

# Assam Legislative Assembly Debates

## OFFICIAL REPORT

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

SEPTEMBER SESSION

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**Proceedings of the Second 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 Thursday, the 18th September, 1952.

**P R E S E N T**

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

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

**Community Projects Staff**

**Shri HARESWAR GOSWAMI** asked :

\*56. Will the Minister in-charge of Community Projects be pleased to state—

- (a) How many officers and other persons have been appointed up till now to carry out the plan of Community Projects ?
- (b) How many of these officers and persons are newly recruited ?
- (c) Who have appointed these persons and whether any examination or interview was held for this purpose ?
- (d) Why these recruitments are not made through the Public Service Commission ?

**Shri BAIDYANATH MOOKERJEE** replied :

56. (a)—13 Officers including the Director of Community Projects, 4 Project Executive Officers, 2 Assistant Project Executive Officers, 1 Superintendent and 5 assistants including typists, in the Secretariat. In addition some peons and messengers might have been appointed by the Project Executive Officers and Assistant Project Executive Officers, but information regarding the number so appointed is not available yet.

(b)—None.

(c)—Does not arise.

(d)—Does not arise.

**Shri HARESWAR GOSWAMI** : (b) Is there any possibility of appointing new people as new recruits ?

**Shri BAIDYANATH MOOKERJEE (Minister)** : Definitely, Sir.

**Shri HARESWAR GOSWAMI** : In that case will the Public Service Commission be consulted ?



**Shri BAIDYANATH MOOKERJEE (Minister):** Yes, Sir, if necessary, the Public Service Commission will be consulted, if the post fall within the purview of the Public Service Commission.

**Shri HARESWAR GOSWAMI:** Now that those officers already appointed and transferred to the Community Projects will they be able to cope with the double duties ?

**Shri BAIDYANATH MOOKERJEE (Minister):** No, Sir, they are free from the other duties ; they have been engaged specially for the Community Projects works.

**Shri HARESWAR GOSWAMI:** That the officers already appointed are transferred to the Community Projects Plan—Will these posts be lying vacant for the time being ?

**Shri BADIYANATH MOOKERJEE (Minister):** No Sir, certainly not.

(Starred Questions Nos 57 and 58 standing in the name of Shri Robin Kakati, were not put and answered as the Questioner was absent).

#### Operation of the Adhiars Protection and Regulation Act

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*59. (a) Has Government made the Assam Adhiars Protection and Regulation Act operative throughout the entire district of Kamrup ?

(b) Is Government aware or received information to the effect that the landlords known as Sonapur Tea Estate and Amchung Tea Estate in South Kamrup are realising shares in paddy in excess of the maximum fixed by the Assam Adhiars Protection and Regulation Act in respect of the paddy lands rented out by them ?

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

59. (a)—No. It has been made operative in the South Bank of the Brahma putra but *not* in the North Bank.

(b)—Government have no information. It is, however, being enquired into.

**Shri GAURISANKAR BHATTACHARYYA:** With regard to (b)—Is Government aware that a number of Adhiars have been forcibly evicted in the said Sonapur Tea Estate and Amchung Tea Estate in South Kamrup ?

**Shri MOTIRAM BORA (Minister):** The information is already given and Government have no information. The matter will be enquired into.

**Shri HARESWAR GOSWAMI:** Will Government be pleased to state why the Adhiars Protection and Regulation Act is not implemented in the North Bank ?

**Shri MOTIRAM BORA (Minister):** The people do not want it there.

**Shri HARESWAR GOSWAMI:** Is it the intention of the Government to implement this Act whenever it is wanted by the people ?

**Shri MOTIRAM BORA (Minister):** Yes.



**Grant of loans to Refugees**

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*60. (a) Is Government aware or received complaints to the effect that in the matter of granting loans to the refugees, bribery, corruption and irregularities have become rampant amongst the officers incharge ?

(b) Is Government aware that disposal of refugee loan petitions are not being done expeditiously by the Relief and Rehabilitation Officers ?

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

60. (a)—Some complaints were received but none of them were found to be true so far as allegations of bribery and corruption are concerned. In some cases of complaints about irregularities, the allegations were found to be not without basis and suitable action has been taken in such cases.

(b)—Government have received some such complaints and they have reasons to believe that there has been some delay in some cases but that was mainly due to non-receipt of funds from the Centre in time.

**Shri GAURISANKAR BHATTACHARYYA** : Has any information come to the Government that somebody's brother got a loan of Rs.5,000 and that there was no trace of that somebody's brother or the loan ?

**Shri MOTIRAM BORA (Minister)** : My Friend has already submitted a question about this matter and the matter will be enquired into, Sir.

**Shri HARESWAR GOSWAMI** : Has Government received information that the Registration Cards issued were not given to the refugees but they were given to some private persons by selling the cards ?

**Shri MOTIRAM BORA (Minister)** : Sale of the Registration Cards is a news to me, Sir.

**Shri HARESWAR GOSWAMI** : Have Government received complaints against the Relief and Rehabilitation Officers ?

**Shri MOTIRAM BORA (Minister)** : Yes, they were enquired into and found that the allegations were without any foundation.

**Construction of a bridge over Pagladia river**

**Shri Sriman PRAFULLA CHANDRA GOSWAMI** asked :

\*61. Will Government be pleased to state—

(a) When the construction of bridge over Pagladia river in North Trunk Road near Nalbari was started ?

(b) What is its progress now ?

(c) Whether Government propose to take immediate steps to complete the construction of this bridge within this year ?



†**Shri RAMNATH DAS (Minister)** replied :

61. (a)—Actual work was taken up in 1949.

(b)—Out of 928 feet of R.C.C. piles 672 feet was cast and 651 feet driven. Owing to heavy scouring and subsequent silting of the river bed 7 piles have been displaced and two rows of piles are missing, of which one has been located 20 feet below. Additional work in training the river also is being done.

(c)—Yes.

**Shri Sriman PROFULLA CHANDRA GOSWAMI**: In which year the piles were sunk, Sir ?

**Shri RAMNATH DAS (Minister)**: In 1951.

**Shri Sriman PROFULLA CHANDRA GOSWAMI**: Is it a fact, Sir, that some piles were taken away by the flood ?

**Shri RAMNATH DAS (Minister)**: That is what I have stated.

**Shri Sriman PRAFULLA CHANDRA GOSWAMI**: What is the progress of the additional work that is being done ?

**Shri RAMNATH DAS (Minister)**: In addition to the other arrangement, steps are being taken for training the river.

**Shri Sriman PRAFULLA CHANDRA GOSWAMI**: What is the name of the Contractor, Sir ?

**Mr. SPEAKER**: That does not arise.

**Shri RAMNATH DAS (Minister)**: Let me inform about this, Sir, he is one Shri G. C. Phukan of Jorhat and the work is done by Messers. Builder Stores on behalf of Shri Phukan.

**Shri Sriman PRAFULLA CHANDRA GOSWAMI**: Have any running bills been paid to the contractor, Sir ?

**Shri RAMNATH DAS (Minister)**: I am not definite about that, it may or may not have been paid.

**Shri DHARANIDHAR BASUMATARI**: Is it a fact that the site has not been approved by the Expert ?

**Shri RAMNATH DAS (Minister)**: No, Sir.

(Starred Question No.62 standing in the name of Raja Ajit Narayan Deb of Sidli was not put and answered as the Questioner was absent).

### UNSTARRED QUESTIONS

(To which answers were laid down on the Table)

#### Irregular payment of salaries to Lower Primary School Teachers in Gauhati Subdivision

**Shri PRABHAT CHANDRA GOSWAMI** asked :

75. (a) Will Government be pleased to enquire and state whether it is a fact that the Lower Primary School authority in the Gauhati Subdivision has been irregular in making payment of salaries to the teachers ?

† As Shri Siddhinath Sarma (Minister) was absent, Shri Ramnath Das (Minister) replied to the questions.



(b) Is it a fact that some of the Lower Primary School Teachers of Tihu Circle have not been paid from January, 1952 up-to-date for the whole period and that some of them have been paid for February and March without making payment for January and other months of the period ?

(c) Do Government propose to find out the cause of this state of affair and take an active step to eradicate the evil ?

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

75. (a)—Except for the months of March, April and May last, during which payment to a few circles could not be made regularly, the payment in general has been fairly regular.

(b)—No. Out of 187 schools in the circle, 173 were paid for the month of January in February following. The irregular and incorrect Bills could not be paid in time as they required further scrutiny and reference.

(c)—Does not arise.

**\*Shri PRABHAT CHANDRA GOSWAMI** : Is it not a fact that the teachers of the Tihu Circle are still not getting payment of their salaries ?

**\*Shri OMEO KUMAR DAS (Minister)** : I have already replied that out of 187 schools in the circle, 178 were paid for the month of January in February following. The irregular and incorrect bills could not be paid in time as they required further scrutiny and reference.

**\*Shri PRABHAT CHANDRA GOSWAMI** : Have they got their salaries for May ?

**\*Shri OMEO KUMAR DAS (Minister)** : I cannot say now as the question did not refer to May specifically. I can enquire.

**\*Shri PRABHAT CHANDRA GOSWAMI** : Is it a fact that some of the teachers of the Khetri-Dharmapur Mauza made a representation to the Hon'ble Minister through Srijut Mahendra Mohan Chaudhury, the Local Member of Legislative Assembly of that particular area ?

**\*Shri OMEO KUMAR DAS (Minister)** : The representation has been made only during this Session and it is being enquired into.

#### **Amendment of the Maternity Benefit Act**

**Shri ROBIN KAKOTI** asked :

76. Will Government be pleased to state whether they are contemplating for amendment of the Maternity Benefit Act in the light of the Minimum Wages Act ?

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

76.—The matter is receiving consideration of Government.

**Shri BISWADEV SARMA** : Are Government aware that in some gardens of the Tezpur circle the housing condition of labourers is deplorable ?

**Shri PURNANANDA CHETIA (Deputy Minister)** : Government have received such reports from the Labour Officer.

\*Speech not corrected.



**Shri BISWADEV SARMA:** What steps have Government taken about it?

**Shri PURNANANDA CHETIA (Deputy Minister):** The question would be discussed in the Committee constituted for examining the housing condition in the tea gardens.

**Shri HARESWAR GOSWAMI:** Will Government be pleased to state what steps have been taken to expedite the building of houses in the tea gardens?

**Shri PURNANANDA CHETIA (Deputy Minister):** Government constituted a Committee to consider the question of housing in the tea gardens.

**Shri BISWADEV SARMA:** Do Government know that at present the housing condition generally is bad?

**Shri PURNANANDA CHETIA (Deputy Minister):** It may be, Sir.

#### **Recruitment of labour from outside**

**Shri GIRINDRANATH GOGOI** asked:

77. Will the Minister-in-charge of Labour be pleased to state—

(a) If steps are being taken as per reply of the Finance Minister during the last Budget discussion to stop recruitment of labour from outside?

(b) If not, why not?

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

77. (a)—Yes. The matter has been taken up with the Government of India and is scheduled to come up for discussion in the next Labour Ministers' Conference.

(b)—Does not arise.

#### **Housing Scheme of the Mazdoors in the different Tea Gardens**

**Shri BISWADEV SARMA** asked:

78. (a) Will the Government be pleased to state the number of tea gardens in Assam where housing programme was taken up?

(b) How Government propose to implement the housing scheme of the Mazdoors in the different Tea Gardens?

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

78. (a)—Housing programme has been taken up by about 500 tea estates.

(b)—In implementing the housing scheme, Government have hitherto relied on the method of persuasions on the basis of decisions arrived at in Tripartite conferences. With the implementation of the Plantation Labour Act, Government will have legal sanction to do this.



### Gauhati-Shillong Road and Shillong-Tamabil Road

**Shri A. ALLEY** asked :

79. (a) Is it a fact that the Gauhati-Shillong Road lies almost entirely within the United Khasi-Jaintia Hills Autonomous District ?

(b) Is it a fact that the Shillong-Tamabil Road lies entirely within the Autonomous District of the United Khasi-Jaintia Hills ?

(c) Is it a fact that these roads are National Highways maintained by the Government of India ?

(d) Do Government propose to give a share of the profits arising out of State Transport on the Gauhati-Shillong Road to the District Council of the United Khasi-Jaintia Hills District ?

(e) Do Government propose to share the permit fee and other vehicle taxes realised on the Shillong-Tamabil Road with the District Council of the United Khasi-Jaintia Hills District ?

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

79. (a)—A major portion of the Gauhati-Shillong Road lies within the United Khasi-Jaintia Hills Autonomous District. The portion from Burnihat to Gauhati and a small portion within the Municipal area of Shillong fall outside the United Khasi-Jaintia Hills Autonomous District.

(b)—The Shillong-Tamabil Road lies almost entirely within the Autonomous United Khasi-Jaintia Hills District. The portion of the road falling within the Municipality and Cantonment of Shillong falls outside the Autonomous District.

(c)—These roads are National Highways maintained by the State Public Works Department as agent of the Government of India, out of funds provided by the Government of India, except the portions falling within the Municipal limits of Shillong and Gauhati which are maintained out of State revenues.

(d)—No.

(e)—The matter is under examination.

### Construction of roads in Mikir Hills

**Mr. NIHANG RONGPHER** asked :

80. (a) Are Government aware that there is no road communication as link between the plains and the hills in the Mikir Hills specially in the Western Mikir Hills ?

(b) Is there any proposal of constructing roads in the Mikir Hills in this financial year ?

(c) If so, what are the names of the roads ?

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

80. (a)—Government are aware that the road communication between the plains and the hills in the Mikir Hills, specially in the Western Mikir Hills, is poor.

(b)—Yes.



(c)—It had originally been decided to survey and take up construction work on the Diphu-Mohendijua Road. For survey work on this road a sum of Rs.70,000 had been allotted during the current year. Subsequently representations were received from Mikir representatives to the effect that a road from Diphu to Mohendijua was not as essential as an axial road linking up the surplus rice producing Namati Mauza with Manipur Road, and such a road should be allotted higher priority than a road from Diphu to Mohendijua. The possibility of constructing a road from Dokmoka to Manipur Road is under examination and a decision will be taken shortly. Immediately after a decision is taken, survey work and thereafter construction will be started.

**Shri NIHANG RONGPHER:** Do not Government consider the need for immediate construction of a road in the western Mikir Hills to serve as a link between the hills and plains ?

**Shri BISHNURAM MEDHI (Chief Minister):** Sir, I have already replied that as a result of representation to the effect that a road from Diphu to Mohendijua was not as essential as an axial road linking up the surplus rice producing Namati Mauza with Manipur Road and that such a road should be allotted higher priority than a road from Diphu to Mohendijua. The possibility of constructing a road from Dokmoka to Manipur Road is under examination and a decision will be taken shortly.

#### **Appointment of a Judge for the District Council, United Khasi-Jaintia Hills**

**M. MOINUL HAQUE CHOUDHURY** asked :

81. (a) Is it a fact that Government is contemplating to appoint a Judge for the District Council, United Khasi-Jaintia Hills ?

(b) If so, when ?

(c) Do Government propose to appoint a Khasi in this post in view of the peculiar local problems ?

(d) Do Government propose to appoint such Judges for other District Councils also ?

(e) If so, when ?

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

81. (a)—No. The appointment of Judges for District Councils will have to be made by the District Councils under rules to be made by them under paragraph 4(4) of the Sixth Schedule to the Constitution with the previous approval of the Governor. These rules have not yet been framed by the United Khasi-Jaintia Hills District Council.

(b)—Does not arise.

(c)—Does not arise at this stage.

(d)—No. The rules under paragraph 4(4) of the Sixth Schedule have not yet been framed by the District Councils.

(e)—Does not arise.

**M. MOINUL HAQUE CHOUDHURY:** Can Government give us an idea as to what time would be taken for framing these rules ?

**Shri BISHNURAM MEDHI (Chief Minister):** It is a matter for the District Council and I do not know their mind, Sir.



**Amount advanced to Government Officers as House Building Advance during the last five years**

**Shri GAURISANKAR BHATTACHARYYA** asked :

82. Will Government be pleased to state year by year and district by district the total amount advanced to Government officers as House Building Advance during the last five years ?

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

82.—A Statement giving the information asked for is placed on the table.

**STATEMENT**

Names of the districts	1947-48	1948-49	1949-50	1950-51	1951-52
(1)	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs.	Rs.	Rs.	Rs.
Khasi and Jaintia Hills...	1,40,005	3,62,161	7,51,324	4,34,246	7,93,435
Nowgong ...	1,056	2,460	1,844	4,632	14,388
Goalpara ...	...	...	1,620	1,824	14,000
Lakhimpur ...	1,262	2,400	1,780	2,364	5,700
Cachar ...	3,471	1,270	500	2,388	39,634
Tezpur ...	2,760	5,134	4,690	5,556	41,824
Sibsagar ...	5,154	22,590	9,688	4,764	52,922
Kamrup ...	12,852	22,954	15,374	29,992	1,17,100
Naga Hills ...	540	...	...	...	2,280

**Shri GAURISANKAR BHATTACHARYYA:** Will Government be pleased to state the reasons as to why there is so great a difference between the advance granted to the employees in the Khasi and Jaintia Hills district and the other districts ?

**Shri MOTIRAM BORA (Minister):** There are various reasons. The demand from the officers and office assistants of the Khasi and Jaintia Hills is greater. The hon. Member may know that in order to relieve the acute housing shortage in the capital we have given settlement of land to many of our hard-pressed office assistants and having given them land we had to give them advance for building houses.

**Shri HARESWAR GOSWAMI:** Is it a fact that the advance given to the officers is not being utilised for want of building materials ?

**Shri MOTIRAM BORA (Minister):** No, Sir, they are also getting building materials. I would request my Friend to visit the colonies where we have given lands and he will see for himself how houses have sprung up there.

**Shri GAURISANKAR BHATTACHARYYA:** Do Government propose to follow up the same policy in other districts of the State also ?



**Shri MOTIRAM BORA (Minister):** If demands are made and lands and funds are available, we shall certainly consider whether the same policy in other districts also can be adopted.

**Maulavi MD. UMARUDDIN:** How do Government propose to disburse the sum of Rs.5 lakhs provided in the supplementary budget on account of "Loans and Advances" for house building?

**Shri MOTIRAM BORA (Minister):** That is a different matter and I cannot give the information off-hand.

**Maulavi MD. UMARUDDIN:** Will the entire amount be spent in the Khasi and Jaintia Hills district, or a part of it will be distributed to the other districts also?

**Mr. SPEAKER:** The Minister said that he was not in a position to give that information now.

**Shri MOTIRAM BORA (Minister):** If the hon. Member wants, I can supply the information later.

**Maulavi MD. UMARUDDIN:** Will the Hon'ble Minister take into consideration the acute housing shortage in the other districts as well in allocating this money?

**Shri MOTIRAM BORA (Minister):** Sir, we are taking action wherever possible. For instance, day before yesterday the Chief Minister placed a supplementary demand for purchase of some buildings of Tezpur College for our office purposes as the housing difficulty in Tezpur town for offices is very acute. After all, the solution of such a problem depends on the availability of funds and other factors that I have already mentioned.

#### **Enhancement of the pecuniary jurisdiction of the Munsif at Sibsagar**

**Shri GIRINDRANATH GOGOI** asked :

83. (a) Will the Minister-in-charge of Judicial Department be pleased to state whether a representation was made to him by the Bar Association of Sibsagar to raise the pecuniary jurisdiction of the Munsif's Court at Sibsagar, to have circuit of Judges to hear appeals at Sibsagar and that there is a shortage of Magistrates there?

