position to provide funds for the same. Certain overlapping also took place between the Local Boards and the Panchayats in the Panchayat areas in their functioning. The State Government therefore appointed an Enquiry Committee to go into the working of the Panchayats and suggest ways and means for removal of such difficulties and for improvement of financial positions of the Panchayats. After consideration of the recommendations submitted by the Committee, the State Government with a view to implement some of the recommendations of the said Committee have considered it necessary to amend the Assam Rural Panchayat Act, 1948, as amended. The Bill seeks to achieve above objects.

Up till now, Sir, only 98 Rural Panchayats have been constituted in Assam, but according to the recommendations of the Panchayat Enquiry Committee there will be 329 Panchayats and the Enquiry Committee has recommended that the Panchayats should be constituted within two or three years. Government have accepted those recommendations and have decided to organise 331 Panchayats throughout the entire State within two years—166 Panchayats within this year and 165 next year.

Sir, under the old Act only 5 Primary Panchayats could be constituted in any one Rural Panchayat area, but the Committee has recommended that this should vary according to population in a Panchayat from 5 to 15. Now, all elections are held up for this reason. If the elections are held under the old Act five Primary Panchayats can only be constituted but if we want to give effect to the recommendations of the Enquiry Committee the number should vary from 5 to 15. Therefore, amendment of the old Act has become urgently necessary. Government have decided, as I said before, to constitute 166 new Panchayats in the current year and I, therefore, thought of promulgating in an Ordinance to give effect to it. But as the date of the Assembly was fixed, I decided to bring this Bill before the House. There has been some delay in publication, but not much. If the old Act is not amended and the elections will be held up, and there will be delay in forming panchayat in the State.

Mr. SPEAKER : This is needed for broadening the panchayats.

Shri SIDDHINATH SARMA (Minister): Yes Sir, that is the main thing. Other things are minor and consequential. So, I request the hon. Leader of the Opposition and also the hon. Members of the House and the Speaker to waive the objection so that the Bill may be passed during this Session.

Mr. SPEAKER: The Speaker is not supposed to hear!

Shri SIDDHINATH SARMA (Minister): Sir, I request you to exercise your discretion to waive the delay in publication, Sir. There is some delay in publication of this Bill which may be waived so that the Bill may be passed during this Session so that the election may be held without delay.

Mr. SPEAKER: The Motion moved is that the Assam Rural Panchayat (Amendment) Bill, 1955, be introduced.

Shri SIDDHINATH SARMA (Minister): Sir, I beg to move that the Bill be taken into consideration.

Shri HARESWAR GOSWAMI: Sir, my objection is that this is an important Bill and we have received copies of this Bill just now. We have not even been able to go into the provisions of the Bill and without going through them, it is difficult for us to express any opinion generally on the Bill. Then there is another difficulty. This bill is the result of the recommendation of the Panchayat Enquiry Committee and in taking into consideration this bill, we ought to have taken the recommendation of the Committee, then perhaps, we would have been able to do better justice to this bill. It will be better if the bill is taken into consideration on the 19th so that we can examine the rules relating to the consideration of the bill.

Mr. SPEAKER: You will be entitled to discuss generally clause by clause on the 19th with the reservation that we pass the consideration of the Bill today.

Shri HARESWAR GOSWAMI: If there is discussion and consideration in the same day, there may be difficulty, but if consideration is taken on 19th in that case we may have the opportunity to go through the bill and move amendment, if any.

Shri SIDDHINATH SARMA (Minister): Sir, the Bill in any case should be passed during this Session.

Mr. SPEAKER: The question is that the Assam Rural Panchayat (Amendment) Bill, 1955, be taken into consideration.
(The Motion was adopted.)

Discussion on the Motion to consider the recommendations of the States Reorganisation Commission relating to Assam

Shri BISHNURAM MEDHI (Chief Minister) : Sir, I beg, to move that the House do now proceed to consider the recommendations of the States Reorganisation Commission generally in so far as they relate to Assam.

