

**Proceedings of the Ninth 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 Saturday, the 31st March, 1956.

**PRESENT**

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

---

**QUESTIONS AND ANSWERS**

**STARRED QUESTIONS**

(To which oral answers were given)

**Loans to Refugees**

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*28. Will the Minister, Relief and Rehabilitation, be pleased to state—

- (a) Whether a number of refugees who got loans of several lakhs could not be traced in any part of Assam ?
- (b) If so, on whose recommendations they were granted loans ?
- (c) Who were the officers responsible for grant of loans to these refugees ?
- (d) What action the Government are proposing on this ?

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

28. (a)—Some displaced persons who had received loans could not be traced at the time loans became due for realisation.



(b)—In these cases, as in all other cases, loans were granted on the basis of the reports of Enquiring Officers and on the recommendations of the Relief and Rehabilitation Officers or Assistant Relief and Rehabilitation Officers, as the case may be.

(c)—Loans in these cases were sanctioned by Sub-divisional Officers, Deputy Commissioners, the then Controller, Relief and Rehabilitation, Cachar and the Relief and Rehabilitation Commissioner, as in other cases.

(d)—Efforts are being made to trace the loanees. If the loanees cannot be traced, steps will be taken to recover the loans from the respective sureties of the loanees.

**Shri HARESWAR GOSWAMI:** Sir, may I know what will be the number of such persons who could not be traced and what will be the amount of loans advanced to them?

**Shri MOTIRAM BORA (Minister):** Sir, the number of persons who could not be traced will be a little over 600 and the amount involved is a little over 2 lakhs of rupees.

**Shri NILMANI PHOOKAN.**—Sir, is it known to the Government that in this connection a copy of telegram was sent to the Revenue Minister and also a copy to me which runs as follows:

“Strong protest against your false fabricated collusive statement made in the Assembly regarding Sonebeel rehabilitation fully utilising your conventional privileged position AAA Challenging authenticity of your fulmination intended to mislead and bewilder refugees AAA Please do not create chaos and confusion into the area where rehabilitation is progressing well to the satisfaction of all visitors and the authority as well AAA Your sudden outburst is presumed as a tactics to camouflage your own refugee market scandal and misdeed culminating to your alleged identification of false persons having been detected in Subregistry Office AAA Your picked up satellites and anti-social elements in the matter of this unfounded blackmailing can hardly give you correct picture and thus your statement is defamatory and highly objectionable AAA In guise of a friend you cleverly want to frustrate rehabilitation while we try to counteract your sinister move on the eve of general election AAA For God’s sake do not play with the lives of unfortunate humanity in order to take revenge against us for opposing tooth and nail your view of disintegrating State boundary before S. R. C. AAA Your sudden outburst is interpreted as a vile political move in frustration to harm the cause of Congress in the next general election AAA Tutored band of satellites may



stoop to any length and manufacture any amount of lies regarding Sonebeel for a definite purpose AAA Rehabilitation works done in Sonebeel could attain appreciation from you too had there not been a display of mean calculated jaundiced sense of vision AAA May we appreciate you for your issuing certificate to permanent residents of their own as refugees taking indiscriminately the advantage of your position as such and they have received loans on that score and danced on your tune AAA Have you given lands to any refugees although you pose yourself to be a zamindar AAA We are reasonably proud for the two estates of Sylhet where at least two thousand uprooted families have already taken shelter without alleged show of fake kindheartedness towards refugees AAA.

MATILAL DUTTA CHOUDHURY,  
Ramkrishnanagar P.O., Dist. Cachar.

Copy in confirmation to :—

1. Sri Ranendra Mohan Das, M. L. A.
2. Chief Minister, Shillong.
3. Minister, Relief and Rehabilitation, Assam, Shillong.
4. Minister, Supply, Assam, Shillong.
5. Sri Nilmani Phookan, M. L. A., Shillong.
6. Sri Mahendra Mohan Choudhury, M. L. A.,  
President, Assam Pradesh Congress Committee, Shillong.
7. Sri Akhil Chandra Battacharyya, Amrita Bazar Patrika,  
Laban, Shillong."

Then, Sir, we have got another telegram. It runs like this:

"Shri Nilmani Phookan, M. L. A., Shillong.

Nine cases put up before R. R. O., Karimganj for loan 975 (non-agriculture) each. Karimganj Municipal Chairman signed as surety. All the cases found false. Cases instituted



seven absconded. One case withdrawn. He stood surety for more than lakh of rupees in many cases. Please examine all these loanees.

Chunilal Dutta Municipal Commissioner”.

So my request to the Government is, if they have got this telegram, whether these allegations will be enquired into or not.

As regards the loanees who got the loan on the strength of the certificate of my Friend, Shri Ranendra Mohan Das, whether it is a fact or not that these loanees have absconded.

**Shri MOTIRAM BORA (Minister):** Sir, I have got the copies of the two wires mentioned by my hon. Friend and in due course I have sent them to the Commissioner, Relief and Rehabilitation for report.

**Shri RANENDRA MOHAN DAS:** Will Government make an enquiry into the allegations made from both sides?

**Shri MOTIRAM BORA (Minister):** Sir, I do not know whether these allegations are true or not, but I have sent the telegrams to the Commissioner, Relief and Rehabilitation for enquiry and report.

**Shri RANENDRA MOHAN DAS:** Did the Government receive this telegram which reads as follows?

“For exposing heartrending Sonbil episode by Ranendra Mohan Das in Assembly inhabitant of Sonbil are being threatened with dire consequences and vindictive reprisals by Zemindars agents AAA Pray immediate intervention and spot enquiry in the whole affair—Rakhaldas—Nagendranagar Colony, Sonbil”.

**Shri MOTIRAM BORA (Minister):** I have not received any copy of that as yet.

**Shri RANENDRA MOHAN DAS:** I have received it. Will Government take action on it accordingly?

**Shri MOTIRAM BORA (Minister):** When the telegram will come to me, necessary action will be taken.

**Shri RANENDRA MOHAN DAS:** Will Government take action on this telegram which I have received?

**Shri MOTIRAM BORA (Minister):** As I have stated when the copy of the telegram comes to me, I will take necessary action.



**Shri RANENDRA MOHAN DAS:** I will pass it on to the Minister for necessary action. (The telegram was then passed on to the Relief and Rehabilitation Minister).

**Shri NILMANI PHOOKAN:** Will Government be pleased to ask my hon. Friend, Mr. Ranendra Mohan Das, whether he actually stood surety for these people?

**Shri MOTIRAM BORA (Minister):** There seems no necessity of asking Mr. Das, but instead I have asked the Relief and Rehabilitation Commissioner to submit a report on this.

**Shri RANENDRA MOHAN DAS:** He said that I stood guarantee by 2 lakhs, but he has not mentioned the names of the persons here. How can I say?

### Defaulting Mouzadars of Mangaldoi Subdivision

**Shri HARESWAR GOSWAMI** asked:

\*29. Will the Minister-in-charge of Revenue be pleased to state—

- (a) How many Mouzadars in Mangaldoi Subdivision have defaulted to collect the revenue of their respective Mauzas in the last year and who are they?
- (b) Is it a fact that several Mouzadars in Mangaldoi Subdivision have been detected to have committed defalcation of Government revenue and if so, who are they?
- (c) What steps Government have taken to bring these Mouzadars to book?

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

29. (a) to (c)—Report has been called for from the Subdivisional Officer, Mangaldai; but the same has not been received as yet. I may, however, say that the following information has since been received:—

(a) 3 Mauzadars defaulted in making final payment on due date. They are (1) Shri Hali Ram Deka, Mouzadar, Sealmari, (2) Shri Ambika Charan Bora, Mouzadar, Lokrai, and (3) Shri Bhadra Kanta Barua, Mouzadar, Cipajhar.

(b) The said 3 Mouzadars made final payment and cleared their due soon after the due date.

(c) The local Officers have warned the Mouzadars concerned.



**Amusement Tax**

**M. MOINUL HAQUE CHOUDHURY** asked :

\*30. Will the Minister-in-charge of Finance be pleased to state what are the amounts collected as amusement tax in the years 1953-54 and 1954-55 in different towns of Assam by the Government of Assam (figures to be shown town by town and district by district, separately for each year) ?

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

30.—Two statements showing the amounts of entertainment tax collected during 1953-54 and 1954-55 in the different towns and districts of Assam, are placed on the Library Table.

**Loan Petitions Received by the Relief and Rehabilitation Department**

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*31. Will the Minister for Relief and Rehabilitation be pleased to state—

- (a) What was the total number of loan petitions received by the Department each year since 1951 to 1955 ?
- (b) How many petitions remained pending at the end of each year ?
- (c) How many petitions pertaining to back years from 1951 to 1954 are still waiting for disposal ?
- (d) By what time the Government propose to dispose of these back years' cases ?
- (e) How many petitions of 1951, 1952, 1953, 1954 have not yet been investigated and report submitted by the Investigators ?



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

31. (a)—1951	...	...	26,840
1952	...	...	15,804
1953	...	...	21,960
1954	...	...	22,335
1955	...	...	34,297
(b)—1951	...	...	12,887
1952	...	...	5,234
1953	...	...	13,868
1954	...	...	14,832
1955	...	...	27,898

(c)—28,049

(d)—No time limit for the disposal of these cases can be fixed as disposal depends upon the completion of enquiries and availability of funds. All efforts are being made to dispose of the pending petitions as early as possible.

(e)—1951	...	...	379
1952	...	...	73
1953	...	...	2,382
1954	...	...	7,969

**Re: Refugees Coming to Assam Prior to the Darjeeling Conference Held in December, 1955**

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*32. Will the Minister for Relief and Rehabilitation be pleased to state—

- (a) Whether the refugees coming to Assam prior to the Darjeeling Conference held in December 1955 will be required to produce any proof of their *bona fide* other than affidavits ?
- (b) Whether the registered refugees will be required to produce any other proof apart from the refugee cards ?
- (c) Whether it is a fact that the Deputy Commissioner, United Khasi and Jaintia Hills, is sending all cases of loan petitions for Police verification ?
- (d) If so, whether Government will stop this practice ?



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

32. (a)—Yes.

(b)—Normally, no. The Refugee Registration Certificate is considered as sufficient proof of migration. But, in doubtful cases enquiries are held.

(c)—No. Except in cases where a Police report is considered absolutely essential.

(d)—Does not arise.

*Re: Text Books*

**Shri GAURISANKAR BHATTACHARYYA** asked :

\*33. Will the Minister for Education be pleased to state—

(a) If certain text books which were rejected last year were permitted to be resubmitted this year?

(b) If so, which are the books so permitted for resubmission?

(c) What are the names of their authors?

(d) Whether it was in violation of the standing rules?

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

33. (a)—No. But number of geography books of required standard selected in 1955 being very small, all the geography books which could not be approved for some defects were allowed to be resubmitted after removal of such defects.

(b) & (c)—

- (1) Bhugol Part I by P. K. Misra.
  - (2) Bhugol Path by late S. C. Goswami.
  - (3) Assamar Sahaj Bhugol by H. N. Das.
  - (4) Saral Bhugol by H. M. Dutta Barua.
  - (5) Bhugol Darpan Part II by K. C. Patwary.
  - (6) Assamar Bhugol by K. C. Patwary.
  - (7) Bhugol Khata by Maulavi S. Ahmed Majumdar.
  - (8) Chutader Bhugol Part I by M. M. Majumdar.
  - (9) Prathamik Bhugol by M. N. Kar and H. K. Chakravarty.
  - (10) Sahaj Bhugol Path by J. K. Borua.
  - (11) Natun Bhugol by R. K. Das.
  - (12) Chotader Bhugol by S. M. Dutt Majumdar and M. N. Dutt Majumdar.
  - (13) Natun Bhugol by K. R. Das.
- (d)—No.



**Grant to Multi-purpose Schools for Purchase of Books**

**Shri HARESWAR GOSWAMI** asked :

\*34. Will the Minister for Education be pleased to state—

- (a) Whether it is a fact that the Government of Assam lately received a grant of Rs.2,500 for purchase of books for 16 multi-purpose schools ?
- (b) Whether it is a fact that Director of Public Instruction and Deputy Director of Public Instruction could not purchase the books in Calcutta recently ?
- (c) If so, what is the reason for failure to purchase the books ?

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

34. (a)—It is not a fact.  
(b) & (c)—Do not arise.

**UNSTARRED QUESTIONS**

(To which answers were laid on the table)

**Names of Lower Primary Schools receiving grants more than rupees five hundred from 1st January 1953 upto 31st December 1955**

**Shri MAL CHANDRA PEGU** asked :

94. Will the Minister-in-charge of Education be pleased to state subdivision-wise—

- (a) The names of the Lower Primary Schools which have been given non-recurring grants amounting to more than Rs.500 (Rupees five hundred) from 1st January, 1953 upto 31st December, 1955 ?
- (b) What are the grounds for which non-recurring grants amounting to more than Rs.500 were to be given to the Lower Primary Schools ?

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

94. (a) & (b)—Informations are being collected.



## Illegal felling of trees at Philobari in Doom Dooma beat of Makum Forest Range, Lakhimpur Division

**Shri HARESWAR GOSWAMI** asked :

95. Will the Minister of Forests be pleased to state—

- (a) Whether it is a fact that the Conservator of Forests, Assam has recently detected illegal felling of trees at Philobari in Doom Dooma beat of Makum Forest Range, Lakhimpur Division ?
- (b) Since when such illegal felling has taken place ?
- (c) How much money Government have lost on this account ?
- (d) Do Government propose to blacklist or punish those contractors found involved in it ?
- (e) How many times the Divisional Forest Officer, Lakhimpur, visited Philobari in 1955 ?
- (f) Whether it is a fact that this Officer has purchased a house in Calcutta worth one and a half lakh of rupees ?
- (g) Whether this Officer who was lately the Divisional Forest Officer, Lakhimpur Division has been transferred to Shillong as Forest Utilisation Officer ?
- (h) Whether it is a fact that the said Officer runs Life Insurance worth Rs.72,000 ?

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

95.(a)—Yes.

(b)—It is not possible to give any definite date ; but illegal felling in the area may have been going on for some time.

(c)—This can only be assessed after the completion of the enquiry now in progress.

(d)—Government would certainly consider this after the enquiry is completed.

(e)—Seven times.

(f)—Government have no such information.

(g)—Yes.

(h)—No.