(b) If so, what Government propose to do in this matter?

**Shri RUPNATH BRAHMA (Minister)** replied :

83. (a) —Yes; but the representation made by the Sibsagar Bar Association raised two questions only, viz. :

Enhancement of the pecuniary jurisdiction of the Munsif.

Holding of the circuit courts of the Sub-Judge and the Additional Sub-Judge at Sibsagar.



(b)—The pecuniary jurisdiction of the Munsif at Sibsagar has already been raised by the High Court.

Regarding the holding of circuit courts the District Judge raised some practical difficulties. In view of the raising of the pecuniary jurisdiction of the Munsif at Sibsagar, this question has been dropped for the present.

**Shri GIRINDRANATH GOGOI:** With regard to (b), may I know what are the practical difficulties which have been raised by the District Judge?

**Shri RUPNATH BRAHMA (Minister):** The first difficulty is that if we concede this demand in case of Sibsagar, there are subdivisional towns like Golaghat, Mangaldai, Karimganj, etc., from where we are getting similar demands and we shall have to consider their cases also. Then if we allow the Subordinate Judges and Assistant Sessions Judges to go on circuit from the headquarters station, the work there will suffer and we shall need additional hands and staff. Then there is the difficulty of getting houses for offices. These are some of the practical difficulties.

We know that there has been some difficulties experienced by the litigants in those subdivisions.

**Amount of Agricultural Income-tax realised from different districts and Tea Gardens of Assam**

**Shri BIMALA KANTA BORA** asked :

84. Will Government be pleased to state—

- (a) The amount of Agricultural Income-tax realised from the different districts of Assam during the years 1949-50 and 1950-51 and 1951-52 ?
- (b) The amount of Agricultural Income-tax realised from the tea gardens of Assam during those three years ?
- (c) Whether it is a fact that a large number of notices to pay three years' Agricultural Income-tax together was issued last year to the flood affected people of Jamunamukh, Kampur, Garubat and Jarabari Mauzas of Nowgong district ?
- (d) If so, why ?

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

84. (a)—

District	1949-50 Rs.	1950-51 Rs.	1951-52 Rs.
Cachar ...	8,06,851	5,09,425	6,63,137
Goalpara ...	2,14,275	3,05,269	2,28,286
Kamrup ...	56,043	1,61,520	1,28,745
Darrang ...	14,95,251	12,69,158	26,04,941
Nowgong ...	56,368	3,98,915	1,02,410
Sibsagar ...	12,20,895	24,25,291	23,10,267
Lakhimpur ...	26,83,789	27,56,704	32,51,997
Lushai Hills...	3,712	...	...
Garro Hills ...	3,141	...	...
Total	65,40,325	78,26,282	92,89,783



(b)—	Rs.	Rs.	Rs.
Cachar ...	7,93,075	4,53,104	6,38,834
Goalpara ...	35,860	1,25,764	66,569
Kamrup ...	55,048	1,60,274	1,20,424
Darrang ...	14,94,132	12,68,040	25,94,703
Nowgong ...	55,624	3,91,327	96,938
Sibsagar ...	12,16,714	24,24,307	23,01,119
Lakhimpur ...	26,69,371	27,52,674	32,36,452
Total	63,19,824	75,75,490	90,55,039

(c)—It is not a fact that notices issued were large in number. What happened in this area is this. Due to rise in prices of agricultural produce our officers got informations that a good number of persons owning large landed property in that area were making assessable income. Hence notices on such persons were issued to submit returns and produce evidence. Then after giving due consideration to each case on merit, assessment has been made according to law where it is found warranted and demand notices were then served on such persons to make payment of the amount assessed. For the information of the hon. Member it may be stated that paddy crops in that area were successful in the last two years and there was practically no damage of crops by floods in that area at least in the last two years. The Agricultural Income-tax Officers also gave due consideration to the effects of floods, if any, at the time of his making the order.

It may be that some persons were served with notices by the Agricultural Income-tax Officer to submit returns and produce accounts and other materials for determination of their income.

(d)—Does not arise.

**Shri BIMALA KANTA BORA:** Is it a fact, Sir, that notices demanding returns of incomes for the last three or four years were sent together last year to these people?

**Shri MOTIRAM BORA (Minister):** It may be, Sir.

**Shri BIMALA KANTA BORA:** Why these notices were not sent in due time, Sir, instead of sending them all at a time?

**Shri MOTIRAM BORA (Minister):** As I stated in the reply, Sir, information was received by Government later.

**Shri DHARANIDHAR BASUMATARI:** Do Government know that great hardships were caused to these people, Sir, by serving those notices at a time?

**Shri MOTIRAM BORA (Minister):** It is no hardship, Sir, because the people were making good incomes.

**Shri BIMALA KANTA BORA:** Why these informations were not forthcoming in due time?

**Shri MOTIRAM BORA (Minister):** Due to various reasons, Sir, various informations do not reach our officers in time.

**M. MOINUL HAQUE CHAUDHURY:** Is it not a fact that the man who makes the income is himself to give information to Government?



**Shri MOTIRAM BORA (Minister):** Yes, Sir, and this people do not give the informations.

**Licensed tea stalls within Municipal Areas of each District of Assam**

**Shri BIMALA KANTA BORA** asked :

85. Will Government be pleased to state—

- (a) The number of licensed tea stalls within Municipal areas of each district of Assam ?
- (b) Whether Government maintain any agency to supervise the sanitary arrangements of these stalls ?
- (c) If so, what is that agency ?
- (d) Whether Government are aware or received reports to the effect that large number of such tea stalls is used as unlicensed liquor shops ?
- (e) Whether it is a fact that most of these tea stalls are kept in insanitary conditions detrimental to the health of the public ?
- (f) If so, whether Government propose to make a drive for removal of insanitary stalls ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** replied

85. (a)—The information is not ready with Government, but it may be obtained from the Municipalities, if so desired.

(b)—No. This work is done by the Municipal Boards.

(c)—Does not arise.

(d)—Government have no information.

(e)—Government have no definite information, but it is not unlikely that the condition of many stalls are not sanitary.

(f)—If definite information is available, the Municipality concerned will be asked to move in the matter.

**Shri BIMALA KANTA BORA :** With regard to (d) Sir, the reply is, "Government have no information". My question was, "Whether Government are aware or received reports to the effect that large number of such tea stalls is used as unlicensed liquor shops ?" May I know to which Department such information usually come — to the Local Self-Government Department or the Excise Department?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** To the Local Self-Government Department, Sir.

**Shri HARESWAR GOSWAMI:** With regard to 85(a), is it not in the interest of the Government to know how many tea stalls are there in each Municipality ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** I have already given a reply to that, Sir.

**Shri HARESWAR GOSWAMI :** The reply is that the information is not ready with Government but it may be obtained from the Municipalities if so desired—who will desire ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister):** The hon. Member, Sir.



**Amount of money written off on account of Government's transaction in Standard Cloth**

**Shri RANENDRA MOHAN DAS** asked :

86. (a) Is it a fact that a large amount of money had to be written off on the account of Government's transaction in Standard Cloth ?

(b) Will Government be pleased to state the total amount of transaction on Standard Cloth in the State and the total loss incurred therein ?

(c) Was there any Officer or Officers responsible for this loss ?

(d) If so, who are those Officers and what steps have been taken against them ?

(e) What are the reasons for the loss ?

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

86. (a)—Yes, but the loss has been compensated by the grant from the Equalisation Fund received from the Centre.

(b)—Total amount of transaction is Rs.4,73,12,468 and the total amount of loss according to present calculation has been estimated at Rs.18,58,148.

(c) & (d)—This loss was due to the various factors. For part of this loss, certain officers were considered responsible. Departmental action has been taken against them. Some of them had also been put to trial in which they were acquitted. The Departmental proceedings against the officers are pending. Government do not consider it proper to disclose their names at this stage.

(e)—Losses are mainly due to :—

(i) Losses in transit.

(ii) Alleged short supply by mills.

(iii) Losses due to sale of damaged cloth at reduced prices.

(iv) Losses due to shortages in godown.

(v) Losses due to certain short credits and non-credits.

**Construction of Veterinary Dispensary at Goalpara**

**Shri HAKIM CHANDRA RABHA** asked :

87. Will Government be pleased to state—

(a) Whether it is a fact that the land acquisition proceedings for the construction of Veterinary Dispensary at Goalpara town started during 1947-48 ?

(b) If so, when it was gazetted ?

(c) Whether it is a fact that the Local Board, Goalpara, deposited into the Local Treasury the sum of Rs. 7,500-7-0 (Rupees seven thousand five hundred and annas seven) only towards the cost of compensation of the acquisition as ordered by Government ?

(d) Whether the Board has brought to the notice of Government about the loss and inconveniences of the public and the staff of the Dispensary for undue delay for settlement of the case ?

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

87. (a)—No. The acquisition proceedings were started during the year 1948-49.

(b)—It was gazetted on the 17th May, 1950.

(c)—Yes.



(d)—The Board reported to the Government alleging loss and inconveniences to the public. The public however do not appear to have suffered any inconvenience as the Veterinary Dispensary is functioning in its present site which is proposed to be acquired.

**Shri HAKIM CHANDRA RABHA** Is it a fact that the Goalpara Local Board has to pay rent for this site to be acquired ?

**Shri HARESWAR DAS (Deputy Minister):** Yes, Sir.

**Shri HAKIM CHANDRA RABHA :** What is the amount of rent per month ?

**Shri HARESWAR DAS (Deputy Minister) :** I do not know, Sir, it is the Local Board who pays it.

**Shri HAKIM CHANDRA RABHA :** Is it not a great loss to the Local Board if they have to pay rent for years together ?

**Shri HARESWAR DAS (Deputy Minister) :** There is no loss, Sir, as the building belong to a private person ; Board should pay rent.

**Shri HAKIM CHANDRA RABHA :** Will Government be pleased to state who is responsible for this undue delay ?

**Shri HARESWAR DAS (Deputy Minister) :** The Local Board is partly responsible Sir, as they took more then a year to deposit the compensation.

**Shri HAKIM CHANDRA RABHA :** Will Government be pleased to take immediate steps to finalise this land acquisition, and also will Government be pleased to order the officer concerned to take immediate steps in the matter ?

**Shri HARESWAR DAS (Deputy Minister) :** That has already been done, Sir, and objections of owners were heard on the 8th September last. There will be no further delay.

#### **Occupation of Mathurapurgram in the Sonari Circle of Sibsagar by landless cultivators**

**Shri SARJU PRASAD SINGH** asked :

88. (a) Is it a fact that a portion of Mathurapurgram in the Sonari Circle of Sibsagar Subdivision was under occupation of some landless cultivators before it was requisitioned by Government ?

(b) Who are those occupying raiyots ?

(c) Is it a fact that those occupying and cultivating landless people were not given settlement and were evicted from the grant ?

(d) Why they were evicted ?

(e) Will Government be pleased to give the name of the persons and their original home address to whom settlement have been given in this grant ?

(f) Do Government propose to consider the case of those occupying landless people who were evicted indiscriminately ?



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

88. (a)—Yes. About 64 bighas of land in the grant were in occupation of 27 persons.

(b)—These occupying raiyots are of Mathurapur Tea Estate.

(c)—No. These persons are still in occupation. They have not been evicted therefrom and will not be evicted also though they have been asked to join the Co-operative with which the rest of the unoccupied lands has been settled in the interests of mutual good.

(d)—Does not arise.

(e)—The requisitioned land excluding the area in occupation of these 27 persons has been settled with a Co-operative Society and the names of the members of the Society with their addresses are being placed on the library table.

(f)—Does not arise, as the old occupants were not evicted.

#### **Closure of small rice mills and question regarding Assam Foodgrains Control Orders**

**Shri NILMANI PHOOKAN** asked :

89. (a) Will Government be pleased to state whether it is a fact that the small mills existing for local milling purposes have been closed by Government orders ?

(b) Is it known to Government that as an effect of this, price of rice has increased immediately, as well as the small millers have been hard-hit for this stoppage ?

(c) Will Government be pleased to withdraw this order forthwith as milling by these small mills has the effect of easing the local markets to a great extent ?

(d) Is it a fact that big mills have been opened and if so, what benefits the public and the Procurement Department are expected to get now ?

90. Will Government be pleased to state whether Assam Foodgrains Control Orders are still in force ?

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

89. (a)—Yes, temporarily as there was a change in the Government policy not to allow automatic exemption to small mills producing under 500 maunds of rice monthly.

(b)—It was reported from the Sibsagar District that due to the exemption hitherto enjoyed by the small mills having been withdrawn there was an increase in price. The Deputy Commissioner, Jorhat, however, allowed private milling to continue under check and this met the situation. The small millers by taking out milling licenses and entering the scheme of Government procurement may gain, because they may also be given paddy from Government stocks for milling. They would also be allowed to mill under permits the paddy of private parties meant for family consumption.



(c)—On the basis of the reply to Question 89(b) above there is no intention to withdraw the Order.

(d)—The question is not quite clear. Big mills, with valid milling licenses, have always been open. They enter into contracts with the Procurement Department for the supply of rice. They cannot sell any rice except to the Procurement Department.

90.—Yes.

**Shri NILMANI PHOOKAN:** With regard to (b) Sir, the reply is, "The Deputy Commissioner, Jorhat, however, allowed private milling to continue under check and this met the situation....." May I know what kind of check the Deputy Commissioner introduced?

**Shri BAIDYANATH MOOKERJEE (Minister):** He gave temporary licenses, Sir.

**Shri NILMANI PHOOKAN:** Then it is stated again "The small millers by taking out Milling Licenses and entering the scheme of Government procurement may gain....." May I know whether this system has been introduced and the small millers are in possession of licenses and entered into contract with the Procurement Department?

**Shri BAIDYANATH MOOKERJEE (Minister):** Orders have already been sent to all District Officers, Deputy Directors, Procurement, Assistant Director, Procurement, Subdivisional Officers, etc.

#### Textile Staff at Jorhat

**Shri NILMANI PHOOKAN** asked:

91. Will Government be pleased to state—

- (a) The strength of the present staff with their designation in Textile Department at Jorhat?
- (b) The present stock of cloth there and their varieties fine, medium, coarse and unwanted?
- (c) Whether the present staff is necessary at all in view of parallel open market of textile commodities.

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

91. (a)—The sanctioned strength of the Textile staff at Jorhat is 1 Textile Inspector, 3 Textile Sub-Inspectors and 2 office assistants and 2 peons (*i.e.*, 1 orderly and 1 office peon), but 2 Sub-Inspectors are working now instead of 3 Sub-Inspectors.

(b)—The stock on 1st September 1952 was 127 bales fine, 29 bales superfine, 257 bales medium, 12 bales coarse and 27 bales unwanted varieties.

(c)—Yes, the present staff is necessary.

**Shri NILMANI PHOOKAN:** In connection with (b) Sir, the reply is, "The stock on 1st September 1952 was 127 bales fine, 29 bales superfine, 257 bales medium, 12 bales coarse and 27 bales unwanted varieties"—in view of this small stock that has to be dealt with by the Textile staff, is it really necessary to have such a big staff for handling this small stock?

**Shri BAIDYANATH MOOKERJEE (Minister):** Government think that it is necessary, Sir.



**Subsidised dispensaries in Tezpur Subdivision and X-Ray Plant of the Tezpur Civil Hospital**

**Shri BISWADEV SARMA** asked :

92. (a) Will Government be pleased to state the number of subsidised dispensaries in Tezpur Subdivision ?

(b) Is it a fact that for want of communication to Tezpur in rainy weather many people die for want of treatment ?

(c) If so, do Government propose to take some steps in the matter ?

93. (a) Is it a fact that an X-Ray Plant is lying at the disposal of the Tezpur Civil Hospital ?

(b) If so, what steps Government has taken to operate the plant ?

(c) For how long this plant is lying there ?

(d) Is it a fact that there is not a single X-Ray Plant in the whole of the Darrang District ?

**Shri RUPNATH BRAHMA (Minister)** replied :

92. (a)—Four.

(b)—Government have no information.

(c)—Does not arise.

93. (a)—Yes.

(b)—The plant is in working condition.

(c)—Since March, 1947.

(d)—No.

**Shri BISWADEV SARMA:** Are Government aware that a large number of persons who went there for detection of fractures was disappointed because the apparatus was not working properly? Who is responsible for this ?

**Shri RUPNATH BRAHMA (Minister):** I have no information, Sir.

**Shri BISWADEV SARMA:** Will Government be pleased to enquire into the matter ?

**Shri RUPNATH BRAHMA (Minister):** I may look into it.

**Public Works Department Subdivision at Sibsagar**

**Shri ANANDA CHANDRA BEZBARUA** asked :

94. (a) Is it a fact that the Subdivisional Officer, Public Works Department at Sibsagar has not been keeping good health for the last few months and that he has lately been suffering from Typhoid ?

(b) Has he taken leave ?

(c) If not, how his works are being carried out ?

(d) Is it a fact that important Public Works Department works at the Public Works Department Subdivision at Sibsagar are being executed now ?



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

94. (a)—Government have no information, but it has been called for.  
(b)—No.  
(c)—Does not arise  
(d)—Yes.

**Non-receipt of pay in time by temporary, newly appointed Officers and Officers on transfer**

**Shri ANANDA CHANDRA BEZBARUA** asked :

95. (a) Is it a fact that temporary officers, newly appointed officers and officers on transfer do not generally get their salary for several months in time and on occasion have to wait ?  
(b) Do Government propose to remedy the defect ?

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

95. (a)—Generally they get their pay regularly. But there may be exceptions sometimes, for various reasons and as soon as they are brought to notice, such matters are taken up and grievances removed.  
(b)—Government have already taken action to avoid such occasional delay in payment of pay.

**Shri ANANDA CHANDRA BEZBARUA** : May I know the reasons for officers getting payment late ?

**Shri MOTIRAM BORA (Minister)** Sometimes it so happens, Sir, that prolonged correspondence becomes necessary before pay slips are issued.

**Shri ANANDA CHANDRA BEZBARUA** : Is it the general practice, Sir ?

**Shri MOTIRAM BORA (Minister)** : No, Sir, it is not.

**Special Audit of Veterinary Department Accounts**

**Shri RADHIKA RAM DAS** asked :

96. (a) Will Government be pleased to state whether the Comptroller, Assam, conducted a special audit of the Veterinary Department accounts about 6 months ago ?  
(b) Is it a fact that the Comptroller found various financial irregularities in the accounts including misappropriations ?  
(c) Is it a fact that the Comptroller submitted his audit objections before Government and that Government deputed the Deputy Secretary to verify the audit objections ?  
(d) Will Government be pleased to state what actions have been taken against the officers concerned ?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** replied :

96. (a)—Yes, in November, 1951,



(b)—Yes.

(c)—No.

(d)—The whole matter is under consideration.

**Shri RADHIKA RAM DAS** : In reply to (b), it is agreed that various misappropriations and irregularities have been found. May I know whether any action has been taken against the officer or officers concerned who committed such misappropriations?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : I have already stated in the reply, Sir, that the whole matter is under consideration.