It is unfortunate that a great deal of heat and passion has been generated in connection with the reorganisation of the States. It is natural to have different views both from the point of view of principle involved and practical consideration in connection with the reorganisation of the States but then there is no reason why this difference of opinion should rouse passion and excited debate which is not conducive to dispassionate consideration of a vital problem in the solution of which we are interested and want to hammer out our differences in a cool and sober atmosphere to come to a reasonable decision. In a democracy, there should be the fullest freedom of expression of opinion and for argument but there should be some democratic method of arriving at a final decision which could be accepted. If people go about saying that they will not accept the decision unless that decision is according to their own views then that is negation of democracy. It undermines the whole conception of unity of India in case we want to have unity provided that unity is fashioned after our liking ; otherwise we reject that unity. Under no circumstances, provincial, linguistic, communal or any other consideration should be given precedence over the broader national approach of unity and solidarity. Under the circumstances, I appeal to the hon. Members to consider dispassionately the recommendations made in the Report of the States Reorganisation Commission. The Members of the States Reorganisation Commission are three eminent Indian statesmen and politicians of great repute and integrity to whom the question of reorganisation of States was referred. The Members of the States Reorganisation Commission granted private interviews to people from all walks of life to enable them to express their views freely and frankly. They also took particular care to see that all those representing the views of the various political parties and public opinion in the country were given a patient hearing. Besides this, they undertook an all-India tour not only to ascertain the public opinion

but also to make on-the-spot study at different places and to understand the background of the problem and popular sentiment on the various aspects of reorganisation. After giving due consideration to the views thus expressed by all sections of the people and scrutinising them made the recommendations which deserve special consideration. It will be helpful if discussion in this debate takes place with an open mind in a serene atmosphere without carrying on linguistic, parochial or other narrow consideration or point of view.

I propose to place before the hon. Members of this House the general background of the principle, policy and factors which guided the Government in putting their views and standpoint before the Members of the States Reorganisation Commission in connection with the reorganisation of the State, particularly Assam and adjoining areas forming the North-Eastern Region of India and how far our stand has been accepted by the Commission, for dispassionate consideration of the Members of this House as well as the people in general.

We feel that the national unity, solidarity and security of India are the most essential factors and are the over-riding considerations to be borne in mind in any scheme of reorganisation of States in India. Administrative convenience, historical growth, geographical contiguity, financial strength, economic stability are other powerful consideration in determining the boundaries of a State. Language is also one of the many factors that needs to be considered in solving the question of re-defining the boundaries of States. But it is certainly not the most important factor as far as the region to the North-East of India is concerned.

From the point of national security and unity of India it will appear clearly that the entire region to the North-East of Pakistan needs an integrated administration from various points of view and should form one administrative homogeneous unit so that it can be developed as a self-sufficient economic zone under a plan. The hills and plains of Assam are economically so-interdependent on each other that it will serve the best interests of the hills and plains if this area can be developed as an economic unit as the inhabitants of each area is vitally dependent on each other for the development of these areas as a self-sufficient unit. Encouragement

of such integrated development of this region seems essential in order that it may play its role in serving as a strong bulwark for defence of the North-East corner of the Indian Republic. Assam, as it is constituted, occupies the most strategic position in this vital part of India touched by Bhutan, Tibet, China, Burma and Pakistan along a border extending about 3,300 miles and is connected with the rest of India by narrow strip of land less than 40 miles. In view of this geographical position this Frontier State will have to play a vital role in the development and reconstruction of the country, as a whole. We can neglect its development and unity only at our peril. The security of India needs that this zone should be strengthened to the utmost and it is the cohesion and solidarity of the people of the entire area that is of the utmost importance.

If this important fact is borne in mind, the hon. Members will agree that anything that affects the solidarity of the population of this frontier zone should be discouraged. Assam is a composite State of various tribes of people of hills and plains. For centuries they had lived together in peace and amity, till the British came and made an attempt to separate them in order to achieve their imperialist purpose. Assam is the meeting place of the Indo-Mongloid and Indo-Aryan people in India. Assam was ruled for a long time by the Indo-Mongloid people most of whom are known to-day as plains tribals and as a result of this long contact there grew up a peculiar blended culture and civilization in Assam. But this contact was not confined to the plains tribals alone. The Khasis, Garos, Bhutias, Dashtas, Abors, Mishmis, Khamtis, Naga tribes of the surrounding hills had regular connection with the Assamese people and they were living in perfect harmony with the people of the plains. It is only during the British Rule that in pursuance of their policy of 'divide and rule' the tribals of the hills were separated from their brothers in the plains. Nothing was done to improve the communications and even the old established trade routes were allowed to deteriorate through lack of repairs and disuse. The influence of some of the interested persons during pre-Independence period widened the isolation and finally the constitution of Excluded Areas and Partially Excluded Areas completed the breach.