**Representations from Shri Budheswar Gogoi and others  
for non-payment of their bills for doing works of  
raising Dehing Bund**

**Shri GIRINDRANATH GOGOI** asked :

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

- (a) Whether it is a fact that Shri Budheswar Gogoi and others represented to Government for non-payment of their bills in the works of raising Desang Bund on the 15th of October last with certain allegations against the officers concerned ?
- (b) If so, what actions were taken for payment of their bills ?
- (c) Whether it is a fact that the Government asked the Additional Chief Engineer, Embankment and Drainage to direct the *Ex-Engineer*, Sibsagar Division to report to the Government with certain directions ?
- (d) If so, what were those instructions and whether those instructions were acted upon by the Executive Engineer ?
- (e) Whether it is a fact that as a result of this representation against the Executive Engineer, contract works were not given to them ?

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

96. (a)—Yes. Representations from Shri Budheswar Barua (not Gogoi) and others were received on 15th October 1955 in connection with non-acceptance of their bills for certain anomalies in measurement of their works done by them in Dehing Bund (not Desang Bund).

(b) & (c)—Their representations were enquired into and the Executive Engineer, Sibsagar Embankment and Drainage Division, was instructed to take fresh measurements in presence of the contractors. Superintending Engineer, Eastern (Embankment and Drainage) Circle, Nowgong was also directed to settle up the matter early.



(d)—The directions were: "Contractors are not satisfied with previous measurements recorded by the Sectional Officer and fresh measurements are to be taken up on sectional measurements by Subdivisional Officer in presence of Executive Engineer and contractors. Local Members of the Legislative Assembly who may also like to be present are also to be informed". Superintending Engineer and Executive Engineer are again being instructed to follow these directions.

(e)—No; all these five contractors have been allotted new contracts.

**Shri GIRINDRA NATH GOGOI:** As regards (a), what are those anomalies and why fresh measurements could not be taken?

**Shri SIDDHINATH SARMA (Minister):** The reply is there: "Yes. Representations from Shri Bhudeswar Barua (not Gogoi) and others were received on 15th October 1955 in connection with non-acceptance of their bills for certain anomalies in measurement of their works done by them in Dehing Bund (not Desang Bund).

**Shri GIRINDRA NATH GOGOI:** What were the anomalies as referred to in answer (a)?

**Shri SIDDHINATH SARMA (Minister):** Probably their allegation was that the measurements were not correct. I sent their petition with direction for re-measurement in the presence of the contractors.

**Mr. SPEAKER:** According to the allegations, there were some incorrect measurements and these were sent back for re-measurement.

**Shri SIDDHINATH SARMA (Minister):** The reply is there in (d): "The directions were 'contractors are not satisfied with previous measurements recorded by the Sectional Officer and fresh measurements are to be taken up on sectional measurements by Subdivisional Officer in presence of Executive Engineer and contractors. Local Members of the Legislative Assembly who may also like to be present are also to be informed'. Superintending Engineer and Executive Engineer are again being instructed to follow these directions".

**Shri GIRINDRA NATH GOGOI:** May I know in what form the measurements were to be taken under the contract—sectional measurement or pit measurement?



**Shri SIDDHINATH SARMA (Minister):** Measurements are to be taken according to the direction given in the rules of the Public Works Department Code.

**Shri GIRINDRA NATH GOGOI:** May I know how many contractors were there besides these five contractors ?

**Shri SIDDHINATH SARMA (Minister):** I want notice of this question.

**Shri GIRINDRA NATH GOGOI:** May I know whether the measurements of other contractors' works were done on sectional basis or pit basis ?

**Shri SIDDHINATH SARMA (Minister):** How can I say off-hand without getting information from the district ?

**Shri GIRINDRA NATH GOGOI:** Why did not the Executive Engineer, Embankment and Drainage, obey the instructions of the Minister, Public Works Department ?

**Shri SIDDHINATH SARMA (Minister):** It appears that he did not follow the instructions given by the Additional Chief Engineer. This is the reason why he is being again directed to follow those instructions. In the last sentence of the reply it is stated "Superintending Engineer and Executive Engineer are again being instructed to follow these directions."

**Shri GIRINDRA NATH GOGOI:** May I know whether these contractors were given new works ?

**Shri SIDDHINATH SARMA (Minister):** The reply is there: "all these five contractors have been given new contracts".

**Shri GIRINDRA NATH GOGOI:** May I know what works have been given to them ?

**Shri SIDDHINATH SARMA (Minister):** That I cannot say. The question was, "Whether it is a fact that as a result of this representation against the Executive Engineer, contract works were not given to them? ". The reply is "No, all these five contractors have been allotted new contracts". But I cannot say off-hand what is the value of the contract or the nature of works given to them.



### Phillobari Rehabilitation Area

**Shri HARIHAR CHOUDHURY** asked :

97. Will the Minister-in-charge of Forests be pleased to state :—

- (a) Whether it is a fact that Shri M. C. Jacob, Senior Conservator of Forests, visited Phillobari Rehabilitation area on 28th December 1955 and detected several cases of misappropriation during past two or three years ?
- (b) If so, the total amount of misappropriation so detected ?
- (c) Whether Government are aware that after his visit to Phillobari, the Senior Conservator of Forests ordered for suspension of all works of marking and passing of Timbers in Phillobari resulting in loss to the contractors ?
- (d) If so, what are the reasons thereof ?

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

97. (a)—Yes.

(b)—Total amount of misappropriation, if any, cannot be determined until the enquiry into these allegations now in progress is completed.

(c)—No. Only the Government hammers in current use by local officers were withdrawn and all local officers deputed for checking and investigation. It is not known whether or how the contractors suffered any loss for this reason.

(d)—Does not arise.

### Assam Education Service

**Maulavi MEHRAB ALI LASKAR** asked :

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

- (a) What is the total number of appointments made from 1948 till to date in (i) Assam Education Service Class I, (ii) Assam Education Service Class II (both men and women) (figures to be given year by year and post by post) ?
- (b) How many of them are Muslims (figures to be given year by year and post by post) ?



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

98. (a) & (b)—The required figures are furnished in a statement placed on the Library Table.

**Stipends for the Course of B. Sc. (Eng.) and B. E.**

**Maulavi SAHADAT ALI MANDAL** asked :

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

(a) How many students were awarded stipends since 1951 till now both inside and outside the State for the course of B. Sc. (Eng.) or B. E. (figures to be given year by year) ?

(b) How many of them are Muslims (figures of award are to be given year by year) ?

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

99. (a) & (b)—A statement is placed on the Library Table.

**Government Scheduled Forms for Barpeta Court**

**Maulavi TAJUDDIN AHMED** asked :

100. Will the Minister-in-charge of Printing be pleased to state—

(a) Whether it is a fact that Barpeta Court is now running without some necessary Government Scheduled forms ?

(b) If so, when those forms will be supplied ?

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

100. (a)—Yes.

(b)—Steps have been taken to print and supply the forms as soon as possible.



**Nitaipukhuri High School**

**Shri GIRINDRANATH GOGOI** asked :

101. Will the Education Minister be pleased to state—

- (a) Whether it is a fact that the Nitaipukhuri High School in Sibsagar was proposed to be raised to a multipurpose school of Category "D" ?
- (b) Whether the authority of the school was so apprised of the fact ?
- (c) Whether it is a fact that the same has now been shelved ?
- (d) If so, why ?

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

101. (a)—No.

(b)—Yes, through oversight.

(c)—Does not arise.

(d)—Does not arise.

*Re: Adhiars Protection and Regulation Act*

**Shri GAURISANKAR BHATTACHARYYA** asked :

102. Will the Revenue Minister please state—

- (a) Whether the Sub-Deputy Collectors of Kamrup district have been authorised to try 'Adhiar' cases in terms of the amended Adhiars Protection and Regulation Act?
- (b) Whether Conciliation Boards as provided in the amended Adhiars Protection and Regulation Act and Rules made thereunder have been formed in the Sub-Deputy Collectors' Circles of Kamrup?
- (c) If not, do Government propose to form the said Boards immediately?

103. Will the Revenue Minister be pleased to state how many cases under the Adhiars Protection and Regulation Act are now pending before the Sub-Deputy Collector, Chaigaon, Kamrup ?



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

102. (a)—All Sub-Deputy Collectors in plains districts holding charge of a circle have been empowered as Revenue Officers under the Assam Adhiars Protection and Regulation Act, 1948, and such Sub-Deputy Collectors including those of Kamrup district can dispose of Adhiar cases.

(b)—Government have already called for suitable names from landlords and Adhiars for constituting the Adhi Conciliation Board. These have not yet been received from the district of Kamrup.

(c)—Yes, as soon as the names are received for which the local officers have been reminded.

103.—One.

**Number of Appointment of officers of different Cadre in the Excise Department since 1948.**

**Maulavi SAHADAT ALI MANDAL** asked :

104. Will the Minister-in-charge of Excise be pleased to state—

(a) How many Superintendents of Excise, Deputy Superintendents of Excise, Excise Inspectors and Excise Sub-Inspectors have been appointed since 1948 (figures to be given year by year and post by post)?

(d) How many of them are Muslims (figures of appointment to be given year by year and post by post)?



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

104. (a) & (b)—A statement is given below :

Cadre	No. of recruitments made during the calendar years							No. of post filled up by Muslims during the calendar years				Remarks	
	1948	1949	1950	1951	1952	1953	1954	1955	1948	1949	1950		1951
Superintendent of Excise ..	Nil	Nil	Nil	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	The posts of Superintendent of Excise were filled up by promotion.  The posts of Deputy Superintendent of Excise were filled up by promotion.  Direct recruitment made from the list approved by the Assam Public Service Commission.  The posts of Sub-Inspector of Excise were merged in the cadre of Inspector of Excise with effect from 1st April 1948 and hence these posts are not in existence now.
Deputy Superintendent of Excise	Nil	Nil	Nil	Nil	Nil	Nil	5	Nil	Nil	Nil	Nil	Nil	
Inspector of Excise ..	9	4	6	5	3	6	30	11	4	1	Nil	1	
Sub-Inspector of Excise	..	..	..	..	..	..	..	..	..	..	..	..	
Cadre	No. of post filled up by Muslims during the calendar years												
	1952	1953	1954	1955									
Superintendent of Excise ..	Nil	Nil	Nil	Nil									
Deputy Superintendent of Excise	Nil	Nil	Nil	Nil									
Inspector of Excise ..	Nil	1	3	1									
Sub-Inspector of Excise	..	..	..	..									



**Boarding House of the Sibsagar Government High School**

**Shri GIRINDRANATH GOGOI** asked :

105. Will the Education Minister be pleased to state —

- (a) Whether it is a fact that the present Boarding House of the Sibsagar Government High School is situated just in front and in close proximity of the newly constructed Government High School ?
- (b) Whether Government propose to shift the said boarding house to a new site ?
- (c) If so, when ?

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

105. (a)—Yes.

(b)—Yes.

(c)—Make shift arrangements immediately and permanent arrangements in a year or so.

**Bridge and Building Construction Company doing Public Works Department works in Assam**

**Shri RADHIKA RAM DAS** asked :

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

- (a) Who is the proprietor of Bridge and Building Construction Company doing Public Works Department works in Assam and to which of the State he belongs ?
- (b) Is he a resident of Assam ?
- (c) Whether it is a fact that the work of the Central Library at Shillong, District Library at Gauhati and the bridge at Gauhati over the Railways has been settled with this Company ?



- (d) Whether it is a fact that there were many tenderers of Assam for these works ?
- (e) Whether it is a fact that the cases of these tenderers were not considered at all ?
- (f) Whether the proprietor of this Company has got a domicile certificate ?
- (g) The reasons why this Company has been selected ?

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

106. (a)—This is a limited Company, the Directors of which are both from Assam and West Bengal.

(b)—Does not arise.

(c)—Yes.

(d)—(i) Central State Library, Shillong—Two tenders were received in all and the lower tender of Bridge and Building Construction Company was accepted.

(ii) State Library, Gauhati—Two tenders were received in all and the lower tender of Bridge and Building Construction Company was accepted.

(ii) Overbridge, Gauhati—The work was divided into 3 groups.

(1) Group I—Approach road and drains—Five tenders were received. Lowest tender of Eastern Construction was accepted.

(2) Bridge proper—Three tenders were received. Tender of Bridge and Building Construction Company (Second lowest tenderer) was accepted at the rate of lowest tenderer, as the lowest tenderer (Eastern Construction) was allotted work of Group I and they were not considered capable of taking up more work.

(3) Retaining wall—Five tenders were received—3rd lowest tender of Bridge and Building Construction Company was accepted after reduction of their rates as lowest tender (Eastern Construction) was allotted work of Group I and they were not considered capable of further work.



Second lowest contractors' performance in the past was not satisfactory and it was considered inadvisable to allot this important work to them.

(e)—No. This is not a fact. All the tenders were given due consideration.

(f)—Being a limited Company this question does not arise.

(g)—Please refer to reply to (d) above.

### **Appointment of Muslims in Assam School Service**

**Maulavi MEHRAB ALI LASKAR** asked :

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

(a) What is the total number of appointments made since 1948 till now (including those serving on temporary basis and those not yet confirmed in (i) the Assam School Service Class I, (ii) the Assam School Service Class II and (iii) Inspecting line Classes I and II (figures to be given year by year and post by post) ?

(b) How many of them are Muslims (figures to be given year by year and post by post) ?

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

107. (a) & (b)—A statement showing the approximate figures is placed on the Library Table.

### **Grants to Gauhati School Board for the purpose of improvement of the Lower Primary Schools of Gauhati Subdivision**

**Shri BAIKUNTHA NATH DAS** asked :

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

(a) The amount of non-recurring grants sanctioned to the Gauhati School Board during the years 1953-1955 ?

(b) The names of Lower Primary Schools under Gauhati Subdivision which received non-recurring grants for construction of buildings and the amount of grants sanctioned during the years 1953-1955 ?



109. Will the Minister-in-charge of Education be pleased to state the names of the Lower Primary Schools receiving Rs.1,000 (one thousand) or more than one thousand as grant from the State Education Board since 1952 to date?

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

				Rs.
108. (a)—1953-54	...	...	...	12,200
1954-55	...	...	...	18,000

(b)—A statement is placed on the Library Table.

109.—A statement is placed on the Library Table.

### **Regional School Board of Gauhati Subdivision**

**Shri BAIKUNTHA NATH DAS** asked:

110. Will the Minister-in-charge of Education be pleased to state why the Regional School Board of Gauhati Subdivision is not yet established?

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

110.—Regional School Board, Gauhati has already been established.

### **Creation of a Bus Stand at Kukurmara**

**Shri RADHA CHARAN CHOUDHURY** asked:

111. Will the Minister-in-charge of State Transport be pleased to state—

- (a) Whether he has recently received applications from the public to create a Bus Stand at Kukurmara?
- (b) If so, what action has been taken to this effect?