**Maulavi MD. UMARUDDIN** : At what stage of consideration? (A voice from Treasury Benches—At consideration stage.)

**Shri DHARANIDHAR BASUMATARI** : May I know the names or designations of the officers concerned?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : The Director of Veterinary is scrutinising the matter to see who are responsible for the irregularity and on whom the responsibility can be fixed.

**Shri RADHIKA RAM DAS** : Sir, while it is a question of misappropriation of Government money, my question is why no action has been taken so long against the officers concerned?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : We had received the report from the Auditor and then explanation of the Director was called for. As the explanation has since come, we are now to compare or examine to see whether there is really misappropriation of money and, if so, what action against the officers responsible can be taken.

**Shri GAURISANKAR BHATTACHARYYA** : Sir, has the Assistant Director or the Director been put under suspension now?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : No.

**M. MOINUL HAQUE CHOUDHURY** : May I take it then, Sir, that the responsibility has not yet been fixed.

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : No, Sir, it has not yet been fixed.

**M. MOINUL HAQUE CHOUDHURY** : May I know, Sir, who is or are *prima facie* or primarily responsible for this?

**Maulavi ABDUL MATLIB MAZUMDAR (Minister)** : The Director is responsible for the irregular action of the particular officers concerned. The matter shall be further gone into.

**M. MOINUL HAQUE CHOUDHURY** : Sir, is it not the practice that in such serious matters the officers primarily or *prima facie* responsible are placed under suspension so that full and fuller details are available and no records are changed or removed from office?



**Maulavi ABDUL MATLIB MAZUMDAR (Minister) :** Not invariably.

**Shri BISHNURAM MEDHI (Chief Minister) :** Sir, I want to explain the matter. The Comptroller finds various financial irregularities in auditing accounts and in the case of misappropriation of money generally the Comptroller makes certain recommendation from time to time, but he generally does not specify who is directly responsible for such misappropriation. After examination, and Government being satisfied, the officer found responsible or the officer who misappropriated is at once put under suspension.

**M. MOINUL HAQUE CHOUDHURY :** I think, Sir, that stage has not reached yet.

**Shri BISHNURAM MEDHI (Chief Minister) :** No, Sir.

**Non-receipt of pay in time by officers on transfer**

**Shri GIRINDRANATH GOGOI** asked :

97. (a) Is it a fact that Government Officers do not generally get their pay in time when they are transferred from one place to another ?

(b) Are Government aware of their great hardships for non-receipt of their pay in time ?

(c) Do Government propose to take steps to remedy all these drawbacks ?

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

97. (a)—Generally they get their pay in time, but there may sometimes, be some exceptions for various reasons.

(b)—Certainly some amount of hardship is bound to be caused when some officers do not get their pay in time.

(c)—As soon as such instances are brought to notice, Government take prompt steps and matters are set right. As a matter of fact, Government have taken up the matter with the Accountant General and necessary steps are being taken to avoid such a situation.

**Shri GIRINDRANATH GOGOI :** Sir, in answer to (a) it is said, "..... there may sometimes, be some exceptions for various reasons". Will Government be pleased to state what are those exceptions ?

**Shri MOTIRAM BORA (Minister) :** Say, for instance, if the personal records of some officers after transfer are not complete, the Comptroller cannot issue pay slips immediately and he makes correspondence to obtain certain information and that takes time.

**Staff of the M. C. B. C. Division, Dibrugarh**

**Shri GHANA KANTA GOGOI** asked :

98. (a) Will Government be pleased to state the names of the Executive Engineer, Subdivisional Officer and Overseers of the M. C. B. C. Division,



Dibrugarh with their qualifications and the pay and allowances they draw and also their period of service at Dibrugarh ?

(b) Is it a fact that Sardar Kartar Singh is working as an Overseer who supervises the building works of the Assam Medical College ?

(c) Is he physically fit to continue in service ?

(d) Is it a fact that this Sardar Kartar Singh has no requisite qualification for holding the post of an Overseer nor he is a passed Overseer ?

(e) If so, why has he been appointed to supervise the important building works of Assam Medical College ?

(f) Do Government propose to post qualified officers of the Public Works Department to be in-charge of the Assam Medical College Division ?

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

98. (a)—A list is enclosed.

**NAMES OF THE EXECUTIVE ENGINEER, SUBDIVISIONAL OFFICER,  
AND OVERSEERS OF THE M. C. B. C. DIVISION,  
DIBRUGARH**

*Executive Engineer* :—Shri Sailendra Mohan Datta, B. Sc. (Engg.—Benares), A. E. S. Class II. Pay Rs.700 per mensem *plus* 17½ per cent. cost of living Allowance. In charge of the Division from 5th July, 1949.

*Subdivisional Officer* :—Shri Ashutosh Banerjee, Upper Subordinate, Dacca, a permanent member of the S.E.S. Pay Rs.200 *plus* 17½ per cent. dearness allowance *plus* a Subdivisional allowance of Rs.50 per mensem. In charge of the M. C. B. C. Subdivision since April, 1952.

*Overseers* :—1. Amulya Ranjan Chakravorty, Upper Subordinate, Dacca, temporary overseer on contract. Pay Rs.150 *plus* 17½ per cent. dearness allowance, posted since 17th May 1949.

2. Manindra Kumar De, Upper Subordinate, Dacca S. E. S., pay Rs.195 per mensem *plus* 17½ per cent. dearness allowance posted since 13th December, 1947.

3. Anukul Chandra Dey, Upper Subordinate, Dacca S. E. S., pay Rs.140 per mensem *plus* 17½ per cent. dearness allowance, posted since 15th July, 1949.

4. Kartar Singh Bharaj, Overseer from Civil Engineering School, Lucknow, temporary overseer on contract. Pay Rs.230 per mensem *plus* 17½ per cent. dearness allowance, posted since 10th March, 1949.

(b)—Yes.

(c)—Yes (his date of birth is 24th August, 1911).

(d)—No. Shri Kartar Singh Bharaj is a qualified Overseer from the Civil Engineering School, Lucknow.

(e)—Does not arise.

(f)—The present Officers are qualified to manage the work of the M. C. B. C. Division, Dibrugarh.

**Shri GHANA KANTA GOGOI** : In the answer (f), Sir, it is stated that the present Officers are qualified to manage the work of the M. C. B. C. Division, Dibrugarh. If they are qualified to supervise the work, how can there be so many defects in the buildings of the Medical College ?

**Shri RAMNATH DAS (Minister)** : I am not aware of the defects, Sir.



**Copyists and Typists of Civil, Criminal Courts, etc.****Shri HARESWAR GOSWAMI** asked :

99. (a) Are Government aware that the Copyists and Typists attached to Civil, Criminal Courts and Revenue Offices in the Hon'ble High Court, District Judges Courts, and Deputy Commissioners' offices in the Province, work on a contract basis and are subject to all the liabilities and responsibilities as are enjoyed by salaried Government servants such as the Lower Division Assistants of those offices ?

(b) That these copyists and typists are not allowed to enjoy the privileges and advantages enjoyed by other Government servants as regards pay, pension, leave, etc. ?

(c) Is it a fact that the copyists and typists in Deputy Commissioners' offices and Subdivisional offices are given remuneration (in section writing charges) at a rate less than that of the Hon'ble High Court ?

(d) If so, what is the basis of discrimination ?

(e) Do Government propose to place them as permanent Ministerial officers with same scale of pay and pension since their time of joining the service ?

**Shri RUPNATH BRAHMA (Minister)** replied :

99. (a)—Yes, in so far as the first part of the question is concerned. As regards its latter part it is not clear. The copyists and typists have their distinct liabilities and responsibilities which the nature of their work demands.

(b)—Yes, as they do not hold any stipendiary office.

(c)—Government have no information. It is being collected.

(d)—Does not arise.

(e)—No.

**Shri HARESWAR GOSWAMI:** Sir, will Government be pleased to state whether the liabilities and responsibilities of the copyists and typists attached to other Government offices are different from those of the copyists and typists attached to Civil, Criminal Courts and Revenue offices in the Hon'ble High Court, District Judges' Courts and Deputy Commissioners' offices ?

**Shri RUPNATH BRAHMA (Minister) :** I have stated already that the information is being called for.

**Shri HARESWAR GOSWAMI:** Has the Government any information how long a particular copyist or typist attached to Civil, Criminal, Accounts and Revenue offices in the High Court, etc., generally serves ?

**Shri RUPNATH BRAHMA (Minister) :** They work according to the scheduled hours.



**Maulavi MUHAMMAD UMARUDDIN** : Is it not a fact, Sir, that some of the copyists and typists spent their whole life in a particular office ?

**Shri RUPNATH BRAHMA (Minister)** : That may be, Sir.

**Maulavi MUHAMMAD UMARUDDIN** : In view of long services of the copyists and typists should not they be given some security of service by the Government ?

**Shri RUPNATH BRAHMA (Minister)** : If they make a representation to the Government it will be considered.

**Shri HARESWAR GOSWAMI** : Has not Government received any such representation, Sir ?

**Shri RUPNATH BRAHMA (Minister)** : I will look into it.

**Land possessed by Lot Mondols of Borpathar and Saru Pathar Mouzas**

**Shri MAL CHANDRA PEGU** asked :

100. Will Government be pleased to enquire and state—

- (a) The landed properties owned and possessed by the Lot Mondols of Borpathar and Saru Pathar Mouzas of Golaghat Subdivision (I), in their own names and in the names of their (II) wives, (III) brothers, (IV) sons and (V) parents ?
- (b) Whether they got those lands prior to or after they had become Lot Mondols and whether the permission of the Deputy Commissioner, Sibsagar, was obtained before owning these lands ?

**Shri MOTI RAM BORA (Minister)** replied :

100. (a)—A Statement is laid on the Library Table for information of the members.

(b)—The detailed information in each case will be found in the remarks column of the Statement.

**Co-operative Societies and Stores in Jorhat Subdivision**

**Shri NILMANI PHOOKAN** asked :

101. Will Government be pleased to state—

- (a) How many cases of misappropriation, falsification of accounts, black-marketing and other illegal transactions were detected in Co-operative Societies and Stores of all categories in the Jorhat Subdivision during the last three financial years ?
- (b) How many of them ended in convictions ?
- (c) How many are still pending for decisions ?



**Shri MOHENDRA MOHON CHOUDHURY (Minister)** replied :

101. (a)—Fifteen cases were detected, out of which one case was of misappropriation and black marketing, two cases were of blackmarketing only and the rest twelve cases were of misappropriation only.

(b)—None so far.

(c)—Six cases are pending before Court, three cases are under investigation and rest amicably settled or in the process of amicable settlement.

### **Treatment of Opium Addicts in Hospitals**

**Shri BIMALA KANTA BORAH** asked :

102. Will Government be pleased to state—

- (a) How many opium addicts were treated in addicts' hospitals in Assam since these hospitals were started ?
- (b) The total amount spent so far for the treatment of the addicts since the outset ?
- (c) How far this method of treatment has been found to be successful ?

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

102. (a)—1,382 numbers (one thousand three hundred and eighty-two).  
 (b)—Rupees 48,164-7-6 (Rupees forty-eight thousand, one hundred and sixty-four, annas seven and pies six) only.  
 (c)—The present method of treatment is found to be very encouraging as about 80 per cent. of the addicts so far treated have been cured of the habit of opium eating.

### **Industrial loan issued to the public**

**Shri BIMALA KANTA BORAH** asked :

103. Will Government be pleased to state—

- (a) The amount of industrial loan issued to the public by the Government of Assam during the years 1948-49, 1949-50, 1950-51 and upto 31st July 1952 (to be shown district by district)?
- (b) Whether Government satisfied themselves by verification that the loans issued have been utilised for the purpose for which they were taken ?
- (c) What steps, if any, have been taken by Government to stop the misuse of such loans ?



**Shri MOHENDRA MOHAN CHOUDHURY (Minister)** replied :

103. (a)—

		1948-49	1949-50	1950-51	1951-52 (upto 31-7-1952)
		Rs.	Rs.	Rs.	Rs.
Kamrup	...	7,400	6,500	7,000	13,800
Nowgong	...	20,000	1,000	5,000	54,500
Goalpara	...	6,000	...	...	...
Sibsagar	...	...	7,000	...	...
Darrang	...	...	...	10,000	...
Lakhimpur	...	...	...	...	20,000

(b) & (c)—Before granting loans, enquiries are made on the suitability of the scheme submitted by each applicant, prospects of the enterprise for which loan is required, marketability of the product, suitability of the type of organisation, adequacy of security offered and the repayment capacity of the applicant. Steps are taken after loans are issued to keep watch over proper utilisation through utilisation reports from Rural Development Officers on the following points:—

(1) General working of each industry, (2) Whether the loanee is utilising the amount of the loan for the purpose for which it was granted, (3) whether machineries, etc., purchased or made out of the amount of the loan granted are in existence with their present condition, (4) success or failure of the loanee in the business financed by loan, (5) Statement of accounts showing sale proceeds and profit of the concern. Such reports on the above points are called for every month from the date of issue of the loan. All loans are issued against the security of adequate immovable properties and when it appears to Government that money advanced are being misused or not properly utilised steps are taken for the refund of the money.

**M. MOINUL HAQUE CHOWDHURY:** May I know, Sir, whether applications were received from the public of Cachar during 1948 to 1952 for industrial loans?

**Shri MOTIRAM BORA (Minister):** Probably they were received.

**M. MOINUL HAQUE CHOWDHURY:** If so, Sir, why no loan was granted to the public of this District—not a pie even?

**Shri MOTIRAM BORA (Minister):** Probably the applications were not formally sent according to rule, and the local officers did not recommend the cases. However, I am not definite.

### Treatment of Opium Addicts in Concentration Camps

**Shri GIRINDRANATH GOGOI** asked :

104. (a) Is it a fact that smuggling of opium is rampant still in Assam?

(b) Do Government propose to treat these opium addicts in concentration camps?

(c) If not, do Government propose to issue passes to them on very restricted terms?



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

104. (a)—It is not so. Of course, there are some smuggling cases which are gradually on the decrease.

(b)—Arrangements have already been made to treat opium addicts in various treatment centres.

(c)—Does not arise.

**\*Shri MAL CHANDRA PEGU**: Will Government be pleased to state the quantities of smuggled opium?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: Last year, Sir, the total quantity was about eight maunds.

**\*Shri MAL CHANDRA PEGU**: What is the quantity involved in each case?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: That is very difficult to say, Sir. Quantity vary from tolas to maunds.

**\*Maulavi MD. UMARUDDIN**: May I know Sir, the biggest quantity involved in one single case?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: As far as I remember about 2 maunds, but I want notice of this question to be exact.

**\*Shri BIMALA KANTA BORA**: Is it a fact that huge quantities of opium have been smuggled into India from Karen in Burma?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: Yes, it is a fact.

**\*Shri BIMALA KANTA BORA**: What is the total quantity seized up till now?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: About 3 maunds to six maunds as far as I remember. But I want notice of that question.

**\*Shri BIMALA KANTA BORA**: Do Government not think that this is a new menace to Assam?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: Yes.

**\*Shri BIMALA KANTA BORA**: What steps are Government taking to combat this menace?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: Government have considerably increased the number of Excise Officers there. We are proposing to further reinforce the staff of the Excise Department there.

**\*Shri BIMALA KANTA BORA**: What is the number of Excise officers there?

**\*Rev. J. J. M. NICHOLS-ROY (Minister)**: I cannot say that off hand, Sir. I want notice of it.

#### **Enforcement of Assam Sales Tax Act, 1947 in the Shillong Municipality**

**Shri A. ALLEY** asked :

105. (a) Will Government be pleased to state—

When was the Assam Sales Tax Act, 1947 introduced in the area of the Shillong Municipality as formed part of the Autonomous District of the United Khasi-Jaintia Hills?

(b) What was the amount collected on this account from this area before the commencement of the Constitution?



(c) Whether the consent of the Siem of Myllem was obtained before introduction of the Act to this Area ?

(d) Whether it is a fact that the condition is that Myllem and Government will respectively share 40 and 60 per cent. of the income ?

(e) If so, whether Government have paid the share already due to Myllem ?

(f) If the answer to question (e) above is in the negative, do Government propose to pay the amount to the District Fund of the United Khasi-Jaintia Hills District ?

**Shri BISHNURAM MEDHI** replied :

106. (a)—15th April 1948.

(b)—Rupees 1,31,285. A further sum of Rs. 74,055 was collected after 26th January 1950 in respect of dues before the commencement of the Constitution.

(c)—Yes.

(d)—No. Several tentative proposals regarding the apportionment of the proceeds of the Sales Tax accruing from the Town of Shillong between the Siem of Myllem and the Government of Assam were examined, and one such tentative proposal was that such proceeds should be shared between the Siem of Myllem and Government in the ratio of 40:60. It was finally decided that the question of allocation of the proceeds of the Sales Tax accruing from the town of Shillong, if any such allocation was required under the provisions of the Constitution, should be examined and decided in the light of the provisions of the Constitution. The Siem of Myllem agreed to this.

(e)—As by an agreement, dated 31st December 1949, the Siem of Myllem ceded to the Dominion Government all rights, jurisdiction and sovereignty over his State, and as Myllem was subsequently merged in Assam on 26th January 1950, the date of commencement of the new Constitution, the question of payment of any share to Myllem does not arise.

(f)—Does not arise.

**Shri A. ALLEY** : Is it a fact, Sir, that the Siem of Myllem subsequently put in an altered proposal to share the apportionment of the proceeds of the Sales Tax in the ratio of 50:50 basis instead of 40:60 ?

**Shri BISHNURAM MEDHI (Chief Minister)** : My answer is quite exhaustive, Sir, in which reads—

105(d)“.....Several tentative proposals regarding the apportionment of the proceeds of the Sales Tax accruing from the Town of Shillong between the Siem of Myllem and the Government of Assam were examined, and one such tentative proposal was that such proceeds should be shared between the Siem of Myllem and Government in the ratio of 40:60. It was finally decided that the question of allocation of the proceeds of the Sales Tax accruing from the town of Shillong, if any such allocation was required under the provisions of the Constitution, should be examined and decided in the light of the provisions of the Constitution. The Siem of Myllem agreed to this”.

**Shri A. ALLEY** : Will the allocation of the proceeds of the Sales Tax be revised to 50:50 basis, Sir?

**Shri BISHNURAM MEDHI (Chief Minister)** : No, Sir.



**Race Course in Polo Ground at Shillong****Shri A. ALLEY** asked :

106. (a) Is it a fact that the Race Course in Polo Ground at Shillong is within the United Khasi-Jaintia Hills Autonomous District ?

(b) Is it a fact that Myllem get a share of the income from the Betting Tax levied on the races run on this course ?

(c) What is the amount of the tax remaining unpaid to Myllem before the commencement of the Constitution ?

(d) Do Government propose to credit this amount to the fund of the United Khasi-Jaintia Hills District ?

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

106. (a)—Yes.

(b)—No. The Siem of Myllem used to get a share of such income prior to the 31st December 1949, on which date he, by an agreement ceded to the Dominion Government all rights, jurisdiction and sovereignty over Myllem.

(c)—Rupees 33,789-4-0.

(d)—No. In view of the merger of the Khasi States including Myllem, in Assam and also by virtue of the agreement referred to in the reply to (b) above, the arrears of the Siem's share if any, outstanding on the 31st December, 1949, have been merged in the Consolidated Fund of the State of Assam. Moreover, levy of taxes on Amusement and Betting does not fall within the purview of the District Council under the provisions of the Constitution.