With the advent of Independence, however, the barrier is

already cracking and the feeling of isolation which was fostered by 150 years of British Rule is gradually disappearing. This process needs to be encouraged and the progressive integration of the areas inhabited by the hills tribals with the State of Assam should be worked upon. It is for this reason that the Advisory Sub-Committee for the Excluded and Partially Excluded Areas set up by the Constituent Assembly, which made a detailed enquiry of the administrative problems of these areas, came to the conclusion that all the tribal areas should eventually be brought under the Assam administration in stages as soon as administration is set up and the area is developed.) It was intended that Part 'B' Tribal Areas, which form an integral part of Assam and are now administered by the President as an interim arrangement, would form part of Assam in course of time. The Constituent Assembly accepted this recommendation but as an interim measure provided for administration of these areas by the Governor as Agent of the President pending development of these areas. The process of ultimate integration should not, however, be lost sight of. It would be reversing the hands of the clock if the programme for development in these areas is isolated from the ultimate goal of integration with the rest of Assam. Any step that leads to isolation of the tribal areas from the rest of Assam weakens Assam, and weakness of Assam means the weakness of India, as a whole. These are some of the reasons why any claim for disintegration of the State of Assam, as it is constituted, and formation of Separate State is against the interest of the people of the hills and plains as well as detrimental to the security and solidarity of India, as a whole. The problem of reorganisation of States has been considered by the Government of Assam dispassionately and from the most important view point of national security and solidarity of the population. Language, under the circumstances, cannot be made the basis for the solution of such a vital problem though linguistically the plains districts of Assam present more or less a homogeneous composition around which the hills and plains of Assam can integrate. The hill districts, of course, speak their own different dialects but even though these languages apparently differ from the Assamese, the Assamese language itself has its distant root on the same common soil of the Austric origin from which the languages of the hills have evolved. It has been said that a unifying factor is found in the linguistic and cultural resemblances among the Tibeto-Burman groups

of the Assamese people whether they speak the Aryan-Assamese or otherwise. Nearly 30 per cent of the words in the Assamese language are said to be of the Austric origin, a family to which the Garos, Khasis, Naga Tribes and Kacharis belong.

Assamese is the spoken and written language of more than 75 per cent of the total population of these plains districts of the Brahmaputra Valley and it serves as a *lingua-franca* in the Naga Hills—where there are more than 22 dialects—and also in Tuensang Division and Subansiri area of the North-East Frontier Agency. Linguistically this represents more or less a homogeneous and composite area around which hills and plains can integrate and form a homogeneous unit for the development of the region as a self-sufficient one. The Government of Assam has however followed a liberal policy with regard to language. It has not attempted to impose Assamese language in the hills or on any area inhabited by the minority language group. The hills as well as the minority language group are allowed to impart education in their own language in any part of Assam where Assamese is not the spoken language. I, therefore, assure the people of the hills as well as the residents of any other part of Assam where Assamese is not the spoken language that they will have the full right and option of giving education to their children in their own language in accordance with the principles and policy that has been laid down by the Government of India and that there need not be any apprehension on that ground. I fully undertake to safeguard the interest of the linguistic group or other minorities in the sphere of administration, education and integration of services and financial and other administrative measures in order to ensure the unity of India. The reorganisation of the States is only the means to an end, the basic achievement being the unity of the Nation and prosperity of the people. In this unity the people of every part of India should have fullest opportunity of growth and I, on behalf of the Government, assure all minorities living in the State that their interests will be fully protected. The Government of Assam have been following a very liberal policy with regard to language and have not attempted to impose Assamese in any hill area or in any area where the spoken language is not Assamese as stated

before. The following extract from the speech delivered by me at the inauguration of the Garo Hills District Council Court will clearly indicate the policy, the Government is pursuing in this connection :—

“While on this subject, I would like to say a word about the study of new languages by the people of our hills. As I have already stated the medium of instruction in your Lower Primary Schools is entirely a matter for you to decide. In regard to the medium of instruction in the Middle and High Schools in your district, there is no intention to disturb the existing arrangements. You will, however, undoubtedly appreciate the value of your people studying the national language (Hindi), and the language of your brothers and sisters in the plains who live close to you, and with whom many of you will almost daily becoming into contact in the different walks of life, such as in commerce and trade. To promote better understanding between the people of the hills and their brothers and sisters in the plains, facilities for the study of the Assamese language as an optional subject have been provided in the schools in the hills. Let me make it perfectly clear that there is absolutely no question of imposing anything on the hills people or compelling them to do something against their wishes. A few years ago the State Government started a training centre wherein teachers from the hills could be trained as ‘Assamese teachers.’ Volunteers for this course were invited. The response was encouraging, and only a fraction of those who volunteered could be enrolled for the course. Those who have successfully completed their training have been posted to Government and Government Aided Schools in the hills, to teach Assamese to those boys and girls who wish to avail themselves of the facilities afforded. We are also making arrangements for the study of languages of the people of the hills, including Garo, in the different high schools, in the plains so that our boys and girls in the plains who wish to avail themselves of these facilities may do so and profit by such knowledge. Language is the medium for the communication of thoughts and ideas, and a vehicle to reach better understanding. If your boys and girls study the Assamese language they will be able to come into more intimate contact with your neighbours in the plains, and understand them better. Likewise if the people of the plains study your languages, they will be able to understand you and mix with you more intimately. Knowledge of each