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

111. (a)—Yes.

(b)—The question of converting the present State Transport Bus stoppage at Kukurmara to a sub-station was considered but this was not found justifiable as there is a sub-station at Rampur within 3 miles from Kukurmara. Also the passenger position on the basis of collection of Kukurmara does not justify opening of a sub-station at Kukurmara.



**Allegation against the Deputy Director of Supply,  
Accounts**

**Shri HARESWAR GOSWAMI** asked :

112 Will the Supply Minister be pleased to state—

- (a) Whether he has read about an allegation against the Deputy Director of Supply, Accounts published in the *Natun Assamiya* of 10th September, 1955 ?
- (b) Does he propose to make enquiry into the veracity of the said newspaper report ?

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

112.(a) & (b)—Yes. In this connection the attention of the hon. Member is drawn to my replies given on 20th March, 1956 to Starred Questions 9(a), (b) asked by Shri Gaurisankar Bhattacharyya.

**Transfer of Assistants of different cadre from District Procurement Offices and T. A. Offices to the office of the Deputy Director of Supply (Accounts) and vice-versa**

**Shri HARESWAR GOSWAMI** asked :

113. Will the Minister, Supply be pleased to state—

- (a) How many Assistants (both Lower Division, Accountants and Accounts Assistants) have been transferred from District Procurement Office and T. A. Offices to D.D.S.(A)'s Office during 1955 (to be shown community-wise and district-wise) ?
- (b) How many such assistants have been transferred in the same period from D.D.S.(A)'s Office to District Procurement and T.A.'s Offices ?



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

113.(a)—

District				Community	Number of posts with designation
Kamrup	...	...	...	Hindu	3 Accountants.
Nowgong	...	...	...	"	{ 1 Accountant.
Lakhimpur	...	...	...	"	{ 1 Accounts Assistant.
Cachar	...	...	...	"	1 Accountant.
Jorhat	...	...	...	"	{ 1 Accountant.
Goalpara (Dhubri)	...	...	...	"	{ 1 Accounts Assistant.
T. A's. Office, Calcutta	...	...	...	"	1 Accountant.
Sibsagar	...	...	...	Muslim	1 Accounts Assistant.
					<hr/> 13
(b)—T A's. Office, Calcutta				Hindu	2 Accounts Assistants.
Kamrup	...	...	...	Muslim	1 Accounts Assistant.
					<hr/> 3

### Agricultural Loan

**Shri BARELONG TERANG** asked :

114. Will the Chief Minister be pleased to state—

(a) What is the total amount of agricultural loan sanctioned and given to Mikir applicants in Mikir Hills during the last three years (figures of each year to be shown separately) ?

(b) (1) The total number of Mikir applicants from the Mikir Hills asking for agricultural loan ?  
(2) The name of persons who were given the said loan showing the amount granted to each of them during the last three years ?



(c) Whether Government are aware that in accordance with the terms and conditions for securing agricultural loan, the Mikir families cannot afford to offer any security ?

(d) What is the maximum amount of agricultural loan usually given on collective responsibility or group system ?

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

114. (a) —The figures are shown below :—

Year					Amount sanctioned	Loans given to applicants
					Rs.	Rs.
1953-54	...	...	...	...	10,000	10,000
1954-55	...	...	...	...	Nil	Nil
1955-56	...	...	...	...	75,000	72,320

(b)—(1) 1953-54—Number of applicants was 126. Number of persons receiving loans was 57.

1954-55—No applications were received.

1955-56—Number of applicants was 2,619 and loan was given to all of them.

(2) This information is not readily available as the Bonds and Registers showing the names of grantees and amounts of loans sanctioned to each are kept in the Deputy Commissioner's office.

(c)—Yes. But the Government in order to help the Mikirs, have ordered that loans may be granted to a group of five co-villagers on joint and several responsibilities on execution of a bond in the prescribed form.

(d)—The maximum permissible limit is Rs.1,000. The amount actually given depends on the merits of each case.



## Low Income Group Housing Loan Scheme

**M. MOINUL HAQUE CHOUDHURY** asked :

115. Will the Minister-in-charge of Housing be pleased to state—

- (a) What is the total number of petitions received by Government for loan under the Low Income Group Housing Loan Scheme (figures to be given district-wise) ?
- (b) In how many cases loans have been granted (figures to be given district-wise) ?
- (c) In how many cases loans have actually been issued (figures to be given district-wise) ?
- (d) What is the average time taken for disposing of a petition for such loan ?

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

115. (a)—Applications are received by the Director of Housing, not by Government. The statement below shows the number of applications received from each District by the Director of Housing up-to-date (22nd March, 1956) :—

(i)	Goalpara	...	11	
(ii)	Kamrup	...	65	including 1 from Gauhati Municipal Board.
(iii)	Darrang	...	53	
(iv)	Nowgong	...	58	
(v)	Sibsagar	...	63	
(vi)	Lakhimpur	...	39	including 1 from Tinsukia Municipal Board.
(vii)	Cachar	...	30	
(viii)	United K. & J. Hills.	...	20	
(ix)	Garohills	...	5	
(x)	United Mikir & North Cachar Hills	...	Nil.	
(xi)	Naga Hills	...	8	
(xii)	Mizo District	...	20	

Total .. 372

(b)—Loan has been granted in the following cases:—

(i)	Goalpara...	...	4	
(ii)	Kamrup	...	46	including 1 to Gauhati Municipal Board.
(iii)	Darrang	...	30	
(iv)	Nowgong	...	31	
(v)	Sibsagar	...	41	
(vi)	Lakhimpur	...	23	including 1 to Tinsukia Municipal Board.
(vii)	Cachar	...	15	
(viii)	United Khasi & Jaintia Hills.		11	
(ix)	Garo Hills		}	Nil
(x)	United Mikir and North Cachar Hills.			
(xi)	Naga Hills			
(xii)	Mizo District			
Total ...			201	

(c)—Loan has been paid in the following cases:—

(i)	Goalpara	...	1	
(ii)	Kamrup	...	32	including 1 to Gauhati Municipal Board.
(iii)	Darrang	...	14	
(iv)	Nowgong	...	26	
(v)	Sibsagar	...	20	
(vi)	Lakhimpur	...	11	including 1 to Tinsukia Municipal Board.
(vii)	Cachar	...	4	
(viii)	United Khasi and Jaintia Hills.	...	10	
(ix)	Garo Hills		}	Nil
(x)	United Mikir and North Cachar Hills			
(xi)	Naga Hills			
(xii)	Mizo District			
Total ...			118	



(d)—On an average 3 months' time is required for disposal of a petition. But incomplete petitions, which had to be sent back for rectification, have actually taken more time.

### **Rehabilitation Loans for the Displaced Persons of Basugaon and Kokrajhar Area in Goalpara.**

**Raja AJIT NARAYAN DEB** of Sidli asked :

116. Will the Minister-in-charge of Relief and Rehabilitation be pleased to refer to the interim reply given to Unstarred Question No.34(a) to (f) asked by the Questioner on the 25th November, 1955 on the subject of the petitions submitted by displaced persons of Basugaon and Kokrajhar areas for rehabilitation loan and state—

- (a) If the informations called for from the Deputy Commissioner of Goalpara are received ?
- (b) If so, what are the informations ?

117. Will the Minister-in-charge of Relief and Rehabilitation be pleased to refer to the interim reply given to Unstarred Question No.34 (g) asked by the Questioner on 25th November, 1955 and state if Government propose to hold an enquiry where the Peon Books may be placed for inspection ?

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

116. (a)—Yes.

(b)—The replies to the Unstarred Questions No.34(a) to (f) to which interim replies were furnished on 25th November, 1955, are as follows :—

34. (a)—Yes.

34. (b)—This could not be ascertained.

34. (c)—No.

34. (d) Yes.

34. (e)—No. The applications forwarded by the Relief and Rehabilitation Commissioner, Assam for disposal to the Deputy Commissioner, Goalpara were attended to and disposed of on the merits of each case.

34. (f)—Some displaced families were paid such small loans. Of those persons who received such loans, those who applied for further loan in proper form were granted additional loans in accordance with the merits of their respective cases.

117.—Government do not consider that there is any necessity to hold any enquiry in view of the reply given to Unstarred Question No.34 (g).

### Names of Basic Schools of Assam

**Shri BAIKUNTHA NATH DAS** asked :

118. Will the Minister-in-charge, Education be pleased to state the names of the Basic Schools of Assam taken up under Art. 275 during the years 1953-55 ?

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

118.—A list is placed on the Library Table.

### Government Resolution for approval of an expenditure of Rs.2,500 under the head "37.—Education"

**Shri OMEO KUMAR DAS (Minister)** : Mr. Speaker Sir, I beg to move that this Assembly do approve of an expenditure of an additional amount of Rs.2,500 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated below :—

	General	Sixth Schedule (Part A) Areas	Total
"37.—Education"—	Rs.	Rs.	Rs.
1. Grant originally voted by the Assembly.	3,18,16,200	41,78,800	3,59,95,000
2. Sub-head under which the re-appropriation will be accounted for—			
(i) S.—Miscellaneous—(d)— Other Miscellaneous charges—3.—Grants— Grants for games to Athletic Associations— General—Voted.	2,500	..	2,500



	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
3. Sub-head from which the amount is to be re-appropriated—F—Government Secondary Schools—Secondary—(a)—Secondary School for boys—General—Voted.	2,500	..	2,500

### EXPLANATORY NOTES

1. The amount is required due to additional expenditure for Inter High School tournaments for boys and girls.

2. The saving is due to non-starting of Public School at Gauhati.

**Mr. SPEAKER** : Motion moved is that this Assembly do approve of an expenditure of an additional amount of Rs.2,500 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated in the Resolution.

**Shri GAURISANKAR BHATTACHARYYA** : May I know, Sir, which are the athletic associations for which this re-appropriation has been made?

**Shri OMEO KUMAR DAS (Minister)** : This is for the Inter School Tournament.

**Mr. SPEAKER** : The question is that this Assembly do approve of an expenditure of an additional amount of Rs.2,500 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated in the Resolution.

(The Resolution was adopted).

**Government Resolution regarding approval of an expenditure of Rs.14,500 to be met from the Supplementary provision for Grant-in-aid of Rs.16,280**

**Shri OMEO KUMAR DAS (Minister)** : Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.14,500 to be spent as non-recurring from out of the



supplementary provision for a grant-in-aid of Rs.16,280 included in the sum of Rs.2,14,215 voted by the Legislature in the June 1955 Session of the Assembly.

### EXPLANATORY NOTES

A grant-in-aid of Rs.16,280 was sanctioned to Assam Seva Samity, a non-official organisation, for incurring certain recurring expenditure towards financing scheme on introduction of Blacksmith shops in the ex-Tea Garden Welfare Centres provided for in the First Five-Year Plan during the current financial year.

The Samity is now of opinion that they are not in a position to spend the whole amount within the specified time and proposed to spend the recurring provision of Rs.14,500 towards non-recurring expenditure. The vote of the Assembly is sought on diversion of the recurring provision towards non-recurring ones.

**Mr. SPEAKER :** Motion moved is that this Assembly do approve of an expenditure of Rs.14,500 to be spent as non-recurring grant from out of the supplementary provision for a grant-in-aid of Rs.16,280 included in the sum of Rs.2,14,215 voted by the Legislature in the June 1955 Session of the Assembly.

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

### Government Resolution for approval of an expenditure of Rs.5,000 under the head "37.—Education"

**Shri OMEO KUMAR DAS (Minister) :** Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.5,000 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated below :—

	General	Sixth Schedule (Part A) Areas	Total
"37.—Education"—	Rs.	Rs.	Rs.
1. Grant originally voted by the Assembly.	3,18,16,200	41,78,800	3,59,95,000



	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
2. Head under which the Appropriation will be accounted for—			
I. "37.—Education—General— P.—Direction—Contingen- cies—Miscellaneous—Con- tract Contingencies— General—Voted".	5,000	...	5,000
3. Head from which the account is to be re-appropriated—			
I. "37.—Education—F(A)— Government Secondary School for Boys—Gene- ral—Voted".	5,000	...	5,000

## EXPLANATORY NOTES

1. The additional amount is required due to increased expenditure on Stationery and Service Stamps.

2. The saving is due to non-starting of a Public School at Gauhati.

**Mr. SPEAKER :** Motion moved is that this Assembly do approve of an expenditure of Rs.5,000 under the head "37.—Education" by re-appropriation from the savings from the sanctioned grant as indicated in the Resolution.

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

**Government Resolution regarding approval of an  
expenditure of Rs.2,450 under the head  
"39.—Public Health"**

**Shri RUPNATH BRAHMA (Minister) :** Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.2,450 under the head "39.—Public Health" by re-appropriation from the savings from the sanctioned grant as indicated below :—

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
"39.—Public Health"—			
I. Grant originally voted by the Assembly.	48,85,700	10,65,500	59,51,200

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
2. Sub-head under which the Appropriation will be accounted for—			
“39.—Public Health—General—Development Schemes (Five Year Plan)—A. 2.—Public Health Establishment—(a)—Maternity and Child Welfare—5.—Contingencies—Other Non-Contract Contingencies	2,450	...	2,450
3. Sub-head from which the amount is to be re-appropriated—			
(I) “39.—Public Health—General—Development Schemes (Five Year Plan)—A. 2.—Public Health Establishment—(a)—Maternity and Child Welfare—2.—Pay of Establishment.	2,450	...	2,450

## EXPLANATORY NOTES

2. (i) The amount is required for purchase of furniture for the following 7 Maternity and Child Welfare Centres:—

(1) Damdama Maternity and Child Welfare Centre.				
(2) Serfanguri	do	do	do	do.
(3) Haleswar	do	do	do	do.
(4) Lala	do	do	do	do.
(5) Chabua	do	do	do	do.
(6) Jhanji	do	do	do	do.
(7) Fulaguri	do	do	do	do.

3. (i) The savings is due to the non-entertainment of staff owing to non-completion of buildings of the Centres.

**Mr. SPEAKER :** The Motion moved is that this Assembly do approve of an expenditure of Rs.2,450 under the head “39.—Public Health” by re-appropriation from savings from the sanctioned grant as indicated in the Resolution.