**Extension of the Assam Professions, Trades, Callings and Employment Act, 1947 to the Shillong Administered Area****Shri A. ALLEY** asked :

107. (a) Will Government be pleased to state when the Assam Professions, Trades, Callings and Employment Act, 1947 (Assam Act VI of 1947) was extended to the administered area of Shillong ?

(b) Is it a fact that the agreement was that the proceeds from this tax shall be shared with the District Council ?

(c) If not, why not ?

(d) Is it a fact that Government realise tax under this Act from persons residing within the Autonomous District of United Khasi-Jaintia Hills since 1946-47 ?

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

107. (a)—1st April 1950.

(b)—There was no such agreement as the one referred to in the question.

(c)—Does not arise. The District Council was not even in existence at the time the Act in question was extended to the Administered Area of Shillong.

(d)—The Tax under this Act is being realised from persons liable to pay such tax resident in the United Khasi-Jaintia Hills District. This tax is being levied with effect from the financial year 1947-48 from the areas comprised within the United Khasi-Jaintia Hills District other than the areas formerly known as the Khasi States, and from the financial year 1950-51 from the areas of the United Khasi-Jaintia Hills District formerly known as the Khasi States.



**Recognition of the Siem of Myllem as a Ruler of an Indian State**

**Shri A. ALLEY** asked :

108. (a) Are Government aware that the Siem of Myllem is a Ruler of an Indian State within the meaning of Article 363(2) (b) of the Constitution ?

(b) Do Government propose to respect the agreements of the Siem of Myllem in respect of shares from Sales Tax, Professions Tax, Betting Tax, Excise Tax and other taxes ?

(c) Do Government propose to grant to the District Council of the United Khasi-Jaintia Hills sums equivalent to shares which used to be given to the Myllem Siemship before the commencement of the Constitution ?

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

108. (a)—At the time of commencement of the Constitution the Siem of Myllem was U Sati Raja. He had been recognised by His Majesty/The Government of India as ruler of Myllem. U Sati Raja by an agreement, dated 31st December 1949 surrendered his full rights, jurisdiction and sovereignty to the Government. U Sati Raja died on the 30th November 1950. The present Siem was provisionally recognised as Siem by the State Government with effect from the 5th March 1951 subject to the final decision of the District Council. As such it is doubtful whether the present Siem can be regarded as a Ruler within the meaning of Article 363(2) (b) of the Constitution.

(b)—There were no agreements in respect of Sales Tax and Professions Tax. Whatever agreements there were in respect of other taxes, they lapsed by virtue of the agreement executed by the late Siem of Myllem on the 31st December 1949 ceding to Government all rights, jurisdiction and sovereignty over his State and also by virtue of the merger of all Khasi States including Myllem in Assam on the 26th January 1950. The question of respecting the agreements referred to does not, therefore, arise.

(c)—There is no such proposal. The receipts of the District Council are governed by the provisions of the Sixth Schedule to the Constitution. Under paragraph 8 of the Sixth Schedule, the District Council is competent to levy and collect certain taxes, and is required to make regulations for the purpose. The question of Government making grants to the District Council equivalent to shares which used to be given to the Myllem Siemship in the past does not, therefore, arise.

**The Assam State Legislature Members (Removal of Disqualifications)  
(Amendment) Bill, 1952**

**Mr. SPEAKER :** Item No.2(a) consideration of the Assam State Legislature Members (Removal of Disqualifications) (Amendment) Bill, 1952, clause by clause. There is an Amendment in the name of Shri Gaurisankar Bhattacharyya.

**Shri GAURISANKAR BHATTACHARYYA :** Sir, the Amendment proposed by me is self-explanatory. It was said by the Chief Minister that it becomes sometimes necessary for the Members of the Legislature to be appointed as members, chairmen, etc., of various Committees and Boards. In other words, the membership of such Boards or Committees are consequential to the membership of the Legislature. If that be so, if the meaning of what the Chief Minister said is this, then that should be made explicit in the Amending Act itself ; because if a member of the Legislature sitting in a Committee or Board.....



**Mr. SPEAKER:** Will you please read out your Amendment first ?

**Shri GAURISANKAR BHATTACHARYYA:** That in the proposed new item 7 going to be inserted by clause 2 of the Bill, the "full stop" at the end after the word "India" be substituted by a "colon" and the following proviso shall be added thereafter :—

"Provided that the said office is consequential to, or in connection with the membership of the Legislature".

This portion I want to add, Sir

**Mr. SPEAKER:** What is the meaning of it ? How do you explain ?

**Shri GAURISANKAR BHATTACHARYYA:** The following is proposed to be inserted in the Schedule to the principal Act, after item 6 :—

"The office of Chairman, Vice-Chairman or members of any Committee, Board or authority appointed by the Government of India or the Government of any State specified in the First Schedule to the Constitution of India".

By my amendment, I want that the "full stop" at the end after the word "India" be substituted by a "colon" and the following proviso shall be added thereafter :—

"Provided that the said office is consequential to, or in connection with the membership of the Legislature".

**Mr. SPEAKER:** It may be consequential to the word Board, but how could it be consequential to Office ?

**Shri GAURISANKAR BHATTACHARYYA:** Because I have said that sentence beginning with the word "Provided" shall be a separate paragraph.

**Mr. SPEAKER:** I cannot allow this amendment as it is not correctly worded. I ruled it out.

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I beg to move that in the proposed new item 8 going to be inserted by clause 2 of the Bill, the "full stop" at the end after the words "or fees" be deleted and the words "or honorarium" shall be added thereafter.

In the proposed item 8, stands the following :—

"Any office under the Government which is not a whole time office remunerated either by salary or fees". I want by my amendment to make it like this :—"Any office under the Government which is not a whole time office remunerated either by salary or fees or honorarium".

Is it in order, Sir?

**Mr. SPEAKER:** Yes.

**Shri GAURISANKAR BHATTACHARYYA:** The reason of my inserting these words is that it should be made very clear that the Members of the Legislature by becoming the Chairman, Vice-Chairman or Members of any Committee, Board or authority appointed by the Government of India or State Government cannot take any money by the back door. That is to say, salaries or fees should not be taken by a Member of the Legislature if he becomes members, Chairman or Vice-Chairman of any other committee. An occasion may arise when a Member of the Legislature may charge honorarium to the extent of Rs.1,000 or more that is, ভেবেতে "মাছ" বুলি নেখাই "পিজি" বুলি খাব পাৰে। So, I want that this loop-hole should be removed so that there can be no appropriation of money in the name of salary, fees or honorarium.

**Mr. SPEAKER:** The amendment moved is that in the proposed new item 8 going to be inserted by clause 2 of the Bill, the "full stop" at the end after the words "or fees" be deleted and the words "or honorarium" shall be added thereafter.



**Shri BISHNURAM MEDHI (Chief Minister):** Mr. Speaker, Sir, I am sorry that I cannot accept this amendment as it appears here that in case of a Member of the Legislature or Parliament if he is appointed a member of certain Committee by the Government he will not be able to draw travelling or halting allowance. For example, if a Member of the Legislature is appointed a member of the Planning Commission or a member of one of the various Committees in the district, by virtue of this amendment he will be debarred from accepting travelling or halting allowance. This travelling or halting allowance may be treated as honorarium as the duties done by a member in discharge of his function in a committee or meeting outside the purview of the Assembly. The amendment proposed defits the very purpose for which this Bill is presented to the House. In view of this, I think, this amendment will be withdrawn by my hon. Friend.

**Shri GAURI SANKAR BHATTACHARYYA:** On a point of clarification, does the Chief Minister mean that honorarium means travelling or halting allowance?

**Shri BISHNURAM MEDHI (Chief Minister):** It may be necessary for the Government to utilise the services of a capable lawyer, who is a Member of the Legislature, in that case this amendment will debar the a Member from drawing honorarium for persuing briefs. The services of a Member of the Legislative Assembly can be deemed fit to be utilised by the State for the benefit of the State, in addition to his services in the Legislature.

**Shri GAURISANKAR BHATTACHARYYA:** It will be fees.

**Shri BISHNURAM MEDHI (Chief Minister):** It may be that Government may engage a lawyer Member of the Legislative Assembly to advise Government on certain legal matters and it is proper that for his services as an adviser he should be given some lump sum of money. This is in the shape of honorarium. This is absolutely necessary in order that we can utilise the services of a Member of the Legislative Assembly whenever it is found necessary.

**Shri GAURISANKAR BHATTACHARYYA:** I am sorry, Sir, I cannot withdraw my amendment as I am not convinced with the explanation given by the Chief Minister.

**Mr. SPEAKER:** The question is that in the proposed new item 8 going to be inserted by clause 2 of the Bill, the "full-stop" at the end after the words "or fees" be deleted and the words "or honorarium" shall be added there after. The motion was lost.

**Shri GAURISANKAR BHATTACHARYYA:** I beg, Sir, to move that the proposed new item 9 going to be inserted by clause 2 of the Bill, shall be deleted. I want by this amendment, Sir, to delete the item 9.

Sir, I have proposed this amendment because under the proposed item 9 a member of the legislature is going to be empowered to be also a member of the District Council or its Chief Executive Member. So, some additional power and responsibility is sought to be given to the member of the legislature by this item. The reason given for this in the Statement of Objects and Reasons are bogus, because we cannot say that it is only the members of the legislature who are fit to be members of the District Council.



When Government says that this item is necessary due to dearth of qualified persons in the Tribal Areas, it reminds me of the imperialist theory of "White-man's Burden". It is just like the Britishers' saying that India is unfit for Self-Government, the people of India will have to be trained up because they are not yet fit for Self-Government and till then the Britishers must rule them. I want to say that without plunging in water, one does not know how to swim. Sir, our District Councils are to be made something like laboratories for developing our backward brethren of Tribal Areas in the art of Self-Government—in the Art of managing their own affairs. They should be given the opportunity even to commit mistakes in the District Councils at the initial stage instead of blocking their way for self-Development in the name of Indianisation and subsidisation. I am not going here into the merits or demerits of the Sixth Schedule. This Government is already interfering too much in the affairs of the District Council. They want now to put their henchmen in the District Councils all the more so that the Sixth Schedule regime may be a mere sham. Therefore, the purpose of this particular item whereby the State Government want to put their henchmen in the District Councils is dangerous. It will not help the tribal and the other backward people but will debar them from their progress. I propose therefore by my amendment to let the tribal and other backward people manage their own affairs. They should not be deprived of the privilege of managing their own affairs by imposition of Government henchmen in the District Councils which this clause intends to do. I therefore commend to the House that my amendment be accepted.

**Mr. SPEAKER:** The motion moved is that the proposed new item 9 going to be inserted by clause 2 of the Bill, shall be deleted.

**PU CH. SAPRAWNGA (Parliamentary Secretary):** Mr. Speaker, Sir, I rise to oppose the amendment moved by Mr. Bhattacharyya. It appears to me that Mr. Bhattacharyya is in a mood to oppose whatever is proposed from this side of the House. Even if we propose that we should go to heaven, he will oppose it and will say that we should rather go to hell.

**Shri GAURISANKAR BHATTACHARYYA:** It is better to reign in hell than to serve in heaven.

**PU CH. SAPRAWNGA (Parliamentary Secretary):** I do not know whether Mr. Bhattacharyya is totally ignorant of the tribal problem or he does not care to know it at all. Probably he is too much occupied with something else and finds no time to study and know the condition under which his tribal friends are struggling. So I will take sometime of the house to indulge myself in explaining some aspects of the tribal problem. Well, Sir, it is an admitted fact that the hill tribes of Assam are backward in every respect and this was accepted by the people of India. When the Constitution of India was framed much pain was taken by the leaders of India to find out what best could be done for these people who were found too backward to come under general administration of the country. The framers of the Constitution had to labour hard, and probably they almost cracked their brains and bones to find how best the problem could be met. As a result of their labour, suitable measures and suitable provisions were made and inserted in different places of the Constitution, and the Sixth Schedule is one of them. According to the Sixth Schedule some power was given to the hill people and the District Councils were allowed to



legislate and manage their affairs in their own sphere. This was decided in the Constituent Assembly. Now, it is the sincere desire of the Government to see that the District Councils should function properly and manage their affairs smoothly and efficiently.

The intention of Government in introducing this Bill is to see that the tribal people are really benefitted by the privilege granted to them under the Sixth Schedule, and it is with this motive that this Bill has been introduced. The objects of the Bill are very clear and simple and there is absolutely nothing which should be misunderstood or misapprehended. As I have stated, the tribal people are backward and there are very few educated men and still fewer men of experience in matters of legislation and administration. It is therefore absolutely essential that this provision should be made so that every experienced hand available might be utilised both in this House and in the District Councils. I cannot at all understand why Mr. Bhattacharyya should have any objection to such proposal. I cannot at all understand the arguments brought forward by Mr. Bhattacharyya. His main objection appears to be that the Government of Assam are trying to interfere in the working of the District Councils. But I am afraid that is a very wrong view, and I cannot understand how this Bill in any way would open the way for Government interfering with the District Councils. Even if this Bill is passed it does not at all mean that any body in this House should go and interfere in the working of the District Council for it is up to the District Council to decide who will be the Executive Members and whether any advice from any source is to be accepted or not. If it is decided by the District Councils that even the Chief Minister of Assam should be the member of the District Council provided there is no legal difficulties—what is the harm? It is the wish of the people that these District Councils should function well and efficiently so that the people can be raised to the administrative level with the rest of the country and therefore every help should be given to these Councils. These backward people should be raised and that they should not be allowed to lag behind and to remain backward thereby causing hindrance to the general progress of the country, and so whatever possible help is available should be given to these District Councils. After all, this Bill is a very small matter compared to other privileges and special provisions made in the Constitution. I would not consider it to be a privilege, but the only right and proper thing to do under the circumstances. Though I am not a lawyer like my Friend Mr. Bhattacharyya, yet I can very well see that there is no legal difficulty in having this Bill passed, and even if there was any such law, I would rather break that law to make this Bill a legal one, but happily there is none.

If my Friend means to say that these people of the Hills should be left alone to remain backward, and allowed them to do as they like, hunting each others heads, well, he may do so, but the Government are certainly not going to do that. No responsible Government as we have to-day can tolerate such state of affairs, and no section of the people can be allowed to remain like that. All help and facilities are to be given so that these backward people would, some day be in a position to give their mite in building up the nation. The intention of the Government is therefore pure and simple, and I hope it is by now quite clear to Mr. Bhattacharyya and I would request him to withdraw his amendment.



**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I appreciate what my Friend Mr. Saprawnga has said. We are interested in the development of the Hills people and for which the development of the District Councils cannot be denied. But Sir, there are some legal difficulties, the Sixth Schedule of the Constitution of India reads—"Each District Council and each Regional Council shall be a body corporate by the name respectively of the District of (name of district) and the Regional Council of (name of region) shall have perpetual succession and a common seal and shall by the said name and sue and be sued" then again Sir, Article "A" of Section 191 reads "A person shall be disqualified for being chosen as and for being, a member of the Legislative Assembly or Legislative Council of a State (a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder."

So Sir, District Councils are bodies corporate, and the Legislature has only power to remove the disqualifications of those persons who have been mentioned in Section "A" of Article 191. Then Sir, Representation of the People Act, 1951—Section 7(e) reads "A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State (e) if he is a director or managing agent of, or holds any office of profit under, any corporation in which the appropriate Government has any share or financial interest."

So Sir, the District Council is a corporate body in which the Chief Executive Member and the Executive Members hold office of profit and Sir, the State Government also has financial interests in the District Councils, so this Assembly has no power to enact any legislation that is contrary to the legislation passed by the House of the People under the Constitution.

**Shri MOTIRAM BORA (Minister):** The State Government has no interest in the District Council.

**Shri BISHNURAM MEDHI (Chief Minister):** No, we have no financial interest.

**Shri HARESWAR GOSWAMI:** Because the State Government will advance loans to the District Councils as has been clearly mentioned in the List of Supplementary Demands. Therefore, this Assembly has no power to enact any legislation because it does not come within the purview of the Constitution of India and the Representation of the People Act. This House must take into consideration the consequences of the passing of this Bill. It will only lead to litigations. The Bill may be questioned in a Court and the Court will interpret the law, which will lead to indefinite litigation and which will mean wastage of money and time. Therefore, under the Representation of the People Act the objection is there, that the Chief Executive Members' and the Executive Members' (of the District Councils) disqualifications cannot be removed.

I am interested that they should be allowed to come to this House. But Sir, so long the Representation of Peoples' Act remain we cannot do it. Therefore the proper course would be to move the Central Government to remove that clause from the Representation of People Act which makes a member of the District Council disqualified to be member of this House. With these few words Sir, I would request the Mover of this Bill to delete this clause.



**Shri BISHNURAM MEDHI (Chief Minister):** Mr. Speaker, Sir, I think there is a little confusion in my Friend's mind in this regard. His main contention is that the District Council is a corporate body and that Government is financially interested in that body. Then what about Local Boards and Municipalities to whom also Government give some money for their service to the people? They are also corporations in which Government is interested. It is not a corporation as my Friend seems to think. The money that is given to it is in the same way as is given to the Local Boards and Municipalities and Government have no financial interest whatsoever in it except to see that the money given is spent according to rules and regulations.

The whole idea of this Bill is just to meet certain doubtful cases. For instance, if a member of this House is nominated as member of the District Council in the interest of good management of the Council, that member if he wants to go to the District Council he does not go there as an M. L. A. but as member of the Council; in that case if he draws travelling or halting allowance, he may be disqualified. Unless this disqualification is removed by an Act, it would be difficult for M. L. A's to serve as members of District Council. As I have said Government have no financial interest, but its intention is to remove this disqualification. Everyone knows that the general election took place before the District Councils were constituted and it so happens that some of these people who are elected members of this House are also nominated as members of the District Council, and a doubt arose that this might disqualify them from being members of this House. It is for this reason only that this Bill is brought before the House to remove this disqualification so that there may not be any bar for a member of this House to act also as member of the District Council. It is also clearly stated in the Statement of Objects and Reasons that, a doubt has also been raised if the office of the Chief Executive Member and other Executive Members and the members nominated to the District Council by the Governor is also a disqualification which should therefore be removed as above. For this purpose, Sir, this Bill has been introduced with this item 9 in it.

As regards his main objection.....

**Shri HARESWAR GOSWAMI:** On a point of information Sir, from the legal point can the Hon'ble Chief Minister cite any ruling of any High Court where a local body or District Council is not considered as corporation as defined by him in this manner?

**Shri BISHNURAM MEDHI (Chief Minister):** I have mentioned those corporations in which the Government is financially interested, namely the Local Boards and the Municipalities as examples.

**Shri HARESWAR GOSWAMI:** We must be definite of our course Sir, and this.....

**Shri BISHNURAM MEDHI (Chief Minister):** These Councils constituted under the Sixth Schedule are not corporations in which this Government have any financial interest. And.....