other's languages fosters tolerance, cements understanding, dispels suspicion and mistrust, promotes appreciation of the different points of view, and breaks away any artificial barriers as may still exist. It also promotes better trade and commerce and paves the way to prosperity. Our State, rich as it is in its variety and culture, will be further enriched and strengthened if the people of the hills and the people of the plains come even closer together. The State Government also made it compulsory for their Gazetted Officers of all departments posted to the tribal districts to study the languages of the people whom they serve within a period of two years from the date of their posting, and pass examinations of a prescribed standard in those languages. Handsome rewards have been provided for the officers who study the languages of the hills and pass the prescribed examinations. The study by the officers of the languages of the people whom they serve will bring them into closer contact with the people, and help them to appreciate the needs and problems of the people better".

"It may not be out of place to mention in this context that the celebrated German anthropologist, Christoph Von Furer-Hai-mendorf, after a personal tour for several years in the Subansiri region of the North-East Frontier Agency, recommended that the education among the Daflas, Apatanis and other tribal people in this region should be given through the Assamese language. He says, 'But what type of education is most likely to give Dafla and Apatani self-reliance and equip him for the manifold contacts with outsiders which the opening up of the country will inevitably involve? There can be no reasonable doubt that acquisition of a working knowledge of colloquial Assamese must be the firm aim of any educational effort. Relations with officers of Government as well as with the population of the plains would at once become easier and smoother if a number of prominent tribesmen were able to converse in Assamese. At present it is mainly men of low status and little importance who have picked up a smattering of Assamese while working for wages in the plains'. But in spite of this advice from a high authority, this Government have proceeded cautiously in the matter of language as indicated in the extract of my speech quoted above. In any case, we do not favour re-organisation of States on the basis of language alone. There are so many dialects prevalent among the hills that, if linguistic basis were pushed to its logical conclusion, every

range in the hills would have to be formed into a separate State. Thus in the Naga Hills, there are no less than 21 principal dialects, in the Lushai Hills 12, in the Mikir and North Cachar Hills 14, in the Khasi and Jaintia Hills 6, in the Garo Hills 4 and in the North-East Frontier Agency 22. Once the claim for making language the criterion for re-organisation of States is conceded, it would be difficult to resist the force of disintegration, particularly in a State like Assam, and India, it is feared, would again fall to pieces''.

In the national interest of security and solidarity of India, the States Reorganisation Commission has rightly rejected the claim of West Bengal as it did not seem sound and also did not accept any of the claims for disintegration of the present State of Assam. I have already emphasised that in the interest of security and unity of India, it is essential that the entire North-Eastern Region of India should ultimately be integrated into one administrative unit and that this process of integration should be encouraged and steps should be taken to speed up the process to bring about a feeling of unity amongst all sections of the people inhabiting this region including the North-East Frontier Division.

Government welcome the recommendations of the States Reorganisation Commission for merger of Tripura in Assam Administration in the national interest provided the people of Tripura are generally in favour of such a merger. Government also feel the need of re-organising the special position of Bengali language as well as the tribal dialects in Tripura for official and educational purposes. To implement the policy laid down by the Government of India, I assure on behalf of the Government in such matters for the protection of the interest of the minorities. The Government also recognised the need for the maximum protection and development of the tribal population in Tripura and would be prepared to take special measures with that object in view. The suggestion of the States Reorganisation Commission that the Government of India might make special allotments for the development of Tripura and also exercise, under the proposed arrangements, control over the disbursement of these allotments for specified periods and the constitution

of a Development Board consisting of officials and non-officials to look after the economic and social development of the area are also acceptable to this Government. This Government further expect that Government of India should pay grants-in-aid to the revenues of the State of Assam sums, capital and recurring, equivalent to the excess of expenditure over the revenues during the year immediately preceding the merger in respect of the administration of Tripura and also the cost of such schemes of development as may be undertaken with the approval of the Government of India for the purpose of raising the level of administration of the rest of Tripura State to that of the administration of the rest of the areas in Assam.