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



**Government Resolution re: approval of an expenditure of Rs.25,000 under the head "37.—Education"**

**Shri OMEO KUMAR DAS (Minister) :** Mr. Speaker, Sir, I beg to move that this Assembly do approve of an expenditure of Rs.25,000 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated below :—

	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
"37.—Education"—			
1. Grant originally voted by the Assembly.	3,18,10,200	41,78,802	3,59,95,000
2. Sub-head under which the Appropriation will be accounted for—			
1. "37.—Education—Development Schemes (Art. 275)—			
C. I. Direct Grant to non-Government Arts Colleges—Sixth Schedule (Part A) Areas".	...	9,360	9,360
"37.—Education Development Schemes (Art. 275) G.I.—Direct Grant to non-Government Secondary Schools, Sixth Schedule (Part A) Areas".	...	15,640	15,640
III.—Sub-head from which the amount is to be re-appropriated—			
"37.—Education—Development Schemes (Art. 375) R. I.—Scholarship—Sixth Schedule (Part A) Areas".	..	25,000	25,000

### EXPLANATORY NOTES

1. The additional amount is required for sanction of compensatory grant to aided institutions for granting free-studentships to Hill Tribal students.

2. It was originally intended to sanction grants equivalent to actual amounts payable as tuition fees to the schools by the Hill Tribal students reading therein directly to them. But by the time the grants could be made available to students, it was



found that many school authorities had already granted free studentships to tribal students reading in their schools for which the school authorities were to be compensated, rather than the students. It, therefore, became necessary to compensate the loss of fee income incurred by the school and the college authorities concerned for which the re-appropriation became essential. The re-appropriation involves no additional expenditure and is only a transfer from one sub-head to another.

**Mr. SPEAKER :** The Resolution moved is that this Assembly do approve of an expenditure of Rs.25,000 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated in the Resolution.

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

**Government Resolution regarding approval of an expenditure of Rs.70,070 under the head "37.—Education"**

**Shri OMEO KUMAR DAS (Minister) :** Mr. Speake Sir, I beg to move that this Assembly do approve of an expenditure of Rs.70,070 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated below :—

	General	Sixth Schedule (Part A) Areas	Total
"37.—Education",—	Rs.	Rs.	Rs.
1. Grant originally voted by the Assembly.	3,18,16,200	41,78,800	3,59,95,000
2. Sub-head under which the appropriation will be accounted for "37.—Education—Development Schemes (Art. 275)—G-I.—Direct grant to non-Government Secondary Schools—Sixth Schedule (Part A) Areas".	Nil	70,070	70,070
3. Sub-head from which the amount is to be re-appropriated—			
(a) "37.—Education—Development Schemes (Art. 275)—Government Secondary Schools for Boys—Sixth Schedule (Part A) Areas".	..	85,000	10,270



	General	Sixth Schedule (Part A) Areas	Total
	Rs.	Rs.	Rs.
(b) " 7.—Education—Development Schemes (Art. 275)—Government Primary Schools—Sixth Schedule—(Part A) Areas".	...	2,09,090	13,000
(c) "37. — Education—Development Schemes (Art. 275)—Inspection—Sixth Schedule (Part A) Areas".	..	1,15,000	46,800

## EXPLANATORY NOTES

1. The additional amount is required for immediate sanction of non-recurring grants for improvement of non-Government Secondary School buildings in the Autonomous Districts and purchase of furniture and teaching appliances.

2. The savings is due to late implementation of some schemes under Article 275 in respect of Government Middle English and Lower Primary Schools and also because of late entertainment of additional inspecting staff due to the formal sanction from the Government of India being not received in time as was expected.

**Mr. SPEAKER :** The Resolution moved is that this Assembly do approve of an expenditure of Rs.70,070 under the head "37.—Education" by re-appropriation from savings from the sanctioned grant as indicated in the Resolution.

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

## The Assam Finance (Sales Tax) Bill, 1956

**\*Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that the proviso to clause 5 in the Bill be deleted. Proviso to clause 5 reads:—"No dealer shall carry on business in taxable goods unless he has been registered and possesses a certificate of registration;

"Provided that the Commissioner may exempt any person manufacturing bidis in his premises, by hand, either by himself or with the help of any member of his family, from registration".

\*Speech not corrected.



Then it gives the definition of the family.

Sir, I feel that this clause should not be there for the fact that once having a rule that all manufacturers should register for carrying on the business of bidi manufacturing, there should not be any laxity of exemption from this general rule and if the Commissioner is given the power of exemption for certain persons, in that case loophole will be there, as bidi manufacturing is a sweated labour and the sweated labourers are not paid their dues. This sweated labour is known to everybody in the country and if we once make it compulsory for registration of bidi manufacture in workshops, dishonest attempts will be made to shift this manufacture of bidis to private houses and it will be difficult to prosecute if this manufacture is not restricted within the family members because the bidi manufacturer will get the advantage of manufacturing bidi by anyone he likes and he will be able to have private deals and credit deals with persons and this may lead to some amount of evasion of registration. Therefore, my amendment seeks to stop the possibility of evasion of registration as well as the chance of not paying the due to sweating of labour. Wherever bidi manufacturing is done, Government and people should know that this is being done ; otherwise this business may be carried as a cottage industry and this will be bad in the interest of labour as well as in the interest of Government and people as this tendency of manufacturing of bidi in private houses may lead to evasion of taxes.

Therefore, I beg to move that my Motion be accepted by the House on the grounds I have stated.

**Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I am sorry, I cannot see my way to accept this Motion, brought forward by Mr. Goswami.

This proviso which he wants to delete by his Motion, is intended to give impetus to cottage industries. There are some people who manufacture bidi in a small scale with the help of his family members, say his wife, his daughters and sons. If such a person is compelled to register, that will cause great hardship to him. This proviso seeks to give exemption to people who carry this business in a small scale in a private house with his family members and as a cottage industry. I cannot agree with my Friend, Mr. Goswami, that in allowing exemption in such cases, there will be loophole for corruption and things like that. This is meant to encourage cottage industry. Therefore, I hope, my Friend will see his way to withdraw his Motion.



**Mr. SPEAKER :** The amendment moved is that the proviso to clause 5 be deleted

(The amendment was put as a question before the House, and was negatived).

**Shri RADHIKA RAM DAS :** Mr. Speaker, Sir, I beg to move that the figures “(1)” before the words “No dealer” at the beginning of 1st line of clause 5 be inserted.

Sir, my second and third amendments will make it clear, why this “(1)” is necessary.

**Mr. SPEAKER :** In that case you may move them also.

**Shri RADHIKA RAM DAS :** Mr. Speaker, Sir, I beg to move that, the following additional clauses be inserted after sub-clause (1) of clause 5:— “(2) Every dealer required by sub-section (1) to be registered shall apply for registration to the Commissioner in the prescribed manner, and obtain a certificate of registration” and “(3) On receipt of an application under sub-section (2), the Commissioner shall, if he is satisfied after such enquiry as may be deemed necessary that the application is in order, register the applicant.” Sir, the purpose of my moving this amendment is that there is no provision as to whom the application for registration should be made, hence these clauses are necessary.

**Mr. SPEAKER :** The amendment moved is—insert the following additional sub-clauses after sub-clause (1) of clause 5—.

“(2) Every dealer required by sub-section (1) to be registered shall apply for registration to the Commissioner in the prescribed manner, and obtain a certificate of registration.

(3) On receipt of an application under sub-section (2), the Commissioner shall, if he is satisfied after such enquiry as may be deemed necessary that the application is in order, register the applicant”.

**Shri MOTIRAM BORA (Minister) :** I accept these amendments proposed by my Friend, Mr. Das, Sir.

**Mr. SPEAKER :** The first amendment is that:—insert the figure “(1)” before the words “No dealer” at the beginning of 1st line of clause 5.



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

(The second amendment was also put as a question before the House and was adopted).

**\*Shri HARESWAR GOSWAMI:** Mr Speaker, Sir, I beg to move that after clause 14, the following be added—"Provided however that no prosecution will be instituted when an offence has been compounded under clause 13 (d)". Now, clause 13 provides for penalty for concealment of turnover and evasion of tax—(1) If the Commissioner, in the course of any proceedings under this Act, is satisfied that any dealer has evaded.....(I refer to sub-clause (1) (d).....) in any way the liability to pay tax, he may direct that such dealer shall pay by way of penalty, in addition to the tax payable by him, a sum not exceeding one and half times that amount". Then clause 28—Composition of offences— "(2) On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the person concerned in respect of the same offence". Sir, my contention is that although this clause is there, it will be better if this provision is added after clause 14 which says—"Any assessment made under this Act shall be without prejudice to any prosecution or penalty instituted or imposed under the provisions of this Act". Sir, when clause 13(d) makes it possible for the Commissioner to impose a penalty and that is also compoundable under clause 2(d)(2), it will be better if this proviso is added to clause 14, because even if the assessee is liable to pay tax and yet if there is an evasion, he may be prosecuted. Now, in clause 28 we have given a man an opportunity of compounding an offence and for that compounding of an offence it means that no further action will be taken against him ; it is necessary that some clarification should be there. I hope the Minister will see his way to accept my amendment.

**Mr. SPEAKER :** The amendment moved is that the following proviso be added to clause 14—"Provided however that no prosecution will be instituted when an offence has been compounded under clause 13 (d)".

**\*Shri MOTIRAM BORA (Minister):** Mr. Speaker, Sir, I see no reason to accept this amendment of my Friend because we have already provided for that under section...



**\*Shri HARESWAR GOSWAMI:** It will be better for giving more clarification, Sir.

**\*Shri MOTIRAM BORA (Minister):** This provision is there. It says—"On payment of such sum as may be determined by the Commissioner under sub-section (1), no further proceedings shall be taken against the person concerned....." So this amendment is redundant, Sir.

**\*Shri HARESWAR GOSWAMI:** Sir, if my amendment is accepted, it will clarify the clause better and there is no harm in that; it will rather help and give relief to some people who may have to suffer owing to wrong interpretation of the whole clause. It is only for clarification of this clause that my amendment is sought to be added. I hope the Minister will accept it.

**\*Shri MOTIRAM BORA (Minister):** Sir, there is no reason why we should anticipate that there will be wrong interpretation of the clause. The provision, as I have said, is already there. If there is such a contingency later as my Friend seems to anticipate, that will be dealt with later. So, I say this amendment is superfluous, Sir.

**\*Shri HARESWAR GOSWAMI:** No, Sir, it will not be superfluous but it will only clarify the position much better.

**Mr. SPEAKER:** All right, I will put the Motion. The question is that, the following proviso be added after clause 14—"Provided however that no prosecution will be instituted when an offence has been compounded under clause 13(d)".

(The amendment was negatived.)

**\*Shri RADHIKA RAM DAS:** Mr. Speaker, Sir, I beg to move that, in the sixth line of clause 28 substitute the figure "27" by the figure "25". Now, this figure "27" has been wrongly inserted; hence this amendment.

**Mr. SPEAKER:** The amendment moved is that, in the sixth line of clause 28 substitute the figure "27" by the figure "25".

**Shri MOTIRAM BORA (Minister):** I accept this amendment, Sir.



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

**\*Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that Clause 36, be deleted and renumber the rest of the clauses accordingly. Sir, this Clause 36 provides for computation of the period of limitations—"In computing the period of limitation prescribed for an appeal or revision or reference, the day on which the order complained of was served and the time requisite for obtaining a certified copy of such order, shall be excluded". My purpose in moving this amendment is because this clause is wholly redundant.

**Shri MOTIRAM BORA (Minister):** Sir, this being a special legislation that is why we have provided it here.

**Mr. SPEAKER:** The amendment moved is: "Delete Clause 36 and renumber the rest of the clauses accordingly."

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

**Shri RADHIKA RAM DAS:** Mr. Speaker, Sir, I beg to move that the words "or reference" occurring in the 2nd line of Clause 36 be deleted.

**Mr. SPEAKER:** The amendment moved is that the words "or reference" occurring in the 2nd line of Clause 36, be deleted.

**Shri MOTIRAM BORA (Minister):** I accept the amendment, Sir.

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

**Mr. SPEAKER:** Mr. Goswami, there is a message from the Governor in this connection—"I recommend under Article 207(1) of the Constitution of India that the following amendment to the Assam Finance (Sales Tax) Bill, 1956, may be introduced and moved in the Assam Legislative Assembly by Shri Hareswar Goswami.

Shri Hareswar Goswami to move:—8(a) In item No.1 of the Schedule substitute the words "One anna and six pies" by the words "Two annas".

Sd./-JAIRAMDAS DOULATRAM,  
GOVERNOR OF ASSAM.



**\*Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that, (1) in item No. 1 of the Schedule substitute the words "one anna and six pies" by the words "two annas".

Sir, I am quite alive to the necessity of this State to raise money for financing the various development projects. I am also aware of the fact that our financial resources being very limited, we must tax on certain commodities otherwise it will be very difficult to carry on the Second Five Year Plan. Sir, the Bill seeks to impose one anna and six pies in the rupee for cigarettes, cigars and smoking tobacco in sealed container. By my amendment, I want to tax those people who are fond of smoking cigarettes and cigars rather than on those people who get comfort by smoking Bidi, because in item No.4 of the Schedule—Bidi and finished tobacco used in the manufacture of Bidi—it is proposed to tax one anna in the rupee. By my amendment I want to reduce it to six pies in the rupee, and want to increase the tax on cigarettes, cigars and smoking tobacco in sealed containers by six pies in the rupee, so that the Minister-in-charge cannot say that we will be losing more than what we expected to get by increasing the sales tax on Bidi. It will be better to tax the people who have taken to cigarettes, cigars and smoking tobacco in sealed containers, because they are considered to be well-to-do people rather than to tax the poor people who smoke Bidis, not so much for luxury but for comfort by smoking Bidi.

**\*Shri BIMALA KANTA BORA:** It is not for comfort alone but for consolation also.

**\*Shri HARESWAR GOSWAMI:** Yes for consolation also. I personally do not smoke, and thereby I cannot ask others to follow me. But there are people who smoke Bidi not so much for luxury but for comfort and consolation. Let us take in the words of my hon. Friend, Shri Bora, that smoking of Bidi is not only a comfort but it is also a consolation for the poor people who smoke Bidi. So, Sir, why the Government then propose to tax on consolation of the poor people? This is not only a tax on the consolation of the poor people the incidence of which fall heavily on the poor section of the people, but on the other hand the limit of taxation will not be reached in the case of cigarettes, cigars, etc. The people who smoke cigarettes and cigars can really



give more than what we propose to get as sales tax, because they are well-to-do people. So if we reduce the tax on Bidi by six pies and raise the tax on cigarettes and cigars by six pies in the rupee, it will not in any way affect the State coffer.

With these few words, Sir, I appeal to the Minister-in-charge to increase the sales tax on cigarattes and reduce the tax on Bidi.

**Mr. SPEAKER:** The Motion moved is that in item No.1 of the Schedule substitute the words "One anna and six pies" by the words "Two annas".