**Shri HARESWAR GOSWAMI:** But it clearly stated as body corporate .....

**Shri BISHNURAM MEDHI (Chief Minister):** Any way, as regards the other points raised by my Friend Mr. Bhattacharyya I think my Friend sees things through coloured glasses always; where there is order he finds disorder and where there is nothing to suspect he begins to suspect. I am not



blaming him, but it is for his coloured glasses that he sees things like that ; I hope my Friend will give up using such coloured glasses, which do not reflect the correct colour to his mind. He says that we want to interfere with the working of the District Council, he cried hoarse that democracy be given a chance to function everywhere. What is democracy ? Is it not that the people should elect their representatives in these District Councils—people elected them by adult franchise ? It is the expressed desire of these people that some of those members of this House should also be nominated as members of the District Councils so that they can serve as a liaison between these Councils and the Government, to place the needs of the Councils before this House. But Mr. Bhattacharyya wants to keep them out against the wishes of the whole adult population of these districts. Is that democracy that he is crying hoarse to give to these people ? Or is it with a view to help them come to certain decisions in all matters concerning the District Councils ?

**Maulavi MD. UMARUDDIN :** On a point of information Sir, what is the percentage of nomination to the District Councils ?

**Shri BISHNURAM MEDHI (Chief Minister) :** In a house of 24, it is 6. But the idea is to eliminate this system of nomination gradually. This system is found necessary at present also in view of the fact that there are a large number of non-scheduled tribes residing in these autonomous hills, whose interests have to be safeguarded and protected so that they may place their views before the Council. For instance in the Khasi and Jaintia Hills we have to nominate some Khasis as well as some non-Khasis and that the nomination was needed will appear from the fact that the Chief Executive Officer in Khasis' Hills has been elected by the District Council, a nominated Member to the District Council as it was the desire of the people's representatives.

**Shri GAURISANKAR BHATTACHARYYA :** Does not Government behind him ?

**Shri BISHNURAM MEDHI (Chief Minister) :** No, Sir, it is not so. It is his mental outlook. Of course, some mental outlook reflects outside and some reflects inside. In the Garo Hills, the Executive Officer who is in charge of finance of the District Council, is a member of the House. Does Mr. Bhattacharyya want that he should be disqualified and should not be allowed to come here ? He knows the finance of the District Council and whose advices will be helpful to the District Council as well as to the member of the House ? Mr. Bhattacharyya wants to put a bar on such a person whom we want to help us. From the arguments advanced by the members it appears they do not want that the District Council should function properly and that it should fail. Object of the Sixth Schedule is to give them full opportunity to develop themselves in their own way and decide their own rights, customs, laws, etc. At the same time if they ask for our advice we should give them our advice. There is a provision also to abolish nomination system. As soon as the District Council think that the system of nomination is no more necessary and they can do without it, this system will be abolished. This item 9 is therefore essentially necessary.

I hope, after hearing me, Mr. Bhattacharyya will withdraw his Motion, because I find that he also stands for the welfare of the tribal people. If he wants to give protection and has interests for the tribal people he will surely withdraw his Amendment.



**Mr. SPEAKER :** Do you want to withdraw your Amendment ?

**Sbri GAURISANKAR BHATTACHARYYA :** No, Sir.

**Mr. SPEAKER :** The question is that the proposed new item 9 going to be inserted by clause 2 of the Bill, shall be deleted.

The Motion was lost.

The question is that clauses 1-2 stand part of the Bill.

The Motion was carried.

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

The Motion was carried.

**Shri BiSHNURAM MEDHI (Chief Minister) :** Mr. Speaker, Sir, I beg to move that the Assam State Legislature Members (Removal of Disqualifications) (Amendment) Bill, 1952 be passed.

I hope the hon. Members will now accept my Motion.

**Mr. SPEAKER :** The Motion moved is that the Assam State Legislature Members (Removal of Disqualifications) (Amendment) Bill, 1952 be passed.  
(The Motion was put and adopted.)

### **The Assam Excise (Amendment) Bill, 1952**

**The Rev. J. J. M. NICHOLS-ROY (Minister) :** I now beg to move, Sir, that the Assam Excise (Amendment) Bill, 1952 be taken into consideration clause by clause.

**Mr. SPEAKER :** As no Amendments have been moved I now put the Bill clause by clause.

The question is that clause 1 forms part of the Bill. The Motion was carried.

The question is that clause 2 forms part of the Bill.

The Motion was carried.

The question is that clause 3 forms part of the Bill.

The Motion was carried.

The question is that the long title and Preamble of the Bill form part of the Bill.

The Motion was carried.

**The Rev. J. J. M. NICHOLS-ROY (Minister) :** I beg to move, Sir, that the Assam Excise (Amendment) Bill, 1952 be passed.

**Mr. SPEAKER :** The Motion moved is that the Assam Excise (Amendment) Bill, 1952 be passed.

(The Motion was put and adopted.)

### **The Assam Urban Areas Rent Control (Amendment) Bill, 1952**

**Mr. SPEAKER :** There are 5 Amendments. I find that Mr. Goswami's Amendment has certain irregularities. Do you think (turning to Shri Hareswar Das) it in order ?



**\*Shri HARESWAR DAS (Deputy Minister) :** The first Amendment is not in order. If this Amendment is accepted the anomalous situation in the main Act will remain and that cannot be amended. This provides a new extension. Therefore there will be two extent in the Bill one extent in the main Act and the other extent in the Amending Bill. This cannot be done. So the Amendment is out of order.

**Shri HARESWAR GOSWAMI :** Sir, my point is that in the original Bill, in clause 1(2) it says : It extends to all Urban Areas in Assam including Cantonments, as defined in the Cantonments Act, 1924, provided that nothing in this Act shall prohibit the Officer Commanding the Station to appropriate any premises under the Cantonments (House Accommodation) Act, 1923 (Act VI of 1923). My Amendment is that "sub-clause (2) of clause 1 shall be deleted and the following shall be substituted in its place:—

"It extends to all Urban Areas including areas within two mile radius of such Urban Areas in Assam including Cantonments ; as defined in the Cantonments Act, 1924 (Act II of 1924), provided that nothing in this Act shall prohibit the Officer Commanding the station to appropriate any premises under the Cantonments (House Accommodation), Act, 1923 (Act VI of 1923)." As the Amendment relates to the original Act, this Amendment is in order.

**Mr. SPEAKER :** What is the definition of this clause in the main Act ?

**\*Shri HARESWAR DAS (Deputy Minister) :** In the main Act it has been confined to all urban areas in Assam including Cantonments ; here it is sought to include all urban areas including areas within two mile radius of such urban areas in Assam including Cantonments.

**Shri HARESWAR GOSWAMI :** What I want to do is to substitute sub-clause (2) of clause 1 of the original Bill so that the scope of the Bill may extend to all urban areas including areas within two mile radius of such urban areas in Assam including Cantonments.

**\*Shri HARESWAR DAS (Deputy Minister) :** This two mile radius cannot be treated as urban area until and unless it is so declared.

**Mr. SPEAKER :** When you want to discuss whether an Amendment is within the scope of the Bill, you must take the whole Bill into consideration in order to ascertain the scope of the Bill. So an original Amendment like this is beyond the scope of the Bill. Therefore I disallow the Amendment.

**Shri HARESWAR GOSWAMI :** Then I think I may be allowed to speak on clause 2 of the Bill. Shall I be allowed, Sir ?

**Mr. SPEAKER :** Yes, when your turn comes.

Clause 2—Shri Ranendra Mohan Das. He is absent. Then on clause 2 there is another Amendment of Shri Gaurisankar Bhattacharyya.

**Shri GAURISANKAR BHATTACHARYYA :** Sir, I beg to move that in clause 2 the words "six years" be substituted by the words "four years".



Sir, in 1949 when this Act was passed, it was expected that the housing difficulties would be solved or, at least, minimised within 3 years. Since then about three years have elapsed. At that time only three years were visualised for this Act to remain in force, but now it has been found by the Government, as stated in the Statement of Objects and Reasons, that the housing problem in urban areas has not improved. Not only in urban areas, Sir, but also in sub-urban areas also this problem has become equally acute. Therefore, Sir, there is the urgent need of a Rent Control Act. But Sir, we see that the present Bill in the form in which it has been placed before us does not satisfy the needs of the time. Then again, certain difficulties have arisen in the course of the operation of the original Act for the last three years, and I think Government also are aware of these difficulties and also the fact that these difficulties are to be removed. We also see that fresh problems have been raising their heads as a result of new influx of population into the urban areas. But Sir, the scope of the original Act, even after the Amendment, if passed, will not be sufficient to solve all these problems. Therefore, it will be necessary for this House to come with a fuller and more comprehensive Bill. Now, even if we extend the operation of this Act by another three years more, these problems are sure to remain. But on the other hand what we need is a solution of these problems which will be lasting in its effect. Therefore, Sir, I suggest that the present Act may be extended for one year as suggested in my Amendment. Government should in the mean time be able to come with a fuller and more comprehensive Amendment so that we may also be able in the mean time to place some more facts arising out of the new problems. I think, Government will then be better able to solve these problems which will have a more enduring and lasting basis. As the Government says that it also desires to solve these problems I hope Government will see its way to accept my Amendment. One difficulty, for instance, is with regard to assessment itself. We see that the rent allotted in Silchar for requisitioned houses is higher than the rent allotted at Gauhati. I for myself, do not see any reason why should there be a different basis of rents for different districts. And again, we see a great deal of difference between the rent paid by private individuals and that paid by the Government for the houses requisitioned by them. It is not only the Government who has got to requisition houses for Government offices and officials. There are many private individuals also who are to hire houses for their living. There should be an equity in the rate of rent paid by private individuals and also that paid by the Government. We have also seen that Government sometimes hire houses without resorting to requisition.

**Mr. SPEAKER:** How that arises ?

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I am trying to show that there are certain difficulties, certain problems which we shall have to set right. If we extend the operation of the Bill for one year more, we shall be able to take into consideration all these questions if the matter is taken seriously by the Government. I therefore do not see any reason why Government should not accept my amendment.

Sir, there is a great disparity in regard to payment of rent for hired house. If a house is requisitioned, the rent fixed by Government is not so high. If a house is rented by a private party it is found that the rent is highest and if it is rented by a Government by private arrangement the rent is less in comparison to the rent paid by a private party but more than when a house is requisitioned. Thus, there are three kinds of difference in payment of rent.



It has been found that Government do not requisition houses for all officers, it is done only for higher officers. The lower grade officers also need houses but they are not given requisitioned houses. He whose necessity is the most acute is not at all benefited by the present Act. Therefore, the Act should be drastically amended and there should be a proviso by which not only houses should be requisitioned for higher officers but these should be requisitioned for low paid officers also. Regarding rent, there must be a limit not only for the Government parties but also for private parties and this can be done only if the original Act itself is amended, not merely by the present amendment, which simply seeks to extend the period of the original Act by 3 years. Therefore, a more comprehensive Bill should be brought forward so that housing problems in urban and semi-urban areas can be solved.

Another point, which Mr. Goswami raised was objected to by the Deputy Minister, but Government must realise that the problem facing us is not only in the urban areas but also in sub-urban areas as well. It seems that on technical ground Government cannot move in this direction to apply the Act in sub-urban areas. In order to remove this difficulty, the original Act should be so amended that this technical difficulty may be removed. Therefore, I suggest that the present Act remains in force for another year only and not for 3 or 4 years so that in the meantime a more comprehensive Bill may be brought before the Assembly, say, in the next Session.

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

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I am very sorry, I cannot accept this amendment. From the speech of my Friend, Mr. Bhattacharyya, it appears that he agrees to the necessity of extension of the Assam Urban Areas Rent Control Act for a further period when there was heavy influx of people into urban areas, into towns, with the consequent result that the rents in towns shot up sky high, this Act was passed to restrict it. After 3 years of its operation it has been found that the situation has not improved, so it is proposed to extend this Act for another 3 years.

The Opposition Leader wants by his amendment to extend the period to 7 years and the Deputy Leader of the Opposition wants it to be extended by 6 years.

**Shri HARESWAR GOSWAMI:** On a point of order, Sir, can the Deputy Minister anticipate my amendment at this stage?

**Shri HARESWAR DAS (Deputy Minister):** I am simply citing as an example.

**Shri HARESWAR GOSWAMI:** He cannot anticipate as I have not put forward any arguments as yet in favour of my amendment.

**Shri HARESWAR DAS (Deputy Minister):** But he has tabled it. I said Sir, that we all agree the situation has not improved. The Leader of the Opposition wants the Act to be extended by 7 years, the Deputy Leader by six years and the hon. Mover of the amendment wants it to be extended by one year and so ours is only the via media, 3 years. (Laughter.) The points raised by my Friend, the mover, that a comprehensive Act may be brought within a year and so the Act should be extended to one year only; but if we extend the Act by another 3 years, it would not act as a bar to bring a comprehensive Bill within a year if it is considered essential. We all agree that the situation has not improved and the operation of the Bill should be extended so there is no harm to accept our modest period of 3 years.

In view of what I said, I would request the hon. Mover to withdraw his almost meaningless amendment. (Laughter).



**Shri GAURISANKAR BHATTACHARYA:** I think, Sir, I have some meaning which the Deputy Minister could not follow. I am sorry, I cannot withdraw my amendment.

**Mr. SPEAKER:** The Motion moved is that in clause 2 the words "six years" be substituted by the words "four years".

The Motion was lost.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that in clause 2 for the words "six years" the words "ten years" shall be substituted.

I anticipated that the mover of the Bill would turn down all our amendments. In tabling amendments for having the Bill extended for six years and ten years, we have done so purposely because we knew that whatever the Opposition moves the Government side would always oppose them. Even if we extend our hands of co-operation they would spurn our hands.

(Voice—Never).

It has always been the case that when we want to have co-operation they spurn our hands. In this case also, wherein we have intended to extend the Bill by a modest period of one year so that if after one year after scrutinising the operation of the Bill we find that situation demands that it should be amended it will be so done, but we have found that the members sitting opposite would always oppose us. They say we are suffering from mania of opposition, but I have found that the opposite benches are suffering from the phobia of the Opposition.

**Mr. SPEAKER:** Please restrict your remarks to the amendment.

**Shri HARESWAR GOSWAMI:** Therefore, I say that when the Bill is proposed to be extended for 3 years, let it be extended instead for 10 years. Because, we know that housing problem since the war has become very acute. There is heavy influx of people into the towns. There is a movement of people from villages to the towns. Rents have shot up very high. Within ten years, I do not think the necessity of houses will decline or the house problem will be solved. We should see things beyond our nose and provide for it. Three years will not do because we will come again with this Act to be extended again. Let us take the situation in its proper perspective. Houses are not being built and where they are being built the number is so small that they will not be sufficient to cope with the demand. The influx of people from villages to the town will continue—not only to the town but also to the sub-urban areas. So, the difficulties will continue and for this reason it is necessary that there should be strict control of rent. When it is not expected that the difficulties would be removed within a year, we want that this Act should be extended for ten years. We know that it will not be possible for Government to solve the problem within six years. It is therefore necessary that the Act should be extended for ten years.

**Mr. SPEAKER:** The amendment moved is that in clause 2 for the words "six years" the words "ten years" shall be substituted.

**Maulavi Md. UMARUDDIN:** (Stood up to deliver his speech.)  
**Mr. SPEAKER:** I think the House should stand adjourned till 1-30 P. M. and then he can speak.



**Adjournment**

The Assembly was then adjourned till 1-30 P. M. for lunch.

*After lunch*

**Maulavi Md. UMARUDDIN:** Mr. Speaker, Sir, the amendment is a very simple one relating to the period for which this Act should be extended. The Mover of the amendment has moved that the period of four years should be substituted by ten years. I think, Sir, all we believe, the period should be extended to a longer period than contemplated in the original Act. Sir, this Act was originally enacted in 1946; during war time there was such an increase of population due to the influx of soldiers and others that to prevent the landlords from charging enhanced rents, this particular Act was enacted in order to give relief to the public. But as a matter of fact owing to the influx of refugees after the Partition this Province again faced the same difficulty in the matter of housing and there has been no improvement. So, Sir, by merely extending the period of the Act to four years or six years this present state of affairs will still continue in our towns and we shall not be able to solve the problem. Now, Sir, on what basis and on what criterion does the Government propose to extend the Bill to three years. Sir, somebody wants one year, somebody wants six years but whenever we want to amend the law in force we must also take a long view of things and by merely keeping the law in force for another three years I don't think we will be able to relieve the acute housing problem or to give relief to the people who are being harassed by this shortage of accommodation in all urban areas. So far Government is concerned they have been able to use the present requisition law to secure accommodation for their officers and offices and fix rent according to some fixed basis. In the matter of increase of rents the existing tenants stand on a different footing as they may take recourse to law and resist enhancement but what about the new people? They will be left to the mercy of the landlords and houseowners. Therefore, what is really needed is that some constructive scheme should be taken up by which we can give relief to the present housing shortage problem and that is to say by accepting a comprehensive housing programme. We all have become fully conscious of the fact that the housing problem is a very serious problem. If Government proposes to solve this housing problem in all towns, we want that town areas should be extended so as to comprise new areas also which are not within the towns at present and also by giving house building facilities with the supply of building materials, etc. to people who are willing to do so. This problem has to be made a major subject. In places where huge influx of refugees has taken place, Government will have to take measures in respect of sanitation also, otherwise the sanitation of those places will deteriorate with consequent danger of epidemics, etc. So, Sir, I say during the next four or six years it will not be possible for Government to undertake a concrete scheme by which it will be possible to give relief to people who are now being harassed by shortage of accommodation. Any such long term policy can only be effective if sufficient time is taken. I do not agree with the Deputy Minister that in the next three years things will improve. The housing problem will take a long time to solve because we can relieve this housing shortage only by concrete schemes and a long term programme, and therefore, by extending the period to six or seven years, there will be time to examine the whole problem and draw up a comprehensive scheme to relieve the congestion that exists now; this will also give an opportunity to Government to bring up a comprehensive piece of legislation so far as the urban rent control is concerned. Therefore, I support the amendment moved by my Friend, Mr. Hareswar Goswami.