Similarly, if at any time, in the national interest and in the interest of security and solidarity of India, the people of Manipur State in general agree to integrate and merge with Assam as one political and administrative unit, the Government of Assam will welcome such merger and assure them to take all steps for the development and protection of the interest of the minorities and tribals living in Manipur State provided the Government of India are prepared to give such grant under Article 275 of the Constitution for development of these areas and an annual subvention of an amount (recurring and non-recurring) equivalent to the excess of expenditure over the revenues of the State.

I have on different occasions declared our policy that the promotion of the welfare of the tribal people and the development of the backward areas have always been a cause dear to the heart of the Father of the Nation, and an integral part of the constructive programme of the Indian National Congress under his leadership. The Government of India and the Government of Assam will ever endeavour to achieve this objective in every way possible. Speaking for myself, I consider the development of the tribal areas a most sacred duty vested in me as the leader of the present Government, and I am determined to work unceasingly and discharge this duty to the best of my ability. In this onerous task I seek to your fullest and unstinted co-operation. That the present Government have been trying to implement the policy since 1947 for rapid and all-round progress of autonomous hill areas will be apparent to the hon. Members from the following figures. In 1947-48 while the expenditure on

Education, Medical, Veterinary, etc., amounted to Rs.23,70,000 the same went up to Rs.1,15,08,000 in 1953-54. Of this, the State Government contributed Rs.78,83,526 and the Government of India contributed Rs.41,24,423. The expenditure shot up in 1954-55 under these heads to Rs.3,04,33,000 of which Rs.1,69,33,000 is the share of the State Government. Priority has been given to the development of road communications in these districts for which a sum of Rs.256 lakhs has been earmarked during the First Five-Year Plan period. In addition to this amount, the State Government took up road construction from their own revenue to the extent of Rs. 1 crore. In 1955-56 the expenditure from the State Revenue for the Autonomous Hills is expected to go up roughly to Rs. 2 crores 40 lakhs (excluding expenditure on institutions catering to the needs of the State as a whole) in addition to the grant from the Government of India to the extent of Rs.2 crores 10 lakhs. It may be mentioned here that the six Autonomous Hill Districts yield a revenue of Rs.25 lakhs only a year, but this small income has not retarded in any way the rapid growth and development of these areas. The Government have never hesitated to incur expenditure to ensure the greatest possible development of these tribal areas from the pool of revenues collected from other parts of the State. So much expenditure in the hill areas and such development in all spheres has been possible as all sections of the people imbued with a strong desire to do all that is possible for them to bring them to the doors of our tribal brothers and sisters the benefits that modern civilisation can offer. Their whole-hearted co-operation with the Government and determination to work for the common good has contributed greatly in speeding up the welfare and developmental activities in the hills. It is for the best interest of the tribal people to continue to avail of this abundance of good will to develop this area and to cement brotherly relations between the people of hills and the plains for the good of plains and hills. I assure that the present Government is determined to safeguard the interest of the tribal people in the hills and plains and implement the various developmental and welfare activities.

In addition to these, the States Reorganisation Commission in its Report has made certain recommendations to speed up the developmental activities in the hill areas by making some special provisions. I, therefore, think it is our duty to obtain this money from the Government of India by our united and co-operative endeavours.

The Constitution has allotted specific functions to the District Council. In the discharge of these functions the Council can count on the fullest measure of support and co-operation from the Government. Government do not consider that the District Council is a body separate from it. They look upon the District Council as just another branch of the district administration named by the elected representatives of the people. Government are anxious and determined to see that scheme of local autonomy in these hills works successfully and remove any factor that may be found standing on the way of running this autonomy efficiently and successfully. Government expect whole-hearted co-operation of the people of the hills in this noble task of making it a success. The provisions in the Constitution for the administration of the Tribal Areas and the protection of the interests of the Tribal people living in those areas naturally form the corner stone of the policy of Government towards the Tribal people. At an important conference held in Delhi to discuss the right approach to the problems of the Tribal people, our Prime Minister reiterated this policy in his own forceful and forthright way. "This policy is not one of patronage or born of a feeling on the part of a stronger or advanced group to 'do good' or 'civilise' a weaker or backward group. The policy is one of voluntary free co-operation with the Tribal people, extending to them whatever help they need to lead their own lives and develop and mould their future in the manner they consider best. The intention is of course that Tribal communities should be integrated with the general Indian body politic. The integration that is aimed at is only an integrated equality of opportunity for everyone in the land, so that he or she, wherever he or she may be, may take his or her rightful place in the counsels of the country."