Mr. Goswami, are you not moving the other two amendments to the Schedule ?

**\*Shri HARESWAR GOSWAMI:** Yes, Sir, I want to move them.

Mr. Speaker, Sir, I beg to move that in item No.2 of the Schedule, substitute the words "Six pies" by the words, "Three pies".

Then in item No.4 of the Schedule, substitute the words "One anna" by the words "Six pies".

Sir, in item No.2 of the Schedule, for the first time we want to levy tax on sugar by six pies in the rupee.

In item No.4 we want to levy tax on Bidi and finished tobacco used in the manufacture of Bidi by one anna in the rupee.

Sir, so far as sugar is concerned, we all know that it is necessary also for medical prescription. When there is deficiency of carbohydrate, sugar is given. So sugar is very essential for our very life.

(A voice—Gur has more vitamin than sugar.)

No longer Gur is taking the place of sugar. Sugar is more popular with the people.

**Mr. SPEAKER:** But Gur has more vitamin than sugar.

*\*Speech not corrected.*



**\*Shri HARESWAR GOSWAMI:** Gur has more vitamin. But we are going to levy tax on sugar. We want to increase production of sugar. Having proposed to start a sugar factory in our State, it only shows that we want to have more production of sugar. Therefore, it is only an acknowledged fact that the people have taken to sugar. So sugar being an essential commodity which is used by all sections of the people, it will be wrong to have a tax on sugar. I think on account of that, three pies per rupee will be sufficient. Therefore, I appeal to the Minister-in-charge that in case a tax is to be levied on sugar, it should not be more than three pies per rupee.

So far as Bidi is concerned, the other day I heard the speech delivered by my hon. Friend, Shri Hem Chandra Hazarika from North Lakhimpur. He said very eloquently that there should be a tax on Bidi also. He told us that Bidi, apart from being smoked by our men, is smoked by the women-folk and they have taken to smoking of Bidi. Not only the women-folk of this State smoke Bidi, but in other States also the women-folk smoke Bidi. During the Maghul Raj, the women-folk had taken to smoking of 'huka' tobacco. We have seen this even in the cinema about smoking of *huka*. So this is not a new vice. There are so many vices which I do not like to mention here. I do not believe also that by levying a tax on Bidi we shall be able to remove this vice from among our people by imposing a tax of one anna in the rupee. If we are really sincere that this vice, which is doing harm to the health of the people, then the best thing would be to go in for prohibition. We cannot eradicate this vice immediately, and the proposed tax on Bidi will not surely be a solution for eradication of this vice.

The next question is whether by the proposed tax, it will, in any way, stop smoking of Bidi. I do not think that it will stop smoking of Bidi. The people who used to smoke will go in for smoking even if the price of Bidi is raised. So this tax on the Bidi will be really a tax on the poor people. It is a fact that Bidi is smoked by the agriculturists and Mazdoors, even though it is harmful to the health.



So my submission is that the Bidi is smoked generally by the poorer section of the people. Although it may be a vice, and as a matter of fact we have many more vices which we have not been able to eradicate, by this tax we cannot eradicate this vice. Then if we levy this tax, it will touch only the poorer section of people. So my appeal to the Minister is that this is not the moment when we go on taxing the poor people in this way. It is admitted that during these five years, these poorer section of people have not been able to increase the *per capita* income very much. During the First Five-Year Plan, their *per capita* income has not increased although there is some increase in the *per capita* income of the richer section of the people. In view of these facts, when the wealth of the poorer section of the people has not increased and when they have been suffering from poverty and squalor and when only for the sake of deriving consolation they resort to smoking Bidi, it is wrong to tax these poor people in this way at the present time. I hope the Minister would see his way not to impose tax on Bidi.

**Mr. SPEAKER :** The Motion moved is that "in item No.1 of the Schedule *substitute* the words "One anna and six pies" by the words "Two annas"

**Shri MOTIRAM BORA (Minister) :** Mr. Speaker, Sir, I have heard the argument of my Friend, Shri Goswami, with close attention, but I am sorry, I cannot see my way to accept any of his amendments, and why I cannot do that I shall just explain to the House. First of all, let me take his amendment with regard to the tax on cigarette. By his amendment, Mr. Goswami wants to raise the tax from one anna six pies to two annas. This amendment, if effected, will give an additional amount of four lakhs of rupees to the exchequer. Sir, this is a tempting offer coming from the Opposition to a Finance Minister who is trying hard to square up his Budget. Sir, the rate of tax on cigarette in Assam is the highest in India. Secondly, in the neighbouring State of West Bengal, the tax on cigarette is 3 pice in a rupee. Ours is double of West Bengal. Now, if we raise it to two annas, it will be almost three times of West Bengal. Now if we do so, it is likely to give rise to black-marketing. Some of the West Bengal Districts are close to the border of Assam and it is quite natural that cigarettes would go out of our markets, and in such a case we may lose the entire tax on cigarettes even. Therefore, Sir, I cannot see my way to accept his amendment, although it appears, on the face of it, as tempting.



Secondly, he says that the incidence of tax on sugar is heavy and he wants to reduce it by one pice, in place of six pies per rupee. He wants to give some relief in this item. Sir, this will not give much relief to the people whose case he is espousing so much. Our people mostly live in the villages and they are not so much accustomed to taking sugar. This will effect only the people who are a bit better off than the villagers. Not only that, compared to other States of our country, this proposed tax in our State is comparatively moderate. For example, the tax on sugar in Orissa is 9 pies in a rupee, i. e., one pice more than what is in Assam. In Madras it is one pice but it is multi-point which may come to more than four pies, per rupee. East Punjab 6 pies, Saurashtra 6 pies (single point). U. P. 6 pies, Madhya Pradesh 6 pies, Bihar 6 pies. Therefore, Sir, it can be found that in some of the States, the tax on sugar is higher than what it is in Assam and in others it is equal to that of Assam. As a matter of fact, Assam is not going ahead of them, only our rate will be just like others States. Ours is a single-point State where it is only 6 pies. In Bombay it is 6 pies, but it is double-point. Madras 6 pies multi-point. Therefore in comparison with some States, we stand in a better position. The relief sought for by my Friend is also not much; it is only one pice per rupee. It will not be appreciated much by the people. Therefore, Sir, I cannot afford to accept the amendment of my Friend particularly in view of the staggering deficit in the Budget.

Then about Bidi, Sir, my Friend, Shri Goswami, says that it is tax on the poor people. Sir, I do not deny that. It is quite possible that the incidence of tax generally falls on the proper section of people. But it is after all a luxury and the people should not grudge to pay a little more for this luxury. They can have the pleasure of that luxury by taking to *Hooka*.

As this 'Bidi' smoking is more injurious than smoking of *Hooka*, on which the tax is lower, poor people may take resort to his smoking on *Hooka* without having to object themselves to this additional tax. If the so called poor people themselves want to take to this injurious smoking which is also a luxury, then I hope my Friend will agree with me that there can be no justification for the Government to forego this amount of money proposed to be obtained to the State coffer by this taxation measure specially at a time when we are trying to explore all avenues of taxation available to us and the incidence of this taxation measure, is not likely to affect the people very heavily.

In view of what I have stated, I hope my Friend will see his way to withdraw his amendment.



**Mr. SPEAKER :** The question is (a) in item No.1 of the Schedule *substitute* the words "One anna and six pies" by the words "Two annas".

(b) In item No.2 of the Schedule *substitute* the words "Six pies" by the words, "Three pies".

(c) In item No.4 of the Schedule *substitute* the words "One anna" by the words "Six pies".

(The amendment was lost.)

The question is that clauses 1 to 4 do form part of the Bill.

(The question was adopted.)

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

(The question was adopted.)

The question is that clauses 6 to 27 do form part of the Bill.

(The question was adopted.)

The question is that clause 28, as amended, do form part of the Bill.

(The question was adopted.)

The question is that clauses 29 to 35 do form part the Bill.

(The question was adopted.)

The question is that clause 36, as amended, do form part of the Bill.

(The question was adopted.)

The question is that clauses 37 to 42 do form part of the Bill.

(The question was adopted.)



The question is that the Schedule do form part of the Bill.

(The question was adopted.)

The question is that the long and short titles and the preamble do form part of the Bill.

(The question was adopted.)

**Shri MOTIRAM BORA (Minister)** : Mr. Speaker, Sir, I beg to move that the Assam Finance (Sales Tax) Bill, 1956, as amended, be passed.

**Mr. SPEAKER** : Motion moved is that the Assam Finance (Sales Tax) Bill, 1956, as amended, be passed.

(The Motion was then put in the form of a question and adopted.)

### **The Assam Finance Bill, 1956**

**Shri MOTIRAM BORA (Minister)** : Mr. Speaker, Sir, there is no amendment to my Bill—Assam Finance Bill, 1956,—and therefore, I beg to move that the Assam Finance Bill, 1956, be passed.

**Mr. SPEAKER** : Motion moved is that the Assam Finance Bill, 1956, be passed.

(After a pause)

The question is that the Assam Finance Bill, 1956, be passed.

(The Motion was adopted.)

### **The Assam Deputy Speaker's Salaries and Allowances Bill, 1956.**

**Shri MOTIRAM BORA (Minister)** : Mr. Speaker, Sir, as there is no amendment to my Bill, I beg to move that the Assam Deputy Speaker's Salaries and Allowances Bill, 1956, be passed.

**Mr. SPEAKER** : Motion moved is that the Assam Deputy Speaker's Salaries and Allowances Bill, 1956, be passed.

(The Motion was then put in the form of a question before the House and was adopted.)



**The Assam Fixation of Ceiling on Land Holdings Bill,  
1956**

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 1, *substitute* the figure "1955" by the figure "1956".

Sir, my amendment is quite obvious, and I do not think any further explanation is necessary. I hope the Deputy Minister will see his way to accept my amendment.

**Mr. SPEAKER:** The Motion moved is that in sub-clause (1) of clause 1, *substitute* the figure "1955" by the figure "1956".

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, this amendment is quite redundant and will only create an anomaly. Because in the preamble itself it is stated "it is hereby enacted in the Sixth Year of the Republic of India". Now if the clause is amended as sought for by my Friend, this Sixth Year must be Seventh Year. But that has not been amended. So this will create an anomaly. Although the Bill was originally introduced in 1955, it has not yet been passed into an Act. Again, even after passing of this Bill by the House, it will take some time for the Bill to be an Act as it will require the assent of the President. There may be delay and it may become an Act in 1957. But the Secretary may make these consequential changes. So I think this amendment is unnecessary.

(Voice—আপুনি সংশোধনীটো উঠাই লওক।)

**Shri GAURISANKAR BHATTACHARYYA:** I beg leave of the House to withdraw.

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

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (3) of clause 1, *substitute* the words, "on such date as the State Government may by notification in the Official Gazette appoint" by the words "at once".



Sir, it has been just now stated by the Deputy Minister that this Bill, after it has been passed by this House, will take some time because it shall have to be given assent to by the Governor and the President, and only after the assent of the Governor and the President, the Bill will become an Act. So in the meantime, while this process continues, the Secretariat of the Revenue Department shall have sufficient time at its disposal to make the necessary rules in connection with this Act and as soon as the assent from the Governor and the President is received, these rules can be immediately finalised and published along with the Act. That will save a lot of time and will actually serve the purposes of the Bill. Because by this piece of legislation, what is sought to be done is to give some relief—immediate relief—to the poorer section of the peasantry. This Bill seeks to give them some amount of right over the land. It also seeks to curb the exploitation of the landlords.

**Mr. SPEAKER:** You want that immediate publication of the Act along with the rules?

**Shri GAURISANKAR BHATTACHARYYA:** 'Immediate' means as soon as the President's assent is received, the Bill should be published in the Official Gazette. But our experience is that even after an Act is published in the Official Gazette, the rules thereunder are not made in time, for example, the Adhiars Protection (Amendment) Act. Even after a pretty long time of the Act being passed and published in the Official Gazette, the rules were not published in the Official Gazette and the result was that several of the provisions of the Act could not be effectively enforced. Only this morning in answer to a question of mine, the Minister-in-charge was pleased to say that the Conciliation Boards under the Adhiars Protection (Amendment) Act have not yet been formed not because the Act was not passed in time but because proper steps were not taken in time by the Department concerned to appoint the representatives of the Adhiars and the landlords. So, Sir, having similar bitter experience in the past, if we do not give a mandate to the Revenue Department then, habituated as they are, they are bound to make some delay. If the Government applies their discretion under the provision of the Act to make it effective in time by taking proper steps then this delay may be avoided. In the Bill itself there should be a provision that as soon as the assent of the Governor and the President is received and as soon as it is published in the Official Gazette, it will come into force. There is one saying that, "not only justice should be done but it should be done as quickly as possible". If this House really feels that this Bill is very urgent then there is no reason why this House should not make it effective immediately.



The Planning Commission had visualised and recommended that this sort of legislation ought to be completed within the first three years of the First Five-Year Plan. But here we could not unfortunately make this legislation within the first three years of the First Five-Year Plan. It is now the fifth year of the Plan and yet if we cannot complete it within this year then we shall be 2 years behind the other States. This is an additional reason why there should rather be hurry in putting this legislation into effect. The only point that we have seen in the Report of the Select Committee for substituting the words "at once" by the words "on such date as the State Government may by notification in the Official Gazette appoint" is that it will take some time for framing the rules. But in view of the urgency of the matter and in view of the circumstances which I have already narrated, this argument is too weak. Rather the original provision was much better. I therefore hope that my Amendment will be accepted by the House. It will not in any way make the situation difficult or intricate. It will help matters and will only give the relief which is sought to be given, that too in time.

**Mr. SPEAKER:** The Amendment moved is that in sub-clause (3) of clause 1, *substitute* the words: "on such date as the State Government may by notification in the Official Gazette appoint" by the words "at once"

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, in the original Bill the words "at once" were there, but the Select Committee, after considering the pros and cons of the matter, has inserted this clause and dropped the words "at once". By putting the words "at once" again the apprehension expressed by my Friend will not be removed. It is very difficult to frame rules in anticipation of the Bill becoming an Act because it is not known what shape the Bill will ultimately take after the assent of the President is received. The preliminary rules have got to be published and after the date of publication, 30 days' time is given for finalising them. If the words "at once" are put in the Bill, even then the Bill will not come into actual force as an Act at once for want of rules. A period of time will elapse before the Bill comes into actual force. So, Sir, if we put the words "at once" in the Bill then an anomalous situation will arise. I may assure my Friend that the Government is very serious about this matter and only the minimum time required will be taken in this connection.

I therefore request my Friend to withdraw his amendment.