**Shri CHANOO KHERIA** মাননীয় অধ্যক্ষ মহোদয়, The Assam urban Areas Rent Control (Amendment) Bill, 1952 ব'লপৰত বিৰোধীদলৰ সদস্য শ্ৰীযুত হৰেশ্বৰ গোস্বামীয়ে অনা সংশোধনী প্ৰস্তাৱটো গৃহণ যোগ্য নহয়। কাৰণ ইয়াৰ আগতে বলৱত থকা ১৯৪৯ চনৰ আইন খন অহা ৩০ চেপ্তেম্বৰ তাৰিখৰ পৰা বলৱত নহব আৰু সেই কাৰণে চৰকাৰৰ পক্ষৰ পৰা আৰু তিনি বছৰ কাল সেই আইন বলৱত থাকিবলৈ চৰকাৰে অনা বিল আৰু তাৰ ওপৰত চলা বিৰোধী দলৰ তৰ্ক বিতৰ্ক সম্বন্ধে মই দুই চাৰি আঘাৰ কম।

এই সংশোধনী বিলখনৰ ওপৰত সংশোধনী প্ৰস্তাৱ অনা হৈছিল ৫টা; তাৰ ভিতৰত বিভিন্ন প্ৰস্তাৱত বিভিন্ন কালৰ কথা উল্লেখ আছে, কোনোৱে কয় তিনিবছৰ কোনোৱে ৪ বছৰ আৰু কোনোৱে পাচ আৰু কোনোৱে ৬ বছৰ কালৰ কথা। যেয়েই যি নকওক, এই বৃদ্ধি কালছোৱাৰ কাৰণে, ইমান বিলাক তৰ্কবিতৰ্কৰ অবতাবণা হোৱাৰ কোনো কাৰণেই নাই। এই বিলখনত চৰকাৰৰ কালৰ পৰা ৩ বছৰৰ ঠাইত principal Actত ৬ বছৰ হ'ব লাগে বুলি কৈছে। কথাটো নিচেই সামান্য। এই বিষয়টোত ইমানখিনি তৰ্ক বিতৰ্কৰ কি কাৰণ থাকিব পাৰে মই বুজিব পৰা নাই। মূলবিলখনৰ প্ৰয়োগৰ ম্যাদ কাল আছিল, বছৰ অৰ্থাৎ ১৯৫২ চনৰ ৩০ চেপ্তেম্বৰলৈ। চৰকাৰৰ সংশোধনী বিলমতে ৩ বছৰৰ ঠাইত ৬ বছৰলৈ প্ৰয়োগকালৰ ম্যাদ বঢ়াই দিব লাগে; অৰ্থাৎ আৰু ৩ বছৰ এই আইন বলৱত ৰাখিব লাগে।

এতিয়া সংশোধনী প্ৰস্তাৱবিলাকলৈ চকু কুৰালে দেখো যে দ্বিতীয় সংশোধনী মতে আৰু মাত্ৰ ৬ মাহলৈহে এই আইনৰ প্ৰয়োগ কাল বৰ্দ্ধিত হ'ব লাগে।

তৃতীয় সংশোধনীত বিচাৰিছে যে ৬ বছৰৰ ঠাইত ৪ বছৰ কৰিব লাগে; অৰ্থাৎ আৰু মাত্ৰ এবছৰৰ ম্যাদ বঢ়াই দিব লাগে।

চতুৰ্থটোত কয় আৰু ৬ বছৰৰ কাৰণে আইনৰ ম্যাদ বৰ্দ্ধিত হ'ব লাগে, আৰু পঞ্চমটোত তিনি বছৰৰ ঠাইত ৯ বছৰ ১০ বছৰলৈ থাকিব লাগে।

ভালকৈ পৰ্য্যবেক্ষণ কৰিলে দেখা যায় সংশোধক সকলৰ একমত যে বৰ্তমানৰ সঙ্কট অবস্থালৈ চায় আইনখনৰ ম্যাদ বৰ্দ্ধিত হ'ব লাগে। তাত কোনো সদস্যৰেই আসোৱাহ নাই।

এতিয়া বিহেতু চৰকাৰে গোটেই বিলাক সংশোধনী প্ৰস্তাৱ একেলগে বিবেচনা কৰিব নোৱাৰে; আৰু এটালৈ আন বিলাক নললেও আনবিলাকৰ অপূৰণ কথা হ'ব। মোৰ বোধেৰে চৰকাৰে কাকো ক্ষুণ্ণ কৰা উচিত নহয়। ব'ব দুখ পাইছো যে, আমাৰ বিৰোধীদলৰ মাননীয় সদস্য সকলো আনকি তেখেত সকলৰ সংশোধনীদিওতে একমত হ'ব পৰা নাই। সংশোধনী প্ৰস্তাৱ বিলাকৰ সংখ্যা বিলাক যদি যোগ কৰি Average লওঁ, তেতিয়া আমি পাম ৬ আৰু সংশোধনী সংখ্যা পাচোঁতাৰ আগৰ দুটা আৰু পিচৰ দুটা বাদ যদি দিও তেতিয়াও আমি পাওঁ ৬। গতিকে Mathematically আমি ৬ টেকে ল'ব পাৰো। সেই কাৰণে principal Act ৰ তিনি বছৰৰ ঠাইত ৬ বছৰ অৰ্থাৎ অহা ৩০ চেপ্তেম্বৰৰ পৰা আৰু ৩ বছৰ কাৰণে বঢ়াই দিয়াটোয়েই যুক্তি-যুক্ত।

মোৰ বোধেৰে চৰকাৰে এই সংশোধনী প্ৰস্তাৱৰ কোনোটোকেই গৃহণ নকৰি চৰকাৰে অনা মূল সংশোধনী বিলখনৰ মতে ৩ বছৰৰ ঠাইত ৬ বছৰ আইনৰ ম্যাদ বৰ্দ্ধিত কৰিব লাগে।

আন সকলো কথাই মাননীয় উপমন্ত্ৰী ডাঙৰীয়াই ফহিয়াই দেখুৱাইছে, সেই বিষয়ে মোৰ আৰু বিশেষ কবলগীয়া নাই। মই চৰকাৰে অনা সংশোধনী বিলৰহে সমৰ্থন কৰো আৰু বিৰোধীদলৰ সংশোধনী প্ৰস্তাৱৰ বিৰোধীতা কৰিছো।



**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I am unable to accept this amendment. The scope of this Bill is very limited. It simply seeks to control the rent of private houses in towns. It does not aim at regulating the relationship between the landlords and tenants in the urban areas, as my Friends, Shri Goswami and Umaruddin Saheb, take it. It merely aims to control rent of private houses in towns for another period of three years. Umaruddin Saheb says that the original Act came into force in 1946. That is not so, it came into force on the 1st October 1949 and it will complete three years by the 30th of September next.

**Maulavi MD. UMARUDDIN:** But there is another Act—Assam Act III of 1946—the Assam Urban Areas Rent Control Act, 1946. What is that?

**Shri HARESWAR DAS (Deputy Minister):** That is a different Act and we have got nothing to do with that. The Act that we want to extend was passed in 1949 and it came into force with effect from the 1st October 1949 and we want to extend this Act for another three years, and not four years, as stated by Umaruddin Saheb.

**Maulavi MD. UMARUDDIN:** But what about the 1946 Act?

**Shri HARESWAR DAS (Deputy Minister):** That lapsed. We want to extend the 1949 Act for another three years.

Now, Sir, extension of the Act for a further period is wanted by all. It has been admitted by everybody that the condition of house rent in urban areas has not improved and the Act should have a further extension. The point of contention is with regard to the period for which it should be extended, whether for 3 years, 6 years, 7 years or one year. My Friends, Shri Goswami and Umaruddin Saheb, said that the position would not improve within the next three years. Very well, Sir, if it does not, we shall again try to extend it for a further period. There will be no harm in it. Sir, you have seen from the reply to a question today that lakhs of rupees have been advanced to Government servants in different towns for construction of houses. When these houses will be constructed, and it is expected that they will be completed within 3 years, the situation will, I think, improve. If, however, the situation does not ease as expected we will try to extend this Act again. But from our past calculations and the number of new houses that will be constructed in different towns it appears that within these three years the situation will ease up. Therefore, Sir, we are trying to extend this Act by three years only.

Sir, one uncharitable remark was made by my Friend, Mr. Goswami, that the hand of friendship offered by Members on that side of the House is not accepted by the Members on this side. I am very sorry for that remark. It is not correct. Take for example, this Bill and my position. If I accept the hands of friendship offered by Mr. Bhattacharyya, I offend Mr. Goswami and other Opposition Members (*laughter*). If I accept the hands of friendship of Mr. Goswami then I offend two other parties, *viz.*, the Communist Party and the K. M. P. Party. I am not going to take that risk. Then there will be charge of discrimination from the Communist and K. M. P. Parties, if I accept the hands of friendship offered by the Socialist Party because I find that the representative of the K. M. P. Party wanted to extend the Act by six months only. I would, therefore, Sir, stick to my Bill and not offend the hon. Members of the Opposition.

With these few words, I oppose the amendment.



**Mr. SPEAKER:** The question is that in clause 2 for the words "six years" the words "ten years" shall be substituted.

(The motion was negatived.)

(After a pause)

The question is that clause 2 do form part of the Bill.

(The question was adopted.)

The question is that the Title and the Preamble do stand part of the Bill.

(The question was adopted.)

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I beg to move that the Assam Urban Areas Rent Control (Amendment) Bill, 1952, be passed.

**Mr. SPEAKER:** Motion moved is that the Assam Urban Areas Rent Control (Amendment) Bill, 1952, be passed.

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, at this stage of third reading of the Bill I want to make a few observations.

**Mr. SPEAKER:** Don't repeat your former observations.

**Shri GAURISANKAR BHATTACHARYYA:** I think I shall not repeat, but there may be slight repetition by way of references.

Sir, it is a fact that the whole House is in agreement on the point that there is housing shortage and that there should be control of rent of houses in urban areas. There is complete agreement on this point. Now, with regard to the solution of this problem, however, we have seen different suggestions. The suggestion, which has just now been accepted by the House, is that the Act should be extended for another three years. I suggested extension for another year. My Friend, Mr. Das, though he has not moved his amendment, suggested extension by about a year; another suggestion came from Mr. Goswami that the Act should be extended for another seven years. So, we have seen that there are different suggestions. What is the meaning behind all these? The Deputy Minister just now said that the Government expected that the housing problem would be eased within three years. Mr. Goswami thinks "No" and so he wants to extend it by seven years more. Did Mr. Ranendra Das or I think that the problem would be solved within a year? No, not at all. When I moved my amendment I made it quite clear that I suggested four years in place of six years not because I expected that the problem could be solved within one year, but because we want a more comprehensive legislation on this. If a comprehensive legislation is not possible just now, let it come at least within the next one year. Why do we say so? Because we have seen that there have been many defects in the original Act and that there have been many discrepancies in its operation also. I referred to discrepancies between Silchar and Gauhati. In other towns specially in border areas, the problem has become very acute, for example in Karimganj. Government surely have received representations from the citizens of Karimganj in this respect, and therefore, Sir, in view of that more comprehensive measures have become necessary. Moreover, this Rent Control Act as it is in operation at present leaves the initiative to the tenants to come to the courts to enforce the law; Government does not take the initiative in seeing that the landlords do not impose any excessive rent.....



**Shri BAIDYANATH MOOKERJEE (Minister):** On a point of information, Sir, may we know whether the hon. Member is supporting or opposing this Bill?

**Shri GAURISANKAR BHATTACHARYYA:** I am suggesting these things to the Government for consideration before I can give my consent to this Bill. I hope, I shall be able to give my consent. I hope I will be accommodated to do that. I am trying for that accommodation. If the Government thinks that the Bill is all right, it needs only some extension in time.....

**Shri BIMALA KANTA BORAH:** He is going back to his original arguments, Sir.

**Shri GAURISANKAR BHATTACHARYYA:** I only said if the Government thinks that the problem can be solved within the next three years.....

**Mr. SPEAKER:** May I point out one thing? I think when you speak on the third reading of the Bill you are to do like this. In the speeches on the third reading of a Bill it is not open to a Member again to reopen the principle underlying the Bill and a Member must confine himself to the application of the principle as enunciated in the clauses of the Bill.

**Shri GAURISANKAR BHATTACHARYYA:** I am exactly trying to do that, Sir. In this Bill it has been enunciated that the Rent Control Act will be extended for a few more years. Now, how this will be applied and when? Whether this discrepancy as between Silchar and Gauhati will be removed or will still remain there?

**Mr. SPEAKER:** How do you find it?

**Shri GAURISANKAR BHATTACHARYYA:** I think Government will also agree with me that there is a discrepancy. Another fact is that when this Urban Areas Rent Control Act and the Assam Land Acquisition and Requisition Act are taken together, this discrepancy is clearly seen; because under the Land Acquisition Act when a certain house is requisitioned and acquired by Government, then the rent that is given to that House at Silchar is higher than that given in the town of Gauhati. What is the basis? Is there any basis to this? Will this new Act when it is going to be applied, remove this discrepancy?

**Mr. SPEAKER:** You will have to limit within three and six years. This Act is to be extended to six years, you are not to speak about the basis of the rent.

**Shri GAURISANKAR BHATTACHARYYA:** I heard the Deputy Minister saying that even if he accepts three years there will be the necessity of a more comprehensive Bill. We want an assurance from the Government as to whether this passing remark from the Deputy Minister is also the intention of the Government, that is to say, whether Government realise that this amending Bill is not sufficient and that Government will within as short a time as possible bring in some comprehensive Bill or not. That is a vital point, because the Deputy Minister has made a passing remark on this point that if it is found necessary, Government will surely bring in a more comprehensive Bill. If that be so, then of course there will be no necessity for the amendment suggested by Mr. Goswami. But if the Government does not propose to bring in a more comprehensive Bill, then there remains the necessity for Mr. Goswami's amendment. There is thus no contradiction



between our suggestion that a more comprehensive, a fuller Bill, should come within a year and Mr. Goswami's suggestion that if such a Bill does not come, let even the present Rent Control Act extend to more years.

With these words, Sir, I would urge upon the Government to bring in a more comprehensive Bill as soon as possible.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I see again that there is complete misconception about the scope of this Act. The scope of this Act is very limited, it is not sought to ruin the relationship between the landlord and his tenant. That has been misconceived by my Friend, Mr. Bhattacharyya. When I made a passing remark it is with regard to this, that if he thinks that a comprehensive legislation is necessary, then this extension of the period for three years does not stand in his way. This Act has served people well and so we come here to extend it for a period of another three years. I therefore said that the regulation of the relation between the landlord and the tenant is outside the scope of this Act.

Another point he has raised about the rent of houses in Karimganj and Gauhati. This Act does not fix the rent at Karimganj or Gauhati or anywhere. It simply lays down the principle according to which rent is to be calculated. The Land Requisition Act has got nothing to do with this Act. Requisition Act does not lay down the principles how rent has got to be fixed? Except surplus tea garden lands, Land Requisition Act does not deal with rent at all. The Requisition Act and this Act are complementary. One does not clash with the other. How this distinction has been missed by my Friend I do not understand. The rent in Cachar may be different from that of other places. The rent there may be more than that at Gauhati. This Act does not fix the rent.

**Shri HARESWAR GOSWAMI:** My Friend, Mr. Bhattacharyya, wanted to know what was the basis of assessment of rent because the Government in one of their Notifications dated the 26th November, 1948 fixed rent at 1/8th.....

**Shri HARESWAR DAS (Deputy Minister):** That is entirely a different matter. This Act has nothing to do with that. This Act does not fix rent, it only lays down the principle as to how the rent should be calculated.

**Mr. SPEAKER:** The question is that the Assam Urban Areas Rent Control (Amendment) Bill, 1952 be passed.  
(The Motion was adopted.)

### **The Assam Professions Trades, Callings and Employments Taxation (Amendment) Bill, 1952**

**Mr. SPEAKER:** There is no Amendment. I then put it.

The question is that clauses 1—12 do form part of the Bill.

(The question was adopted.)

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

(The question was adopted.)

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1952 be passed.

**Mr. SPEAKER:** The Motion moved is that the Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1952 be passed.  
(The Motion was then put and adopted.)



**The Assam Sales Tax (Amendment) Bill, 1952**

**Mr. SPEAKER :** Now we are to take up consideration of the Assam Sales Tax (Amendment) Bill, 1952, clause by clause.

**Maulavi MD. UMARUDDIN :** Mr. Speaker, Sir, I beg to move that at the end of sub-section (1) of section 15 of the principal Act, the following shall be added as clause (d)—

“(d) Sale or purchase of goods where such sale or purchase takes place in the course of the import of the goods into, or export of the goods out of, the territory of India”.

Sir, in moving this Amendment I have tried to give effect to article 286 of the Constitution of India. In article 286 it is provided :—“(1) No law of a State shall impose, or authorise the imposition of, a tax on the sale or purchase of goods where such sale or purchase takes place—

(a) Outside the State; or

(b) in the course of the import of the goods into, or export of the goods out of, the territory of India.”

Sir, in section 15 of the principal Act certain items are to be deducted from the gross turnover so as to arrive at the net turnover for the purpose of assessment. We now find that there are certain dealers who may be exporting goods out of the territory of India or importing goods into the territory of India and they may be registered dealers in the State of Assam. Sir, one of such dealers may be selling goods for local consumption as well for which he is likely to be taxed and in addition he may be exporting and importing goods out of the territory and into the territory of India as the case may be, for which he may be liable to exemption. I do not know, Sir, whether by any amendment in this Assam Sales Tax Act, the provisions of article 286 of the Constitution has already been given effect to, and if so, will the Hon'ble Finance Minister point out the Amendment in question? If I am convinced that there is such an Amendment by which the provision of article 286 of the Constitution has been given effect to, then I shall have no reason to move my Amendment and I shall withdraw the Amendment. I do not see any provision made in the principal Sales Tax Act to give effect to article 286 of the Constitution, and that is why, Sir, I have brought in this Amendment.

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

**Mr. SPEAKER :** The Amendment moved is that at the end of sub-section (1) of section 15 of the principal Act, the following shall be added as clause (d) :—

“(d) Sale or purchase of goods where such sale or purchase takes place in the course of the import of the goods into, or export of the goods out of, the territory of India”.

**Shri MOTIRAM BORA (Minister) :** Mr. Speaker, Sir, my Friend, Mr. Umaruddin probably has not seen the Amending Act, 1951. The clause he wants to introduce in this Bill has already been provided in that Amending Act of 1951 and this provision is quite identical to the Amendment moved by Mr. Umaruddin. In that Amending Act of 1951 it will be found in section 3. It runs as—“Nothing in sub-section (1) shall, except in cases covered by the first proviso to sub-section (12) of section 2 of this Act, be deemed to render any dealer liable to tax on the sale of goods where such sale takes place :—

(i) outside the State of Assam ;

(ii) in the course of the import of the goods into, or export of the goods out of, the territory of India.”



This has been provided already, Sir, what my Friend wants to provide in the Bill. Therefore there is no necessity for this Amendment.

**Maulavi MUHAMMAD UMARUDDIN :** Where do we find it, Sir ?

**Shri MOTIRAM BORA (Minister) :** It will be found in the Sales Tax (Amendment) Act, 1951, below Section 3.

**Maulavi MUHAMMAD UMARUDDIN :** I then, Sir, withdraw my amendment.

**Mr. SPEAKER :** I then put the clauses up to clause 6.

The question is that clauses 2—6 form part of the Bill.

The question was adopted.

Now clause 7. There is an Amendment in the name of Shri Radhacharan Chaudhury.

**Shri RADHACHARAN CHAUDHURY :** Sir, I do not like to move my Amendment.

**Mr. SPEAKER :** You do not like to move ? Then clause 7 do form part of the Bill. Clause 8 — Maulavi Muhammad Umaruddin to move that the clause 8 shall be deleted.

**Maulavi MUHAMMAD UMARUDDIN :** Sir, I beg to move that clause 8 shall be deleted.

Sir, I only want just to reverse what the Government precisely propose to do. They want to delete Section 51 of the principal Act. I do not really see, Sir, why Government should think that this particular provision in the Assam Sales Tax Act is redundant. If it is redundant as considered by the Government, why was it incorporated in the original Act ? To me, Sir, this particular Section is the only provision which provides ready and cheap relief and serves to save a lot of money of the poor tax payers. It provides for references to be made to the Commissioner without prejudice to any proceedings of assessment. Once the issue referred is decided, it smooths the way for assessment without any controversy, which benefits the Government as well as the public, because it obviates a lot of unnecessary work.

The Sales Tax Act has become, both in spirit and in execution, an unwelcome Act in as much as a lot of people suffer and suffer to a great extent, both at the time of assessment as also in seeking relief on appeal and revision etc. Sir, whatever may be the spirit and object of an Act, its effects are entirely dependent on the manner in which it is administered. Unless the provisions are complete just and fair and unless the officers in whose hands the administration is left, are also equally just and fair, conscientious and impartial, the people can never be free from trouble and harassment and in the long run such a taxation measure becomes an instrument of oppression.