It is common knowledge that democracy and freedom are well ingrained in the life and traditions of the people in the hills. Their day-to-day life bears the stamp of orderliness and discipline. They have much to teach, and the rest of the country has much to learn from them specially the disciplined way they live and the democratic way they conduct affairs of their village and society. The Constitution has in response to the wishes of the people of the hills and in view of their distinctive customs and modes of life, have vested with a wide measure of autonomy in the management of their

day-to-day affairs. Our Constitution also recognizes the salient fact that this great country of ours is rich in its variety of people, who have their own culture, characteristic, ways of life, customs and usages and that each cultural group must be afforded the fullest freedom to develop in the manner it considers best according to its own genius and inherent traits. The essence of this scheme of local autonomy envisaged in the Constitution for the administration of the Tribal Areas of our State is, therefore, that the Tribal people should be allowed the utmost freedom to shape their lives and their future according to their own dictates and in the manner they consider best without let or hindrance from outside, the rest of the country co-operating with them and helping them, whenever such help is sought, to develop themselves in a manner consonant with their background, traditions and culture. I have repeated on various occasions that the policy of Government is to allow every group or sect in the country the freedom to develop along its own cherished lines.

I have tried to indicate our approach to the recommendations of the States Reorganisation Commission and have given assurance for safeguarding the interest of the minorities. I hope I will get the whole-hearted co-operation and unanimous support of this House and the people in general in our stand-point regarding the reorganisation of this strategic region under one administrative unit as I have endeavoured to make out. (*Applause*).

Mr. SPEAKER: The Motion moved is that the House do now proceed to consider the recommendations of the States Reorganisation Commission generally in so far as they relate to Assam.

Shri HARESWAR GOSWAMI (Leader of the Opposition): Mr. Speaker, Sir, at the very beginning I beg to point out that co-operation and support from all sections of the House is sought for. If that is so, I suggest that the discussion of the States Reorganisation Commission Report be kept pending till tomorrow.

Mr. SPEAKER: No, discussion will proceed straightway immediately until other items in the agenda have been finished.

Shri MOTIRAM BORA (Minister): Mr, Speaker, Sir, I beg to move that.....

Shri BAIDYANATH MOOKERJEE (Minister): Mr. Speaker, Sir, this item has been fixed on the 18th November. Moreover, the books have not been placed on the table.

Mr. SPEAKER: It seems there is no other speaker. What to do Mr. Das ?

Shri MOHIKANTA DAS (Parliamentary Secretary): Let the discussions take place tomorrow.

Shri BISHNURAM MEDHI (Chief Minister): This will interfere with our business on Wednesday.

Mr. SPEAKER: Then there will be time limit of the speeches.

(Adjournment)

(The Assembly was then adjourned till 10 A.M. on Thursday, the 17th November, 1955.

Shillong,

The 8th June, 1956.

R. N. BARUA,

Secretary,
Legislative Assembly, Assam.

APPENDIX A

The 4th November, 1955

No.LML.261/52/102.—It is hereby notified for general information that in exercise of the powers conferred by Section 296(1), read with clause (i) of sub-section (2) of the same section of the Assam Municipal Act, 1923 (Assam Act I of 1923), which was extended to the Sapatgram Small Town by Notification No.LML.261/52/74, dated the 28th March 1955, the Governor of Assam is pleased after previous publication to make the following rules, to have effect for the purpose of holding the first and subsequent General Elections and Bye-elections under the Act in the said Small Town, for the division of the said Small Town into wards and for fixing the number of members to be elected from each of such wards.

Sapatgram Small Town

The Sapatgram Small Town shall be divided into four wards each within the boundaries described below and there shall be one elected member from each of these wards:—

Ward No.I

North—Gangia River.

East— A straight line joining the Railway distant signal and the meeting point of Bhakumari Beel and Gangia River.

South—Railway line.

West—Sonkosh River.

Ward No.II

North—Railway line.

East—Eastern boundary in the line joining the meeting point of Laska and Sapatgram-Borkanda Road and the Railway distant signal.

South—Road leading from the Sonkosh River through Chandina Bazar towards eastern boundary of the Small Town.

West—Sonkosh River.