**Mr. SPEAKER:** Does the Mover of the Amendment want to withdraw his Amendment?

**Shri GAURISANKAR BHATTACHARYYA:** No, Sir. (The Motion was put by the Chair as a question before the House and was negatived).

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move to delete sub-clause (b) of Clause 2. The original words were "lands belonging to any religious or charitable institution" and the Select Committee added the words "of a public nature". This addition itself shows that there is something wrong with the so-called religious and charitable institutions because there are some ostensible institutions going on in the name of religious or charitable bodies, but actually they are being run as some sort of a zamindari. Moreover, there are institutions which formerly were really for the purpose of religion or charity. But now they have degenerated into some sort of landlordism. There are very few religious or charitable institutions in our country which have actually more than 150 bighas under Khās land. Now, under a temple there is a grant which covers an area of more than 150 bighas and as far as I know there is no limit in this respect. Some provision in this connection may be made. There may be certain allocation of money for meeting the day to day expenditure for these institutions. Furthermore, in case of temples or Satras, these institutions belong to different religious sects. Those who belong to a particular school of religion or a particular cult should pay for it.

There is no reason why a man belonging to a particular cult should be made to pay for a cult to which he does not belong. By keeping these religious and charitable institutions as a heritage of the past, we have made everybody pay for any cult. I think, Sir, this is not proper. Of course, there should be religious freedom, but there should not be imposition of religion on anybody directly or indirectly. For example, I belong to one particular temple, say the Hajo temple—why should my Friend, Shri Moinul Haque Choudhury, pay for it? Or, say, if my Friend, Shri Harinarayan Barua, belongs to a Satra, I do not see any reason why he should be made to pay for the Hajo temple; he should also pay for the religious institution to which he belongs. Now, as a result of keeping these big temples and Satras at the cost of the State and also at the cost of the peasantry who are directly under them, we have actually



been making a levy for religion on the entire people of our State, this is not religious freedom, this is not secularism for which our State stands. Therefore, from the point of view of our Constitution also, this exception is not proper.

(At this stage Mr. Speaker vacated the Chair and the Deputy Speaker occupied it.)

Now, so far as charitable institutions are concerned, as I have already stated, there is none to my knowledge which is actually a charitable institution and at the same time run on the basis of income derived from land. There are of course certain institutions like *akhias* but they are not in fact charitable institutions. Therefore there is no reason why these institutions should be exempted from the general application of the rule. The very fact that the Select Committee had to add certain words to qualify this clause shows that there is an inherent weakness in this matter. But instead of going the whole hog, the Select Committee halted at half way. I do not see any reason why we should halt half way. Let us go the whole hog and remove this exception from the Bill.

With these few words, I request the Deputy Minister to accept my amendment.

**The DEPUTY SPEAKER:** Motion moved is that sub-clause (b) of clause 2 be deleted.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Deputy Speaker, Sir, I am sorry I am unable to accept the amendment. In the present state of our society acceptance of this amendment will lead to breaking up of the Satras, temples and Wakf properties. That is not desirable. Then, Sir, the removal of irregularity with regard to the temples and Satras mentioned by him does not come within the purview of this Bill. That should be done by a separate Bill. There is some constitutional difficulty also. Article 26 of the Constitution gives this Fundamental Right "to establish and maintain institutions for religious and charitable purposes". As far as we are concerned, the institutions are already established. Then under 26 (b), it is stated "to manage its own affairs in matters of religion". So, "to manage its own affairs in matters of religion" is a Fundamental Right and there has been a case in the Madras High Court in respect of this matter. The Madras High Court held that "managing its own affairs in matters of religion" included management of the immovable property of the temples. So, according to this decision of the Madras High Court, "to



manage its own affairs in matters of religion" not only includes worship of the idol but also management of the immovable property of the idol. So, if this amendment is accepted, all these temples and Satras may be included and that may ultimately make our Act *ultra vires* of the Constitution. Therefore, the Select Committee, after considering all these things, had kept these properties outside the purview of this Bill. If necessary, that may be done by a separate Bill.

**The DEPUTY SPEAKER:** The question is that sub-clause (b) of clause 2 be deleted.

(The Motion was negatived.)

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Deputy Speaker, Sir, I beg to move that in sub-clause (c) (i) of clause 2, the comma at the end should be deleted and the following words inserted:—

“to the extent of two times the area of lands actually under tea cultivation along with purposes directly ancillary thereto”.

Sir, here the exception has been “land held for special cultivation of tea or purposes ancillary thereto”; no limit has been set. We have seen that out of about 13 lakhs and odd acres of land in tea estates, only about 3 lakhs and odd acres are actually under tea and a little is used for purposes ancillary thereto, *viz.*, office buildings, Mazdoor lines, factory houses and so on. So, more than two-thirds and a little less than three-fourths of the tea garden lands are not being used for actual cultivation of tea or for purposes ancillary thereto. Taking it even for granted that some amount of reserve is necessary for future expansion and also for periodic rotation of the tea crop and also for the improvement of the dwelling houses of the labourers or even extension of the factory, I do not think, Sir, that the whole of this, *i. e.*, about three-fourths of the tea estates lying fallow at present will be necessary. Therefore, I think that if two times the area of land actually under tea cultivation and used for purposes ancillary thereto be exempted from the purview of this Bill and the rest is brought within the purview of this Bill, there will be some relief for the peasantry on the one hand and there will be no hardship on the tea industry on the other. That will be only too fair. I do not see any reason why so many lakhs of acres lying fallow in tea estates should be allowed to escape from the purview of such an important piece of legislation. I have considered all the pros and cons and I have thought that the



present amendment will be only a very modest one and therefore I hope that in view of the fact that the Government and the Minister concerned are really keen as they say for giving some relief to the peasantry, this amendment will be accepted but for which there will be no real and substantial relief to the peasantry in the State.

With these words, I request the Deputy Minister to accept this amendment.

**The DEPUTY SPEAKER:** The Motion moved is that in sub-clause (c) (i) of clause 2 the comma at the end be deleted and the following words inserted:—

“to the extent of two times the area of lands actually under tea cultivation along with purposes directly ancillary thereto”.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Deputy Speaker, Sir, I am sorry, I cannot accept this amendment. Tea industry may be called the only industry in Assam, and for India it is a foreign exchange earner. We cannot injure this industry and so from the operation of this Bill, tea garden lands have been deliberately exempted. Now, if this amendment of my Friend, Shri Gaurisankar Bhattacharyya, is accepted, it will seriously injure the economy of the tea gardens. It may create different blocks in the garden itself and thereby the entire garden may be destroyed. Besides, it has not yet been fixed as to how much land in addition to the land actually occupied by tea plants is necessary for running a garden. We have got in our State the Requisition and Acquisition Act. Whenever any land is found in excess of requirement in a garden, it is taken over by the Government and is given to landless people for cultivation. We have up till now requisitioned more than 1½ lakhs of bighas of land for this purpose and the requisition is still going on. But this Government think it proper not to bring the gardens under the operation of this Bill because it may seriously injure the economy of the gardens. Therefore, the amendment cannot be accepted and I hope, Mr. Bhattacharyya will withdraw his Amendment.

**The DEPUTY SPEAKER:** The question is that in sub-clause (c) (i) of clause 2 the comma at the end be deleted and the following words inserted:—

“to the extent of two times the area of lands actually under tea cultivation along with purposes directly ancillary thereto”.

(The Motion was negatived).



**Shri BISWADEV SARMA:** Mr. Deputy Speaker, Sir, I beg to move that item No. (ii) of sub-clause (c) of clause 2 be substituted by the following:—

“(ii) Lands exceeding 150 bighas, utilised for large-scale cultivation of citrus in a compact block by any person before the first day of January, 1955”.

/ Sir, the whole idea of this amendment is that sugarcane is left out as it is a seasonal crop and in case of citrus crops, the word “compact” is used so that people cannot evade law by means of scattered plantation. This amendment is meant for encouraging this citrus cultivation in a large scale by any person, in a compact block.

I hope, this amendment will be accepted as it is a reasonable one.

**The DEPUTY SPEAKER:** The Motion moved is that item No. (ii) of sub-clause (c) of clause 2 be substituted by the following:—

(ii) Lands exceeding 150 bighas, utilised for large-scale cultivation of citrus in a compact block by any person before the first day of January, 1955.”

**Shri HARESWAR GOSWAMI:** Mr. Deputy Speaker, Sir, on a point of clarification from the Mover of this amendment, I want to know whether acceptance of this amendment will mean that the remaining portion of item No. (ii) of sub-clause (c) of clause 2, which reads:—

“Provided that, if at any time, such lands cease to be utilised for the purposes mentioned herein, the provisions of this Act shall apply.”—will remain or not?

**Shri BISWADEV SARMA:** That portion will remain.

**Shri HARESWAR DAS (Deputy Minister):** I accept the amendment.

**The DEPUTY SPEAKER:** The question is that item No. (ii) of sub-clause (c) of clause 2 be substituted by the following:—

“(ii) Lands exceeding 150 bighas, utilised for large-scale cultivation of citrus in a compact block by any person before the first day of January, 1955.”

(The Amendment was adopted).



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Deputy Speaker, Sir, I beg to move that the following proviso to sub-clause (c) of clause 2 be added :—

“Provided that the person has already developed mechanised cultivation in a scale adequate to utilise the lands at his disposal”.

Mr. Deputy Speaker, Sir, when the original Bill was drafted, there was only one exception to the effect that associations which were registered under the Indian Companies Act, 1913, would get this benefit. For helping such associations, this proviso was incorporated in the original Bill. The Select Committee thought it proper to extend it even to individuals for reasons best known to them. But what we have seen is that since this Government has begun willy-nilly to pass a few legislations for the benefit of the poor peasantry, the rich people and rich landlords have begun evictions on a large scale and this they do under various pretexts and on different-pleas, for example, sometimes some of them collect together and start a co-operative, which, so to say, may be an exploiters' co-operative and sometimes they hire or manage to get a tractor and take to 'large scale mechanised cultivation'. In this way poor peasants are made their victims and our Government also, in their eagerness for growing more food and in their zeal to back certain section of the people to get return at the time of necessity, give certain privileges to this kind of people. The other day I have cited, from my own constituency, two such cases. In Sunapur area, some gentleman was given some big tracts of land for large scale mechanised cultivation. Of course, settlement of the land in this case was not given by this Government but by its predecessor. But, at any rate, a vast tract of land was given to him and he brought one tractor and with that tractor he ploughs a portion here and a portion there in a scattered manner, but the greater portion of the area allotted to him is actually settled by him to tenants and Adhiars and whenever any officer goes there, there is one tractor to be shown to him and also a few scattered plots to be shown. There is also a very good fund at the disposal of this gentleman to give very good tea parties and therefore, the report is that he is doing well. But the fact remains that under cover of this tractor and with only a few plots for use by that tractor, vast areas of land has been acquired for the purpose of landlordism and exploitation of the peasantry.

Then, Sir, another instance happened partly in my constituency and partly in the constituency of my Friend, Shri



Radhika Ram Das, on the other side of the river. But as he is absent now, I do not want to discuss that matter just now. He is the best person to speak about it. At any rate, we have seen that under cover of this mechanised cultivation, there is actually exploitation of the poorer section of the peasantry by some rich people and that too under Government patronage. Sir, I may also inform the House that the person who was given this vast tract of land in Khetri-Sonapur area is not actually a cultivator—even his forefathers were not cultivators. He is actually a big commercial man, a merchant and an industrialist of Gauhati. Besides that, he is not an Assamese—by 'Assamese' I mean, 'children of the soil'. He is a Punjabi: an outsider. So this is how things had happened. When the purse is long, all avenues are there for making it all the more longer and that is why I want to curb it to a certain extent, if possible. And that can be done when such person or such association will be entitled to get the benefit of this clause only when they have already utilised a fair portion or rather an adequate portion of that land if it was given. My amendment is that there should be this proviso—"Provided that the person has already developed mechanised cultivation in a scale adequate to utilise the lands at his disposal". This word "person" also includes an association because this, I think, is necessary. It may be said that the latter portion of my amendment is rather vague because I have said, 'in a scale adequate to utilise the lands at his disposal'. What that scale is—I shall not specify it but I leave it to the discretion of the Government. The Government will be able to say what that scale should be, because that scale cannot be given cut and dry, it may vary from place to place according to different circumstances. Therefore, I have left it to the discretion of the Government. If Government is really out to save the peasantry from the clutch of the landlords or exploiters, they should have no objection to accepting this amendment and I hope the Government will accept it.

With these words, Sir, I move my amendment.

**The DEPUTY SPEAKER:** The Motion moved is that the following proviso to sub-clause (e) of clause 2, be added:  
"Provided that the person has already developed mechanised cultivation in a scale adequate to utilise the lands at his disposal."

**Shri HARESWAR DAS (Deputy Minister):** Sir, my Friend, Mr. Bhattacharyya, has made some allegations and insinuations in the course of his moving his amendment. I shall not reply to these insinuations because his amendment itself



is a reply to them. His allegations against the rich are many, but you will see, Sir, that his amendment gives protection to those rich persons—it says—“Provided that the person has already developed mechanised cultivation in a scale adequate to utilise the lands at his disposal”—that means that he gives these rich persons unlimited amount of lands at their disposal. That is why I say, his amendment is a reply to the allegations and insinuations he has made. My point is that, this amendment is redundant, because our provision is that lands not exceeding 500 bighas “if utilised” will be exempted. If the land is not utilised, it will not be exempted. This amendment of my Friend gives any quantity of land at the disposal of a person whereas we have put the maximum of such lands at 500 bighas. So this word ‘utilise’ is there and that rather narrows down the area more than his amendment does.

(At this stage the Speaker occupied the Chair and the Deputy Speaker vacated the same.)

Now, as regards the word ‘person’ in the original Bill, there is mention of ‘farm registered under the Indian Companies Act, 1913’—this was substituted by the word ‘person’. The Select Committee have come to this decision and the Select Committee did not do it arbitrarily. The Government of India suggested that existing good farms should not be broken up. That will lead to fall in production of food. So the word ‘person’ has been used in place of a registered company or society.

That is all, Sir, I have got to say.

**Mr. SPEAKER:** The question is that, the following proviso be added to sub-clause (e) of clause 2:—“Provided that the person has already developed mechanised cultivation in a scale adequate to utilise the lands at his disposal”.

(The Motion was negatived.)

**Shri BISWADEV SARMA:** Mr. Speaker, Sir, I beg to move that in sub-clause 3(d) below the explanation which defines “Joint Family” add the following proviso—“Provided that a family consisting of father, mother, sons and unmarried daughters holding lands jointly shall be presumed to be joint in spite of having a separate mess.”