Sir, the provisions of the Act in the matter of appeal revision and reference have been made so very expensive that it is almost prohibitive for the poor people. Sir, if you will refer to Section 30 of the Act, there it is laid down that an appeal can be made by a dealer to a certain prescribed authority against the order of assessment or penalty passed under the Act. This enables a dealer to seek remedy against the order of a Superintendent of Taxes. Then again an appeal lies to the Commissioner of Taxes against the order of an Assistant Commissioner



of Taxes. Under Section 31 revision may be sought before the Commissioner of Taxes, then again reference can be made under Section 32 (2) to the High Court. Now, Sir, I would refer you to Rule 30 of the Sales Tax Rules, which runs as follows—

“The memorandum of appeal shall be accompanied by a certified copy of the order appealed against and by the fee prescribed in rule 74”.

In presenting an appeal, the appellant will have to pay certain fees as prescribed under Rule 74. Then again, in case of reference also it has been laid down under Rule 40, as follows :—

“A petition for reference shall be presented, signed and verified as in the case of an appeal and shall be accompanied by a certified copy of the order in respect of which the reference is applied for together with the fee referred to in Rule 74 which shall be in addition to the fee mentioned in Section 32 of the Act.”

Then again for revision, rule 35 lays down :—

“A petition for revision shall be presented, signed, verified and endorsed as in the case of an appeal. It shall be accompanied by a certified copy of the order appealed against and by the fee prescribed in rule 74”.

In the case of appeal one has got to pay fees and also in the case of reference and revision, one has got to pay fees here, there and everywhere in seeking relief against primary assessment. The scale of fees payable has been clearly laid under Rule 74. Besides that, there is the provision for a statutory deposit of Rs. 100 under Section 32. Sir, I find the entire procedure has been made full of expenses which are bound to fall heavily on the poorer section of the tax payers.

All these provisions relating to appeal, revision and reference indicate clearly that any remedy against primary assessment, is not to be had except at a prohibitive cost. In other words, the intention of the Government seems to be that every assessee must submit and surrender to the order of assessment of a subordinate officer, without a demour or protest and with this end in view, path of appeal has been made both difficult and prohibitively expensive. All those so-called provisions for relief on appeal or revision etc. are like a hooked thorn which when going inside the body not only causes puncture and bleeding, but also brings out a lot of flesh and blood—even when extracted. This is why I say, Sir, these provisions are, most unwelcome and troublesome.

The only redeeming feature under the present Act is Section 51 which provides for certain relief to the parties concerned without such expenditure. If this Section is also taken away, there will be nothing but Sections 30, 31 and 32 left. I, therefore, want an assurance from the Finance Minister that he will undertake to revise the rules governing appeal, revision or reference, etc., and make them as equitable and least expensive as in the case of other appeals such as under the Land Revenue Regulation etc. I, therefore, say, Sir, that when making these rules they should be so made as to avoid as far as practicable any incidental expenses in the shape of court fees, etc. It must be remembered that parties are also required to engage pleaders and lawyers. We should not make a hungry piece of legislation whose hunger is insatiable and tax hunger of a Government increases when income cannot keep pace with expenditure. But, then there may be cases where taxation may not be justified on a point of law as well and in those cases, there should be provision for a reference by which people may be saved from unnecessary assessment proceedings. Such iniquitous and unfair provisions as exist I have already pointed out, can never be consistent with the policy and purpose of a popular democratic Government, which this Government claims to be. We, no doubt, agree that there should be taxation, but it should be properly and judiciously made and as I have said, it should not be allowed to go in such a way that it may deteriorate into an instrument of oppression. Therefore, I say that the provisions should be made



healthy so that relief can be given to those who deserve it without unnecessary expenses and trouble. I would request that Section 51 should be allowed to remain. I do not think, there is any harm in it when a good deal of relief has been sought to be given under sections 30, 31 and 32.

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

**Mr. SPEAKER :** The Motion moved is that clause 8 shall be deleted.

**Shri MOTIRAM BORA (Minister) :** Mr. Speaker, Sir, this matter was referred to by my Friend during the course of discussion at the introductory stage and then in course of my reply I tried to give him the Government point of view.

Sir, my Friend wants to retain the power, the power of interpretation by the Commissioner. He wants to retain that power, but Government does not want to keep that power with the Commissioner and why?

The other day, I made it abundantly clear to the Members of this House that Government do not want to give more powers to their officers which are not considered absolutely necessary. We do not want to give such powers to the officers which we can avoid that is, those powers which are likely to be misinterpreted or abused. In the interest of the large section of people who will come under the purview of this Sales Tax Act this power of interpretation should not be given to the Commissioner. It is argued by some people that such power might be abused against the interest of the people, and when we have got the highest tribunal, the High Court, in the State, by keep that power with the officers? When we have got that high judicial authority in the State, the people will be able to get redress by means of reference, revision and appeal to that Court. This view appears to be reasonable to me and I am entirely in agreement with it. When such a body, the highest judicial tribunal, is there in the State to give the highest pronouncement on matters of law, I do not see why such powers should be given to the executive head of the department.

**Maulavi MD. UMARUDDIN :** On a point of information, Sir. Is there no difference between the powers given to the Commissioner of Taxes as provided in sections 30 and 31 as against 51?

**Shri MOTIRAM BORA (Minister) :** Powers of interpretation by the Commissioner have been taken away because it has been considered fit and proper in the interest of the people and it is given to the highest court of the land the High Court, the highest judicial authority. When we have got the highest tribunal and when that power can be invoked by various means, such as revision, reference and appeal to the tribunal, why retain those powers with the Commissioner?

But, I think, my Friend was driving at the point that this process would be costly.

**Mr. SPEAKER :** The hon. Mover wants to know what is the difference between sections, 30, 31 and 51.

**Shri MOTIRAM BORA (Minister) :** My Friend wants to allow the Commissioner to retain the power of the Commissioner given under section 51, which power we want to transfer to the High Court.

**Maulavi MD. UMARUDDIN :** On a point of information, Sir. I should like to say, is it not a fact that a reference to the Hon'ble High Court under Section 32 of the Sales Tax Act has to be first addressed to the Commissioner of Taxes and that it may be rejected by him and that in the event of rejection an appeal lies to the High Court? Is not this course costly and circuitous?



**Shri MOTIRAM BORA (Minister):** When in our country highest Courts have been established, such as, the Supreme Court and the High Court, our people must have to take shelter in those Courts wherever necessary. In this modern set-up and when justice has got to be sought from such august bodies, the cost cannot be avoided. We cannot go to a court with an appeal without paying court-fee. My Friend is asking for prescribing by rules that such fees should not be paid. When justice is asked for, court-fee must be paid; it cannot be avoided.

**Maulavi MD. UMARUDDIN:** In Income-tax appeals no court-fee is required to be paid on the basis of the taxes assessed?

**Shri MOTIRAM BORA (Minister):** We have got to pay it. Even if we go to the Supreme Court we have got to pay court-fees.

I agree that it is costly, but if you want justice from the highest court in the country you must pay for it. You cannot avoid the cost. From the very nature of thing, the cost cannot but be high.

**Shri HARESWAR GOSWAMI:** The rich can only go.

**Shri MOTIRAM BORA (Minister):** Sales tax is generally applicable to rich people only.

My Friend, the Mover, argues, as he argued the other day, that the power be not taken away from the Commissioner while some other Members of the Party did not like that our officers be given more powers. While I moved in course of this session, for some ordinary powers to be given to Agricultural Income-tax Inspectors, some of my Friends vehemently opposed as they said that these powers might be abused and people would be tyrannised. But to-day we find that when Government wanted to take away powers from some officers to be given to the highest court, it was objected to. By such arguments we are put to a curious predicament. On the one hand they want that powers be taken away from officers because these powers might be misused, but on the other hand when we want actually to take away powers they say opposite thing. I cannot appreciate such an attitude on the part of the party in the Opposition. To safeguard the interest of our people, we are taking this action so that they may not be in the mercy of our officers.

Therefore, I do not see why my Friend should not agree with me when I want to take away some powers from the Commissioner and give them to the High Court. With these words, I would request him to withdraw his Motion.

**Maulavi Md. UMARUDDIN:** If the Hon'ble Minister gives an assurance that he will amend the rules, in that case I shall withdraw my amendment.

**Shri MOTIRAM BORA (Minister):** If he wants, he can go to the High Court.

**Mr. SPEAKER:** The question is that clause 8 shall be deleted.

A summary division was taken on the floor of the House by asking the Members to rise in their places with the following result:—

Ayes—11.

Noes—64.

(The motion was negatived.)

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, we want to know the relevant rule under which such a summary procedure has been taken in the matter of division.



**Mr. SPEAKER:** Let me read out from the Regulation as follows:  
 'Just to save the time of the House, the Speaker may, at his discretion, direct that the Division be taken summarily in the Chamber. In this case, when any member challenges the provisional announcement of the Speaker, as in rule 2, the Division bells will, as usual, be rung for three minutes and the Speaker may thereafter direct those who are in favour of, and against the question to rise in their places, instead of going to the Division lobbies, and after counting the respective numbers, declare the numbers of 'Ayes' and 'Noes' and the consequent result.'

So, clause 8 do form part of the Bill.

The title and preamble also do form part of the Bill.

(These were adopted).

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I beg to move that the Assam Sales Tax (Amendment) Bill, 1952, be passed.

**Mr. SPEAKER:** Motion moved:—"That the Assam Sales Tax (Amendment) Bill, 1952, be passed".

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, we expected that the Assam Sales Tax (Amendment) Bill, 1952 would be able to satisfy the grievances raised by the people outside this House, but those things have not been considered and the Bill confines itself to very minor amendments. Sir, so far as the amendments go, we have nothing to say and we do not want that the revenue of the State should suffer. The sales tax has come to stay and it has also become a very important source of revenue for every State. Now, Sir, although the Bill has been passed clause by clause, yet we in the Opposition are not satisfied with the amendments. We will now request the Hon'ble Minister in charge to give consideration to the opinions expressed in this side of the House. The sales tax is agitating the minds of all. My Friend, Mr. Umaruddin, has just now said that it is very difficult to get remedy under this law. He has said that very few people can go to the High Court or the Supreme Court to get remedy. But it cannot be denied that even the poor keeper of tea stall is taxed under this measure. Again we have seen that certain articles are taxed when they are kept in a container, but are not taxed in their raw state. Again court fees are demanded in cash. It is perhaps to circumvent the Court Fees Act and to get more revenue to the State. So far as this is concerned, it is all right, but at the same time the hardship felt by the other people should also be taken into consideration.

While we have nothing to say about the Amending Bill we would only request that the Minister-in-charge will take into consideration the opinion expressed by my Friend, Mr. Bhattacharyya. There is also a Resolution about the Sales Tax Bill. I have received telegrams from various sections saying that the Bill, Sir, will not satisfy the people; so our views should be taken into consideration. I would request the Minister-in-charge that in the next session he will consider and agree to remove the defects in the Act in order to satisfy all concerned. My object, Sir, is to increase revenue, but if we tax people like this it will simply increase the hardship of the people. Things which are generally used by the common people for their daily consumption should not be taxed. I hope these things will be taken into consideration and the opinion expressed by the Opposition will be remembered when another Bill will come in the next session so that it may satisfy all concerned.

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, my Friend, Mr. Bhattacharyya, has tabled a Resolution about this and my Friend, Mr. Goswami has also spoken about it just now, and this is going up for discussion certainly day after to-morrow. The observations of my Friend Mr. Goswami, and the views expressed by my Friend Mr. Umaruddin, will be discussed in the course of the discussion of that Resolution. I do not like to take the time of the



House by replying to these observations now. As we are going to have free discussions on the floor of this House day after to-morrow and as certainly I shall have to take part in this matter, it will not be desirable now to waste the time of the House in this. With these observations I commend the Motion for the acceptance of the House.

**Mr. SPEAKER:** The question is that the Assam Sales Tax (Amendment) Bill, 1952, be passed.  
(The Bill Motion adopted.)

**The Assam Adhiars Protection and Regulation (Amendment) Bill, 1952**

**Mr. SPEAKER:** Now we are to take up the consideration of the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952, clause by clause.

**Shri HARESWAR GOSWAMI:** Sir, I beg to move that for sub-clause (2) of clause I, the following shall be substituted:—

“All the provisions of the Principal and the Amending Act shall extend to all districts in the State of Assam where the Goalpara Tenancy Act, 1929 or the Assam (Temporarily Settled Districts) Tenancy Act, 1935 or the Sylhet Tenancy Act, 1936, is applicable.”

**Shri HARESWAR DAS (Deputy Minister):** On a point of order, Sir, this Amendment is not in order. This Amendment seeks to amend the provision that cannot be done; the main Act extends to agricultural lands only in any district but this amendment wants to apply in the Act town lands also. The Principal Act is applicable to agricultural lands. So, Sir, the Amendment of my Friend is not in order.

**Shri HARESWAR GOSWAMI:** The Amending Bill in Clause I (2) says, “It shall have the like extent as the Principal Act” and says, the Principal Act “(2) The provincial Government may by notification in official Gazette.....”

**Mr. SPEAKER:** The Principal Act is applicable to agricultural lands, you include everything, your amendment is bigger in scope than the Principal Act.

**Shri HARESWAR GOSWAMI:** Sir, my amendment wants to retain the power of the Government, but we want that it should be applicable to all districts. My purpose is to confine to agricultural lands; however there is printing mistakes. The preamble of the main Act says “Whereas.....”

**Mr. SPEAKER:** I feel sympathy for you, but I rule it out as this point does not come within the scope of the Principal Act; you have exceeded further, so I disallow this.

You have got the second amendment that also goes out.

The question is that clause 2 of the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952, do form part of the Bill.

(The question was adopted.)

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I beg to move that in the proposed new section 4 going to be inserted by clause 3 for the figures “200” in line eight, the figures “500” shall be substituted.



I think, Sir, the purpose of this suggestion is quite clear and simple. Here in the proposed Bill it has been visualised that the Adhiars are protected from the landlord, and, therefore, if the landlord wants to eliminate the Adhiars wrongly and improperly the landlord is sought to be punished, but the punishment sought to be fixed is a maximum of Rs. 200. I think, Sir, this amount is too small because we have not only small landholders who give land under *adhi*, and we have not only medium landholders, but we have also big landlords and very rich landlords who give land under *adhi*, and it is a practice particularly with these big landlords to harass the poor Adhiars. I have got many a personal experience of seeing this sort of harassment even in the South Bank of the Brahmaputra in Kamrup district where the Adhiars Protection and Regulation Act is said to be in operation. We have seen that not only that many big landlords have evaded the Act, but they have also been evicting Adhiars on this and that plea.

The intention of the present clause in the amending Bill is, of course, good, but if it is really to be effective, it must also be adequate. We consider, Sir, that the remedy suggested here is not adequate. Take for example, a landlord having something like 2,000 bighas of land, we have many such landlords having 500 Puras or even 1,000 Puras. Now, these landlords generally terrorise the peasants, they do not follow of their own accord the rules that are sought by the Adhiars Protection and Regulation Act and the peasants who are cultivating under them as Adhiars were made so very impoverished or so very poor and they are so very ignorant that they cannot go to the law courts to seek redress there. Now if Government by this amendment really wants to check oppression by the landlords, then that check should be a strong one. What is this 200 rupees to a landlord? It is nothing. I do not mean that the sum of 500 rupees is also a very big sum for him. It may be that he can agree to pay a fine of 500 rupees if he knows that by taking such risk he can keep the Adhiars at bay. But even then if the amount be 500 rupees it will be a greater check than a sum of 200 rupees. So, Sir, the purpose of my amendment is not to oppose the spirit of this clause of the amending Bill, but to make it really effective. And I think if the Government is really serious about protecting the Adhiars from the oppression of landlords, Government will agree to this amendment and will accept that in the proposed new section 4 going to be inserted by clause 3, for the figures "200" in line eight, the figures "500" shall be substituted.

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

**Mr. SPEAKER :** The Motion moved is that, in the proposed new section 4 going to be inserted by clause 3, for the figures "200" in line eight, the figures "500" shall be substituted.

**Shri HARESWAR DAS (Deputy Minister) :** Mr. Speaker, Sir, I am sorry I cannot accept this amendment moved by my hon. Friend. I am glad that he is not opposed to the spirit of the amending Bill. In his statement he has said that because this figure 200 is there, there has been defiance of the law by landlords and that if the figure 500 is put there, there will be a check. I do not.....

**Shri GAURISANKAR BHATTACHARYYA :** No such statement was made.

**Shri HARESWAR DAS (Deputy Minister) :** All right Sir, that is not a great point. My point is that rupees 200 or 500 does not matter much because the Revenue Officers will have discretion. The main purpose of this Act is to give some protection to the Adhiars. The purpose of this Act is not to punish the landlords, but in giving protection to the Adhiars some penal provision is necessary as a preventive measure. Our purpose is not to spoil the relationship



between landlords and the tenants. If there be a fight, the Adhial will be the worst sufferer. So we have put this provision as a check against violation of the provision of the Act. In practice, in the working of this Act for the last few years it has been seen that this 200 rupees figure is working well. So I am not going to give it up in favour of the figure 500.

With these few words, Sir, I would request my Friend to withdraw his amendment as it does not make any practical difference.

**Mr. SPEAKER:** The question is that in the proposed new section 4 going to be inserted by clause 3, for the figures "200" in line eight the figures "500" shall be substituted.

(The Motion was regatived.)

**Shri RADHACHARAN CHOUDHURY:** Mr. Speaker, Sir, I beg to move that in the proposed new section 4 going to be substituted by clause 3, after the word and figures "Rs.200" in the eighth line, the words and figures "and not less than Rs. 20" shall be added.

Sir, in this connection there is a provision here for award of compensation by the Revenue officer realisable from the landlord, but there is no provision for the minimum amount of such compensation. If there is no provision for minimum, then, Sir, the compensation may be reduced, say to only four annas or eight annas. In that case there will practically be no real compensation. So, Sir, if it is the intention of this clause to give real compensation, then there should be a reasonably fair minimum for this purpose. With these words, Sir, I move my amendment.

**Mr. SPEAKER:** The Motion moved is that, in the proposed new section 4 going to be substituted by clause 3, after the word and figures "200" in the eighth line, the words and figures "and not less than Rs. 20" shall be added.

**Shri HARESWAR DAS (Deputy Minister):** I am not going to accept this amendment. There are some provisions in the Penal Code where compulsory penalty is provided. But here this minimum of Rs.20 is unnecessary, and the matter should be left at the discretion of the Revenue Officers.

**Mr. SPEAKER:** The question is that in the proposed new section 4 going to be substituted by clause 3, after the word and figures "Rs.200" in the eighth line, the words and figures "and not less than Rs.20" shall be added.

(The Motion was regatived.)

**Maulavi MUHAMMAD UMARUDDIN:** Sir, I beg to move that the following shall be substituted for the proposed section 4 sought to be substituted by clause 3.

My intention is to substitute clause 3 by the following, that is to say, my amendment seeks for redraft of section 4 and add another section as 4-A in place of clause 3. The wordings are there. The amendment runs as follows:—  
"4. If any person cultivates any land as an Adhial during the preceding agricultural year is prevented from cultivating such land in the following year by any landlord or any person claiming superior interest over such landlord, a Revenue Officer, on application being made before him, may put such Adhial in possession of the land and award compensation realisable from the landlord or person claiming superior interest, as the case may be, which may extend to two-thirds or three-fourths, as the case may be, of the total estimated value of the crop or crops which the Adhial was prevented from growing but not exceeding Rs.500 in any individual case."



Sir, the limit fixed at Rs.200 is absolutely arbitrary. It must have some object in view. It must have some basis. Under the present law we find that an Adhiar is entitled to two-thirds or three-fourths, as the case may be, of the total produce of crops according as the plough cattle are supplied by the landlord or not. There may be many cases in which an Adhiar's share of crop in paddy is 60 maunds or in jute 20 maunds, the value of which is far more than the maximum compensation fixed at Rs.200. If it is the intention of law to give maximum benefit to an Adhiar as compensation, then a sum of Rs.200 is quite inadequate and so it must be limited to what an Adhiar would have actually got had he cultivated the land. Of course, Sir, we must not fix such a maximum which may not be possible for the landlord to pay and which is beyond his capacity. But at the same time we must have some basis for fixing the compensation and that basis must be the total produce of the land which the Adhiar would have got had he not been prevented from cultivating the land and this purpose will be adequately served if maximum compensation is fixed at Rs.500 in any individual case. If we make this provision, then an Adhiar will be entitled to compensation according to the estimated value of the share of his crops. Otherwise the fixation of Rs.200 as maximum compensation will provide little relief to the Adhiar.

Next, Sir, is Section 4-A. My Amendment runs as:—

"4A. If any person cultivating any land as an Adhiar fails, without any reasonable cause, to cultivate or to relinquish the land or to notify the landlord of his inability to cultivate the land, in due time so as to enable the landlord to make any other arrangement for the cultivation of the said land, a Revenue Officer, on application made before him by the landlord, may, in addition to any order under Section 5, award compensation realisable from the Adhiar not exceeding one-third or one-fourth, as the case may be, of the total estimated value of any crop which under the agreement with the landlord the Adhiar was to have grown."

My point, Sir, in this Amendment is that, if some relief is intended to be given to the Adhiar, then we must try to protect the interest of the landlord also. Sir, the law must be fair; the law must be such that it takes into account all the contingencies that might arise in connection with certain provisions. Sir, when we feel that an Adhiar who is helpless and poor requires protection it must be remembered that there may be another section of people who are also equally helpless and may be in trouble. So, Sir, justice must be done to this section of people as well. If there is a landlord and his land is not cultivated and if he does not get a share of the produce, then the Adhiar is liable to eviction. But it may so happen that the Adhiar may not cultivate land wilfully and by doing so, a poor landlord will be deprived of his share of crops and mere eviction from his land will not give him any relief at all. A landlord may be a widow, an invalid or an orphan and such a person may entirely depend on the income of her or his land that may be given to an Adhiar. In such cases there is no provision to give some relief to the landlord. As I have already said, Sir, when we want to protect the Adhiar we must give some protection to the landlord as well, because law must be equitable. There may be many landlords who may be widows, invalid soldiers from the Army, some ill-paid clerks or school teachers and so on, who have to maintain themselves and their families purely from the income of their lands or from the share of crops of their lands. So, if there is no such provision to protect them then they will be ruined practically and therefore there must be some provision for compensation to be realised from the Adhiar for his wilful failure to cultivate the land. There must be some such check so that there may not be any abuse of privilege by an Adhiar. For this reason, Sir, I want to make this particular provision.



I can anticipate that there will be some argument from the other side of the House that we are solicitous of the landlord as well, but here is a clause by which we want to protect the Adhiar adequately and also a clause to protect the legitimate interests of the landlord as well. There may be Adhiars who may be much better off than some landlords, It all depends upon the material or economic condition of particular persons. An Adhiar cultivating say about 50 bighas of land must have a higher income than the poor widow landlord having 5 or 10 bighas of land. Therefore, Sir, in framing the law we must have all the possible circumstances in our consideration.

Therefore, Sir, in framing the law we must take into consideration all possible circumstance of the society so that it may be complete in all aspects. So, Sir, in my Amendment I have taken into account all the contingencies that may possibly arise. Then again, Sir, there are conditions which are different from district to district. There are instances where landlords are harassed by the Adhiars and there are places where Adhiars too are harassed by landlords. Therefore, Sir, in framing the law we must provide in such a way that it does not upset the social balance and no undue indulgence is given under the law to any particular class of people.

With these words I commend my Amendment for the acceptance of the House.

**Mr. SPEAKER:** The Amendment moved is —That the following shall be substituted for the proposed Section 4 sought to be substituted by clause 3:—

“4 If any person cultivates any land as an Adhiar during the preceding agricultural year is prevented from cultivating such land in the following year by any landlord or any person claiming superior interest over such landlord, a Revenue Officer, on application being made before him, may put such Adhiar in possession of the land and award compensation realisable from the landlord or person claiming superior interest, as the case may be, which may extend to two-thirds or three-fourths, as the case may be, of the total estimated value of the crop or crops which the Adhiar was prevented from growing but not exceeding Rs.500 in any individual case.

4A. If any person cultivating any land as an Adhiar fails, without any reasonable cause, to cultivate or to relinquish the land or to notify the landlord of his inability to cultivate the land, in due time so as to enable the landlord to make any other arrangement for the cultivation of the said land, a Revenue Officer, on application made before him by the landlord, may, in addition to any order under Section 5, award compensation realisable from the Adhiar not exceeding one-third or one-fourth, as the case may be, of the total estimated value of any crop which under the agreement with the landlord the Adhiar was to have grown”

**Shri GHANA KANTA GOGOI:** Sir, I beg to move following Amendment to Maulavi Md. Umaruddin's Amendment No.5 to the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952. That in the proposed Section 4 A, the word “fails” after the word “Adhiar” in the first line shall be substituted by the word “wilfully” and after the word “cause” in the second line, the word “fails” be added”.

Sir, my intention of moving this Amendment to this Amendment of my Friend, Mr. Umaruddin, is to give some protection to the poor peasants or such other persons of the lower middle class such as the widows, village school teachers and the like. I know, Sir, that some Adhiars take the land from these people and wilfully neglects to cultivate the land. As a result of this, the lower middle class



people suffer a great deal from these Adhiars failing to do the cultivation. For they entirely depend upon the yield of their land which falls to their shares. In order to give some protection to this class of people there must be some conditions laid on the Adhiars to force them to cultivate the plot of land let out on *adhi* system under this Act. These few words, I hope, will amply justify my contention in moving this Amendment.

With these few words, Sir, I commend my Amendment to the Amendment of my Friend, Mr. Umaruddin, for the acceptance of the House, as it is based on principles of justice and equity.

**Mr. SPEAKER:** The Motion moved is that in proposed Section 4A of the Amendment No.5 moved by Maulavi Md. Umaruddin to the Assam Adhiars Protection and Regulation (Amendment) Bill, 1952, the word "fails" after the word "Adhiar" in the first line shall be substituted by the word "wilfully" and after the word "cause" in the second line, the word "fails" be added.

**Maulavi MUKHTER ALI:** মাননীয় অধ্যক্ষ মহোদয়, আধিয়ার বিলখনত আজি ব্যতৰ যি protection দিয়া হৈছে, মই ভাবো তাকৈ বেচি protection দিয়া হৈছে Land-lord কহে। গতিকে আমাৰ শ্ৰীযুত যনকান্ত গগৈ ডাঙৰীয়াই যিটো সংশোধনী প্ৰস্তাৱ আনিছে তাৰ দ্বাৰা ব্যতসকলৰ নোহোৱাৰ ভিতৰতে যৎকিঞ্চিৎ protection হব। সেই কাৰণেই মই তেখেতৰ সংশোধনীটো সাদৰেৰে সমৰ্থন কৰিছো। মই আশা কৰো যে আমাৰ সদাশয় সদনেও সংশোধনীত বিবেচনা কৰি সমৰ্থন কৰিব।

**Shri GAURISANKAR BHATTACHARYYA:** I rise to support the Amendment moved by Shri Gogoi as I see that in the Amendment moved by Mr. Umaruddin there is an omission which is, perhaps, due to oversight in the other-wise good Amendment tabled by him. Now, if the words sought to be inserted by Mr. Gogoi are accepted by Mr. Umaruddin, then his Amendment will be a complete and fair one. Here in this Amendment two things are sought to be made out, *viz.*, that the Adhiars needing protection against the oppression of the landlords be adequately and definitely protected under the law so that if anybody comes to do any harm to him he will be protected by the Government. On the other hand, there are also some intermediary section in our society who are not only to depend on their own labours but also, to a certain extent, on giving their lands in '*adhi*.' It would be really an ideal condition, it is also our ultimate goal, to see that all land belong to the tillers only. But that cannot be done to-day. It will take some time before we achieve this ideal condition. Therefore, it is in the fitness of things that there should be some provisions for protection of the petty land-holders like, as Mr. Gogoi has said, the orphans, the widows, school masters, petty clerks. Therefore, I feel Mr. Gogoi is quite correct in his contention when he says that nobody should think of doing any wrong to this class of people, to deprive them of their legitimate share of the produce. But I think Mr. Umaruddin has, perhaps, made an oversight. It may not be wilful. It may be that the Adhiar was in difficulty and he was compelled to leave a portion of the land fallow.

Now, Mr. Gogoi seeks to fill up that gap. An Adhiar should be punished only if he deprives a widow, or an orphan, or a teacher, or a petty clerk from his legitimate share "wilfully." We know that, in the present state of affairs, our Adhiars are always subjected to very many difficulties. He may not have a pair of bullocks to plough the land or sometimes it may be that one of his bullocks may die with the result that he has to leave a certain portion of the land uncultivated, inspite of his seriousness for cultivating. Therefore, he should be



punished then and then only when he neglects cultivation "wilfully." There should be effective protection for the legitimate share of the land-holders ; but the Adhiar should not be punished if he could not cultivate certain portion of the and not "wilfully" but for reasonable grounds.

With these words, I support the amendment moved by my Friend, Shri Ghana Kanta Gogoi, and I hope, Mr. Umaruddin will see his way to accept this amendment.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I oppose this amendment as I am going to oppose the main amendment. This amendment does not improve much. My Friend, Mr. Gogoi, wants the word "wilfully" to be inserted. This will not make much difference. So as regards this amendment is concerned, as I am going to oppose the main amendment, I am opposing this amendment also.

Another reason for opposing this amendment is that there is no provision in our rules for moving an amendment to an amendment. It is out of order.

(A Voice—There is provision).

(A Voice—Amendment to the main amendment should be discussed now).

**Shri BIMALA KANTA BORA:** A ruling is wanted whether an amendment to another amendment can be moved.

**Shri HARESWAR DAS (Deputy Minister):** I oppose the amendment as there is no provision under which an amendment to an amendment can be moved.

**Shri BAIDYANATH MOOKERJEE (Minister):** It all depends on the sense of the House when there is no definite provision. This was the practice followed by the House previously.

**Mr. SPEAKER:** We are to be guided according to the precedents and convention.

An amendment to an amendment is always allowed. Other Members can speak on this amendment only.

**Shri HARESWAR GOSWAMI:** On a point of order, Sir. Mr. Gogoi has moved an amendment to the amendment moved by Mr. Umaruddin and if Mr. Umaruddin accepts the amendment moved by Mr. Gogoi, then we may discuss on the amendment of Mr. Umaruddin.

**Mr. SPEAKER.** That procedure cannot be allowed.

**Shri DHARANIDHAR BASUMATARI:** অধ্যক্ষ মহোদয়, কবলৈ ইচ্ছা নাছিল যদিও ওমৰুদ্দিন চাহাবে যি বোৰ কথা কৈ গল তাত নকৈ থাকিব নোৱাৰিলো। তেখেতৰ কথাই শুই থকা মানুহকো সাৰ পোৱালৈ।

**Mr. SPEAKER:** আপুনি কিন্তু সংশোধনীৰ ভিতৰতে আৱদ্ধ থাকিব লাগিব।



**Shri DHARANIDHAR BASUMATARI:** হয়, মই সংশোধনীৰ ভিতৰতে কম। মিস্তাৰ উমৰুদ্দিন চাহাবে যি সংশোধনী আনিছে তাৰ সাৰ্থকতা আমি বুজি নাপাও (voice—সাধকতা নিশ্চয় আছে।) তেখেত সকলে ইমান দিনে কৈ আহিছে দুখীয়াক Protection দিয়া উচিত, এতিয়া আকৌ কৈছে ধনীকহে Protecion দিব লাগে। (voices—কোৱা নাই।)

চাৰ, land-lord ৰ ভিতৰত দুখীয়া land-lord, ধনী land-lord শিক্ষক land-lord, বিধবা land-lord, ইত্যাদি বোৰৰ অৰ্থ আমি বুজি নাপাও। land-lord বুলিলে land-lord এই বুজায়। ডাঙৰ ধনী, সৰু ধনীৰ পাৰ্থক্য আমি বুজা নাই। গতিকে বুজা যায় দুখীয়াৰ ভাল কৰিবলৈ কৈ ধনীৰ কাৰণে ওকালতি কৰিবলৈহে গৈছে। গতিকেই মই তেখেতৰ সংশোধনীৰ ওপৰত তীব্ৰ প্ৰতিবাদ কৰিছো। কাৰণ তেখেতে তেখেতৰ সংশোধনী প্ৰস্তাৱৰ লগে লগে ধনীৰ পক্ষ পাতিত্ব কৰিবলৈহে ওকালতি কৰিছে। আৰু লগতে শ্ৰীযুক্ত গোবীন্দৰ ডাঙৰীয়াই তাকে সমৰ্থন কৰিছে। গতিকে আমি বুজি নাপাও কাৰ কাৰণে তেখেত সকল কান্দে, ধনীৰ কাৰণে কান্দে নে দুখীয়াৰ কাৰণে কান্দে। তেখেত সকল যি উদ্দেশ্যেৰে পৰিঘটনাই আহিছে সেই উদ্দেশ্যৰ কথা তেখেত সকলে পাহৰি যায়। আমি ইয়ালৈ আহিছো মানুহৰ দুখকষ্টৰ প্ৰতিকাৰ কৰিবলৈ, আৰু কেনেকৈ ৰাইজৰ উপকাৰ কৰিব পাৰি তাৰ বিধি বিধান কৰিবলৈ। তাত হকে নহকে বিৰোধী দলৰ মানুহ বুলি কোনোবাই যদি উপদেশ মূলক কথা কয় তাক উৰাই মুখাই বিৰোধীতা কৰাটো যুক্তি নহয় বুলি মই ভাবো। আমি ইয়ালৈ আহিছো ডাঙৰ এটা দায়িত্ব লৈ আৰু এই সদনটো হৈছে সকলোৱে মিলি কি কৰিলে দেশৰ আৰু দহৰ আইনৰ দ্বাৰা ভাল কৰিব পাৰি তাক মিলা প্ৰীতিৰে আলোচনা ক্ৰমে এটা স্বস্থ সমিধানলৈ আহি আইন প্ৰবৰ্ত্তন কৰিবলৈ। গতিকে আজি আধিয়াৰ বিল খনত যি অলপ কেৰোণ দেখা গৈছে তাকেই সংশোধনী প্ৰস্তাৱ আনি সমৰোপযোগী কৰিবলৈ লৈছে। আৰু তাকেই কৰিবলৈ আজি আধিয়াৰ সকলক বেচি protection দিবলৈ এই সংশোধনী প্ৰস্তাৱ দাঙি ধৰা হৈছে। তাৰ দ্বাৰা মাটিগিৰী সকলক ধান নিয়াৰ লগে লগে বচিদ দিবলৈ বাধ্য কৰিছে। আগৰ বিল খনত এনে কোনো পন্থা লোৱা হোৱা নাছিল আৰু এতিয়া এই সংশোধনীৰ পৰা আধিয়াৰ সকলে মাটিগিৰীৰ পৰা মাটি লোৱা দিনবে পৰা মাটিৰ ওপৰত আধিয়াৰী স্বত্ব থাকিব। তৰা দ্বাৰা ধনীক স্ববিধা দিয়া হোৱা নাই। গতিকে ডেপুটি মিনিষ্টাৰ ডাঙৰীয়াই যিটো আধিয়াৰ প্ৰটেকছন ৰেগুলেছনৰ ওপৰত সংশোধন আনিছে প্ৰকৃততে এটা সজ প্ৰস্তাৱ। যোৱা বাৰত আধিয়াৰক খিকমতে 'প্ৰটেকছন' দিব পৰা নাছিল আজি এতিয়াৰ সংশোধনীতো যদি মাটিগিৰীয়ে ধান নিয়াৰ পিছত বচিদ নিদিয়ৈ তেন্তে ৫০ টকা আধিয়াৰক জৰিমাণা কৰা হব তাৰ দ্বাৰা আধিয়াৰ সকলকহে বেচি স্বত্ব দিয়া হৈছে। গতিকে মাটিগিৰীৰ পৰাহে ক্ষমতা কাটি লৈ যোৱা হৈছে। অথচ নানা ৰকমৰ অভিযোগ তেওঁবিলাকৰ আলোচনাত কোৱা হৈছে। আৰু কৈছে এই বিল পাচ হলে বিধবা আৰু শিক্ষক আদিসকলৰ কি অৱস্থা হব? অধ্যক্ষ মহাশয়, এই আমাৰ সংশোধনী প্ৰস্তাৱৰ পৰা সেইসকলৰ কাৰণে Protection ৰ দিহা কৰা হৈছে। কাৰণ কোনোবাই মাটি আধি লৈ কিবা কাৰণত খেতি নকৰি মাটি পেলাই থৈ দিলে তাক মাটিগিৰীয়ে খুজি আনি আনক দিব পাৰিব। তাত কোনো ভয় কৰিব নালাগে। তাৰ মানে দুখীয়াৰ Protection ৰকাৰণে সকলো বিধান কৰা হৈছে।

**Maulavi MD. UMARUDDIN:** Where is the provision ?

**Shri DHARANIDHAR BASUMATARI:** কাজেই মই শ্ৰীযুত গগৈ দেৱ আৰু মৌঃ ওমৰুদ্দিন চাহাবক অনুৰোধ জনাও যেন তেখেত সকলে সঁচা কথা কবলৈ গলে তেওঁবিলাকৰ উদ্দেশ্য বিহীন সংশোধনী প্ৰস্তাৱ আৰু তাৰ ওপৰত হোৱা আলোচনা উঠাই লয়।



**Shri RADHIKA RAM DAS :** Mr. Speaker, Sir, I rise to oppose the amendment moved by my Friend, Mr. Umaruddin. I am surprised to find that my Friends who claim to be the Friends of the poor and who claim to be the friends of the Adhiars can move such an amendment expressing the cause of the landlords. Sir, as the Adhiars are long suffering from the oppression and tyranny of some of the landlords, the Government with a view to give them relief enacted the Adhiars Protection and Regulation Act in 1948. There can be no question of giving protection to the landlords. The landlords are in a privileged position and their interests have already been protected. They can get relief under the provisions of other Acts.

**Mr. SPEAKER :** The House stands adjourned till 1-30 P.M. on Friday, the 19th September, 1952.

### Adjournment

The Assembly was then adjourned till 1-30 P.M., on Friday, the 19th September, 1952.

SHILLONG :  
The 3rd January, 1953.

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