**Mr. SPEAKER:** The Motion moved is that in sub-clause 3(d) below the explanation which defines “Joint Family” add the following proviso:—“Provided that a family consisting of father, mother, sons and unmarried daughters holding lands jointly shall be presumed to be joint in spite of having a separate mess.”

**\*Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I want to speak only on a point of clarification. In Assam, the



law is that the system of joint family is according to "Dayabhag". So long a father lives, there can be no question of holding land by a son, mother and unmarried daughters in a joint family. So the sons, mother and unmarried daughters have no right over the lands so long the father lives. So this definition has become redundant. According to Hindu law the system is according to "Dayabhag".

**\*Shri HARESWAR DAS (Deputy Minister):** Sir, this definition is not taken from the Hindu law. My hon. Friend presumes that it is based on Hindu law. The words "presumed to be joint" is not taken from the Hindu law and also from Muslim law. This definition covers all communities.

Now, as regards "Dayabhag," there is no dispute about it. So long the father lives, the land belongs to him. But, Sir, we have put a peculiar definition.

According to the proviso there is no bar for the son to have separate land when there is a separate mess. But according to our definition, if the son has a holding in his own name and the father has got a holding in his own name, and they are messing separately but immediately after the Act comes into operation, they may have a joint messing and thereby enjoy more benefit by holding more lands in the joint-family. With a view to avoid corruption of this nature, this definition of the joint family is deemed necessary to be provided in the Bill.

**Mr. SPEAKER:** It is a vague definition.

**Shri HARESWAR DAS (Deputy Minister):** Sir, it is just to prevent a father and a son to have more land by having a separate mess. I want to accept this amendment.

**Mr. SPEAKER:** The question is that in sub-clause 3(d) below the explanation which defines "Joint Family" add the following proviso:—

"Provided that a family consisting of father, mother, sons and unmarried daughters holding lands jointly shall be presumed to be joint in spite of having a separate mess."

(The amendment was adopted)

**Shri GAURISANKAR BHATTACHARYA:** Mr. Speaker, Sir, I beg to move that at the end of the 1st proviso to sub-clause (k) (iii) of clause 3 delete the full stop at the end of the sentence and add the words, "at least for five years before coming into force of this Act".

Sir, I want to bring this amendment because having seen the trend of agrarian legislation in the country, some landlords have already taken steps to avoid these laws and they



have just shown as though they are actual cultivators, and they are doing cultivation. I think the Select Committee was aware of this fact to a certain extent. Therefore this proviso was added. But I think it does not give us any fair guarantee because the Deputy Minister for Revenue has told us only a few minutes ago that this Bill to become an Act will take some time. The Bill shall have to go to the Governor and then to the President for assent. In the meantime, several years may elapse when there will be agrarian crisis throughout the whole country. Those land-lords who are cunning will resort to various devices with a view to realise heavy rent from the poor peasants or to resume the best available lands. There should be sufficient safeguard to save the poor peasants from the cunning devices of the land-lords. Therefore, the time should be at least for five years before coming into force of this Act, that is to say from the beginning of the First Five Year Plan.

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

**Mr. SPEAKER:** The Motion moved is that at the end of the 1st proviso to sub-clause (k)(iii) of clause 3 delete the full stop at the end of the sentence and add the words, "at least for five years before coming into force of this Act."

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, acceptance of this amendment will create absurd situation. The moment the Act comes into force, it will create this situation. The moment it comes into force, that very moment this provision will be ineffective. The provision for resumption is absolutely for the land-lords for the future time. Resumption means resumption for future. This amendment of my Friend, Shri Bhattacharyya, means resumption for the past. Sir, our desire is that if the land-lord desires to take up cultivation themselves, let them do it. Suppose one assistant working in the Deputy Commissioner's Court in Gauhati or a Chaprasi working in an office wants to go to his village and resume cultivation themselves, we should encourage them to do so. We do not want to stop them altogether. But that qualification has been put. He must reside in the village and he must take personal risk. This will also eliminate town dwellers. If a land-lord resides in a village wants to cultivate himself, why should he not do so? But we have also put a limit. He can resume within five years of the enforcement of the Act. After five years he is also debarred to make any resumption, thereby we have given protection to the actual cultivators. In my opinion, Sir, this is a very reasonable proposition. Therefore, Sir, I cannot accept this amendment,



**Mr. SPEAKER:** The question is that at the end of the 1st proviso to sub-clause (k)(iii) of clause 3 delete the full stop at the end of the sentence and add the words, "at least for five years before coming into force of this Act".

(The Motion was negatived).

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I beg to move that in sub-clause (o) of clause 3 after the words, "pay rent" insert the words, "or a share of the crop."

Sir, the purpose of this amendment is to give the *benefit* also to the Adhiars who pay a share of the crop. In our State, quite a big number of landlords have actually settled their lands not so much to tenants as to Adhiars, *i. e.*, taking a share of the crop. This section of the people will be deprived of the *benefit* of this legislation and as such the purpose of this legislation will not be fully achieved. Therefore, I hope that the House will accept this amendment.

**Mr. SPEAKER:** The amendment moved is that in sub-clause (o) of clause 3 after the words "pay rent" insert the words, "or a share of the crop".

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, the definition of a tenant and Adhiar is not the same. No tenancy legislation has ever made it the same. For the *Adhiars* there is the Adhiars Protection Act. For example we have got the Urban Non-Agricultural Tenancy Act where we have not termed the lease holders as tenants, but the lease holders there possess almost permanent rights so long they pay rent regularly. So, by not calling an *Adhiar* a tenant, if we confer on him all the benefits then it is equally advantageous. A share cropper has been excluded from the term 'tenant' but he is getting all the benefits of a tenant under the Adhiars Protection Act.

**Mr. SPEAKER:** Are we to understand that a share cropper is not a tenant?

**Shri HARESWAR DAS (Deputy Minister):** No, Sir, he is not a tenant. In case of a tenant he is to pay a fixed rent irrespective of the fact whether he has grown any crop or not. But in case of an *Adhiar*, he is to pay a share of the produce, which may vary according to the quantity produced in the land. Now if a share cropper is industrious, he may produce 10



maunds per bigha, but if one is idle, he may produce 2 maunds per bigha ; so the share of the crop varies accordingly. But in case of a tenant he will have to pay a fixed rent even if no crop has been produced in the land. That is the difference, Sir. If it is rent in kind, it is always a fixed quantity.

**Mr. SPEAKER :** The question is that in sub-clause (o) of clause 3 after the words, "pay rent" insert the words, "or a share of the crop".

(The Motion was negatived).

**Shri GAURISANKAR BHATTACHARYYA :** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 4 substitute the figures '150' by the figures "75" and *add* the following proviso to this sub-clause—"Provided that when the State Government is satisfied that the quality and location of the land and exceptionally big number of members of a family justifies a higher limit it shall have the power to raise this limit upto a maximum of 125 bighas the limit in such case being variable on individual merit of each case."

Sir, this is, as a matter of fact, the crux of the whole Bill, what should be the ceiling, whether there can be one ceiling or whether there should be several ceilings ? Now, in our State quantum production on lands differs from place to place, for example, in submountainous areas like Subankhata, the yield per acre or Pura of land is much lower than an area like Upar Barbhag Mauza. Again, there are certain areas where only one crop can be raised and there are others where several crops can be raised. There are also some other factors apart from this difference in yield, such as floods and erosion, etc., or drought. There are areas where there is scarcity of water without any facilities for irrigating the lands. There are areas where there is more than necessary rainfall. There are areas where the rainfall is even and there are facilities for irrigation. Apart from these there are other factors also. For example, a particular area may be very thickly populated or there may be available better medical and public health facilities or facilities for communication and so on. It is not possible to sum up all these factors here because in that case it will be a very voluminous thing and requires detailed survey of the entire State, area by area. This is not within the competence of an individual to take stock of all these things, both time and facilities required for such a stupendous task being very limited at the disposal of an individual member. Therefore, I have no alternative than to leave it to the Government. But my point is that there is difference in the quality of land and also difference in the advantages which are available to a particular plot of land.



Sir, on the floor of this House, I have stated the other day during the general discussion of this Bill that the Planning Commission on the 9th of February this year have issued a statement, and in that statement they have stated that the ceiling should be three times the economic holding and in no circumstances it should be more than six times.

Now, in Assam what should be regarded as economic holding? This, Sir, will vary from place to place. What an economic holding in my Mauza—I mean in the Upar Barbhag Mauza—will be—it may not be the same in certain other places of the district.

**Mr. SPEAKER:** What is the yield per bigha of land in your Mauza?

**Shri GAURISANKAR BHATTACHARYYA:** It will come to about 5 maunds. But in Defeli Mauza, Sir, it will not exceed  $2\frac{1}{2}$  maunds.

**Mr. SPEAKER:** What is the average number of members in a family?

**Shri GAURISANKAR BHATTACHARYYA:** The point that I want to make out is that this question of economic holding is dependant on many factors. If we take a pair of bullocks and if we take one man to plough and another man to help him at the time of transplantation and so on, in different areas different quantity of lands will be covered. If the land be not of very rich quality and if the land is such where only one crop can be raised, then a person will require at least six Puras of land. But if it be a double crop land, then he may do even with, say, four Puras. Then again if it be a three cropped land, then a cultivator will be able to manage with 12 to 15 bighas of land. But then he will require some Basti land also. But taking the various factors into consideration, we can roughly estimate 25 bighas to be the economic holding in our State. It does not say that my estimate is absolutely accurate but taking the different circumstances prevailing in our State, I quite agree with the recommendation of the Planning Commission that the economic holding in Assam should constitute roughly 25 bighas of land. As I have already stated as the circumstances vary, there should be variation in the holding also. Now as to the reason as to why I would like to leave it at the discretion of the Government to decide as to what should be considered as to constitute the economic holding, I may be asked will this latitude not to give the Government a very big handle? I know, it will.



We have got this much of confidence in our Executive that within this limit they will try to do justice as much as justice is humanly possible. But if they are not given the discretion then some of the people who deserve higher ceiling may be deprived of that and some undeserving people who can do with lower ceiling might get some additional privilege. In order to avoid that, I think it is better to give the discretion in the hands of the Government itself. Let the Government fix the ceiling after proper examination of different areas—from 75 to 125—and if that be done then I think the optimum justice will be possible. I do not say that there can be cent. per cent justice in this case. But let us hope that there be given optimum justice and this is possible if such sort of consideration is made.

With these words, Sir, I commend my amendment to the acceptance of the House.

**Mr. SPEAKER:** The amendment moved is that in sub-clause (1) of clause 4, substitute the figures “150” by the figures “75” and add the following proviso to this sub-clause:—  
“Provided that when the State Government is satisfied that the quality and location of the land and exceptionally big number of members of a family justifies a higher limit it shall have the power to raise this limit upto a maximum of 125 bighas the limit in such case being variable on individual merit of each case.”

Mr. Goswami will move next.

### Adjournment

(The Assembly was then adjourned for lunch till 2 p. m.)

### After lunch

**\*Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 4, substitute the figures “150” by the figures “100”.

Sir, I was a Member of the Select Committee and, therefore, it may be questioned how a Member of the Select Committee can move this amendment.....

**Mr. SPEAKER:** Did you put any note of dissent?

**\*Shri HARESWAR GOSWAMI:** Unfortunately, I could not attend the last two days' sittings of the Select Committee, but during the deliberations in the Select Committee on this clause, I said that I would give a note of dissent.



**Mr. SPEAKER :** Then you did not give any minute of dissent. It is a healthy convention that no Member of the Select Committee should move any amendment unless he has submitted a note of dissent.

**Shri HARESWAR GOSWAMI:** But I said that I would give a note of dissent.

**Mr. SPEAKER :** Did you send any note in due time ?

**Shri HARESWAR GOSWAMI :** No, I did not send it.

**Mr. SPEAKER :** Then I don't think we should depart from that convention.

**Shri HARESWAR GOSWAMI :** But I took permission even then that I would oppose this clause.

**Mr. SPEAKER :** Permission from whom ?

**Shri HARESWAR GOSWAMI :** From the Minister-in-charge ?

**Mr. SPEAKER :** The House is to give that permission. We are not concerned with the permission obtained privately from the Minister-in-charge.

**Shri HARESWAR GOSWAMI :** Not privately.

**Mr. SPEAKER :** But the convention is that the House should give the permission. If the House permit, I have no objection.

It is a convention that a Member of the Select Committee, unless he is explicitly allowed by the House to move an amendment, is not to move any amendment. Does the House want to depart from it ?

**Shri BIMALA KANTA BORAH :** I think it is a very healthy convention and we must stick to it.

**Shri HARESWAR GOSWAMI :** The position is this, Sir, during the meeting of the Select Committee, I said that I would give a note of dissent on this clause. But the Select Committee could not complete its deliberations and was adjourned for a later date. Unfortunately, I could not attend the second



meeting and those things were done in such a hurry that I could not send my minute of dissent. On previous occasions also we found that Members who gave notes of dissent were allowed to speak.

**Mr. SPEAKER :** But you did not give any note of dissent. "Hurry" is no excuse. Everybody is in a hurry in this busy world.

**Shri HARESWAR GOSWAMI :** The final report of the Select Committee was not sent to me for signature and it came to me only in printed form. I have not put my signature to the report.

**Shri HARESWAR DAS (Deputy Minister) :** Sir, the position is like this : the Select Committee sat for four days. On the first two days, Mr. Goswami was present and he actually said that he did not agree to this provision and that he would give a note of dissent. But on the subsequent two days, he did not turn up, neither did he send any note of dissent.

**Shri HARESWAR GOSWAMI :** But I did not sign the report. Had I signed the report that would have been a different matter.

**Mr. SPEAKER :** But the fact remains that you were a Member of the Select Committee and you did not send any minute of dissent. As such, why do you depart from the wholesome convention ?

**Shri HARESWAR GOSWAMI :** But circumstances are different here, in that I did not sign the report at all.

**Mr. SPEAKER :** All right, I have heard you.

The Select Committee sat for four days. Mr. Goswami attended the meetings on the first two days. On the subsequent two days he did not turn up, neither did he send any note of dissent, though he had sufficient time and opportunity to do so. In view of this and in view of the fact that there is at least one dissentient voice in the House, I do not like to depart from the convention and I rule this amendment out of order.



**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, in these matters it is natural that different persons think in different ways. Two Opposition Members have submitted two different amendments.....

**Shri HARESWAR GOSWAMI:** My amendment should not be considered as it has been ruled out.

**Shri HARESWAR DAS (Deputy Minister):** I am not considering the amendment; I am only referring to it in another connection. Two of the Opposition Members tabled two amendments—one for putting the ceiling at 100 bighas and another (that of Mr. Bhattacharyya) putting it at 125 bighas.....

**Shri HARESWAR GOSWAMI:** My amendment should not be discussed.

**Shri HARESWAR DAS (Deputy Minister):** I am not discussing the merits of the amendment. I am only referring to it.

**Shri HARESWAR GOSWAMI:** Even reference will be wrong, because I would have explained the difference had I got a chance to move my amendment.

**Shri HARESWAR DAS (Deputy Minister):** My only point is that if another Member from the Opposition had tabled amendment, he might have gone up by 25 bighas more. Two Members tabled amendments seeking to put the ceiling at 100 bighas and 125 bighas. If a third Member, say, Shri Ranendra Mohan Das, had tabled an amendment, possibly he would have gone upto 150 bighas. That is the only point (laughter). Different people think differently; as a matter of fact, there were persons who wanted to put it at 200 bighas or even higher. Ours is a *via media*; we have fixed it at 150 bighas.

As far as this amendment is concerned, my Friend, Shri Bhattacharyya, would have been consistent if he had followed the directions of the Planning Commission in toto. The Planning Commission has suggested two ways of fixing the ceiling; one way is to fix it at three family holdings. As Shri Bhattacharyya wants to fix one ceiling at 75 bighas, evidently he takes 25 bighas as a family holding. So the maximum ceiling must be six times the family holding, i.e., 150 bighas. How has he come to 125 bighas? Possibly just to differ with Government.

Secondly, there is another difficulty. The amendment has left everything to the Government: it is the Government to



fix actually what would be the ceiling. "Exceptionally big number of members of a family"—is rather vague. How many members will make an exceptionally big family—that has been left to the discretion of the Government. It is the Government who will have the power to raise this limit upto a maximum of 125 bighas. The suggestion of the Planning Commission is that when five members form one family, three times the family holding may be put as ceiling in their case. Above five members family, six times the family holding may be put as ceiling. The amendment does not follow it. When fixing the ceiling, it is not to be arbitrarily fixed, it is to be fixed according to the number of members. But this amendment does not do so. It fixes only one ceiling, *i.e.*, 75 bighas and empowers the Government to raise it upto 125 bighas at its discretion. How it will be fixed is left to Government. I am afraid this will conflict with the Constitution as it will be delegating the function of the Legislature to Government. What will be considered as exceptionally big number of family members and the ceiling will be raised is the function of the Legislature. This amendment simply delegates the function to Government. So I am unable to accept this amendment.

**Mr. SPEAKER:** The question is:

In sub-clause (1) of clause 4, substitute the figures "150" by the figures "75" and add the following proviso to this sub-clause:—"Provided that when the State Government is satisfied that the quality and location of the land and exceptionally big number of members of a family justifies a higher limit it shall have the power to raise this limit upto a maximum of 125 bighas the limit in such case being variable on individual merit of each case."

(The Motion was negatived).

**Shri HARESWAR GOSWAMI:** On a point of clarification, Sir, Mr. Borah had also one amendment in his name in clause (2) and clause (3). Being himself a Member of the Select Committee how could he do this then?

**Shri BIMALA KANTA BORAH:** I anticipated that.

**Shri HARESWAR GOSWAMI:** Mr. Borah wants to stick to the convention but he himself did not do so.

**Mr. SPEAKER:** Clause 12.



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (a)(1)(i) of clause 12, substitute the figures "25" by the figures "10".

Sub-clause (i) runs like this: "in case of fallow land, an amount equal to 25 times the full rate of annual land revenue payable for such land".

This figure 25 times is a very high figure. Supposing a bigha of land gives the revenue of Re.1 per bigha. If the tenant who has been in occupation thereof is to get the right as per this Bill, he shall have to pay Rs.25 and for making his economic holding of 25 bighas he shall have to pay 25 times this figure. If the tenant be so well-to-do as to be able to pay this amount, he could as well be in a position to purchase land in the meantime. He has had to remain as a tenant or a sub-tenant simply because he is poor and it is known to all that these tenants and sub-tenants somehow eke out their living. Even according to the statistical extract prepared by the Government of India, not more than 12 per cent. of our peasants are solvent. So we find . . . . .

**Mr. SPEAKER:** How much per bigha we pay as land revenue?

**Shri GAURISANKAR BHATTACHARYYA:** In Kamrup it is about Re.1.

**Mr. SPEAKER:** In Kamrup it is 0-10-6 pies average.

**Shri GAURISANKAR BHATTACHARYYA:** In my Mouza there is no cultivable land which has got land revenue less than Re.1 per bigha.

**Mr. SPEAKER:** Average 0-10-6 pies in Kamrup in last 5 years.

**Shri GAURISANKAR BHATTACHARYYA:** Even a staunch supporter of Government like my Friend, Mr. Deka, has just said that in his area it exceeds 14 annas.

**Mr. SPEAKER:** Average is 0-10-6 pies.

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I do not know what it was ten years ago. In my own areas in Nalbari and in Rangiya there is no land at less than Re.1 per bigha. There are also lands where the revenue is Re.1-8-0 per bigha. Roughly speaking, the average will come to at least 15 annas or Re.1. Then it comes to Rs.23 and some annas.



Even if it be at Rs.20 and if it is multiplied by 25 then a tenant has to pay Rs.500. For a fallow land Government seeks to give 25 times the land revenue. I suggest that instead of 25 it should be 10 times, roughly Rs.8 to Rs.10 per bigha. In giving periodic Patta to the annual patta-holders, Government is charging a premium of Rs.5 per bigha. So far as these annual Pattas are concerned, this is also renewable year to year. It is entirely at the discretion of the Government to give the annual lease or not. There is no right over this of anybody. Only there might be certain privileges.

**Shri BIMALA KANTA BORAH :** A man having more than 150 bighas will not get Patta.

**Shri GAURISANKAR BHATTACHARYYA :** Rupees 5 is the premium for conversion of an annual Patta into a periodic Patta. Now, so far as this provision is concerned, according to this Government's proposal, this amount will go upto Rs.20 or Rs.25 per bigha. Why there should be such a heavy premium? As soon as an annual Patta is made periodic, the owner gets the right to the land and till then he had not the right. Government proposes to charge Rs.5 but in this also there is public discontent. In this also Government proposes to impose a sum between Rs.20 to Rs.25, i.e., 5 times higher. From the point of view of equity, I think, this is inequitable and from the point of view of capacity, it is beyond the means of a peasant if he is to pay this, as he will have to borrow money, that is to say, he will be a victim of usury, that is to say, he will lose everything he has in a few years as a decree will be executed against him by the money-lender. It will be seen in subsequent sections that whatever Government pays will be realised. They will pay by one hand and will realise by the other.

Government will realise the money to the extent Government pays from the tenant in five equal instalments.

**Mr. SPEAKER :** To which section you are referring? I could not follow your argument.

**Shri GAURISANKAR BHATTACHARYYA :** Clause 16, Sir. The point is that the landlord shall be paid a compensation which is not his due. Why should people in this State give this to the landlord?

**Mr. SPEAKER :** That argument may be valid.

**Shri GAURISANKAR BHATTACHARYYA :** In section 16 onwards, it is proposed that money will be realised from the tenant to that limit. It may no doubt be a little less,



But there will be realisation from the tenant in 5 equal instalments to the extent of the money given by Government, of course, not exceeding that which is paid by the Government. It is a payment to the landlord and why should the landlord get such a big amount? It is just like purchasing the land from the landlord. Because there has been a trend in the country for the liquidation of feudal exploitation in the name of giving relief to poor peasants, our Government is going to give cash to the feudal exploiters and thereby give the landlords substantial relief.

**Mr. SPEAKER :** The Constitution is like this.

**Shri GAURISANKAR BHATTACHARYYA :** So there is amendment of the Constitution which empowers the Government to determine it. I think, our Government should fix between Rs.8 to Rs.10 which is reasonable, because, according to this Act, the landlord is left with a ceiling of 150 bighas. For the rest of the fallow land if he is given Rs.8 or Rs.10 as extra, that is reasonable. I think, the amount of 25 times, which is in the spirit of the old Constitution, should not be accepted by the Government or people as reasonable. In order to avoid that, the Constitution had to be amended to give discretion in the hands of Government instead of submitting to the demand of the landlord.

**Mr. SPEAKER :** What is the price per bigha of land in your area?

**Shri GAURISANKAR BHATTACHARYYA :** It is between Rs.150 to Rs.200, but so far as my area is concerned, there will be very little surplus land because there are no big zamindars in that area.

**Mr. SPEAKER :** You mean to say that if there is resumption of land in that case the question will be solved?

**Shri GAURISANKAR BHATTACHARYYA :** Yes, Sir. Some time ago, the Deputy Minister said that all the lands are the property of Parama Brahma, so no individual has right over the property of this Parama Brahma; from this point of view it is clear that all the property belong to the State, and that is also coming nearer the very healthy maxim of democracy, I mean the tribal democracy, which is in existence in the major portion of our State, that is in the Hill districts, where there is usually no individual ownership of land. There one can have land according to his need and capacity and he does not pay



land revenue but pays a little amount towards the running of the society. This very thing shows that land belongs to the society and as such individual landlords, who is now sitting in our State as land-owners, should ethically give up his right over the land, but as legally and constitutionally, he has some possessory right over the land, let him get some compensation, though the State and the agriculturists are not ethically bound to give him such compensation. I think in this case the State should not think that 25 times the annual land revenue is reasonable. That is giving a premium to the landlord. Therefore I suggest that it should be reduced at least to 10 times the annual land revenue. This is so far as fallow land is concerned. Now, as regards, the second amendment.....

**Mr. SPEAKER :** Mr. Bhattacharyya, you can move all your amendments at a time.

**Shri HARESWAR DAS (Deputy Minister) :** Yes, as these are consequential, he may be allowed to move all his amendments together.

**Shri GAURISANKAR BHATTACHARYYA :** Now, Sir, I beg to move that in sub-clause (a)(1)(ii) of clause 12, substitute the figures "50" by the figures "25". As I said, my first amendment is with regard to fallow lands but this second one is with regard to lands where there are valuable trees, structures, etc. That has been defined. Here also I said that "50" times would be too high a figure and if it is reduced to "25" that will be quite fair, rather it will be more fair to the landlord. Therefore, I suggest that instead of giving 50 times of the annual land revenue to the landlord, he should be given 25 times. Here in the proviso it has been laid down: "Provided that if the land is under occupation of a tenant, then the compensation shall be apportioned between the owner and the tenant.....etc". This is about apportionment of compensation. First, let us see whether this compensation can be paid as per my suggestion whether Government accepts it. It may be that Government may accept my first two amendments. If it is decided that the landlord will be given 10 times land revenue then the question will come as to how it will be apportioned between the landlord who is an absentee landlord, i.e., a landlord not in actual possession of the land, and the real occupancy tenant whether he has got occupancy right or not. Now, this proviso makes certain provision. The provision is that, if the land is in the occupation of a tenant,



then compensation would be apportioned between the owner and the tenant and the share of the tenant, if he has acquired occupancy right, will be 15 times and in other cases 20 times of such land revenue. Now, so far as tenants with occupancy right are concerned, they are in actual occupation of the land—what the owner is entitled to get is regular revenue, he is not entitled to get anything more. Now, the landlord who would be getting only revenue from the tenant is, under this provision, proposed to be given 15 times and in other cases, that is to say, where the tenant has not acquired occupancy right, he is sought to be given 20 times. In my opinion this is excessive and therefore, I beg to move that in the proviso to sub-clause (a)(1)(ii) of clause 12, as I have said, the figures "15" be substituted by the figure "3" and the figures "20" by the figure "5" respectively and deleting the full stop at the end of the proviso add the following, namely: "if the total land so acquired from the owner does not exceed 750 bighas, but if it exceeds 750 bighas, the owner's share will be 2 times and 3 times respectively". Here I have made a difference among the landlords and the owners—those who have got more than 750 bighas will be regarded as big landlords and that will be quite justifiable as compared with the smaller landlords who have got less than 750 bighas. In that case, the landlord who has got less than 750 bighas will get from the occupancy Ryot 3 times land revenue and in other cases he will get 5 times. If the landlord is however, a big landlord, that is to say, if he has more than 750 bighas then in that case the share of that landlord will be only 2 times annual land revenue. In places where there are tenants but no occupancy right, there the share will be 3 times the annual land revenue. I have made this difference so that it will be quite in keeping with equity. After all if we accept the principle that land ultimately belongs to the society as represented by the State, then the State's responsibility towards landlords is only to see that as a result of resumption, the landlord not in occupation is not stranded or thrown to the street. And therefore, the big landlord even if he gets a revenue, the total amount that he will thus get will not be less. But in the case of smaller landlords if the rate is not raised, then the total amount may not be sufficiently big. Therefore, I have made this difference between a big landlord and a small landlord. I think this will be quite fair.

Then, I also beg to move that in sub-clause (a)(2)(i) of clause 12, substitute the figures "10" by the figure "7" and the figures "35" by the figures "20" respectively. In this sub-clause (2)(i) there is a provision that—"if he is



an occupancy tenant, 10 times the full rate of annual land revenue payable for the land when the land is fallow, and 35 times such annual land revenue in all other cases"; so far as occupancy tenant is concerned, his share is naturally the remainder after the landlord's share is paid. Thus, the apportionment will be that if the landlord gets 3 times out of 10, what remains for the tenant is only 7 by ordinary calculation. But if out of 25 the landlord gets 5, then there remains 20 for the tenant. So this can be taken as consequential. In other words, if the previous one is accepted, then this will follow in consequence.

Now, in sub-clause (a) (1) (ii) of clause 12, substitute the figures "50" by the figures "30" and substitute the figures "15" and "20" in the proviso by the figures "5" and "10" respectively.

This is also consequential because of the proviso (i). If he is not an occupancy tenant, I want to make it 20 times.

I beg also to move to replace the proviso under sub-clause (a) (2) of clause 12 by the following namely:

"Provided that while no compensation shall be payable to the owners for revenue-free land, owners of land assessed to land revenue at a concessional rate shall be compensated at a rate which shall not exceed half the rate of full revenue-paying land of similar quality situated nearest to it."

Now, those who have been enjoying land revenue free under the protection of the State, should rather pay something to the State than getting something. They have so long been allowed the privilege of the social property without paying anything to the State. From the point of view of equity they should not get anything for revenue free land. Then have been getting all sorts of benefits from revenue free land up till now. So the question of paying compensation to them on resumption does not arise.

So far as those owners of land assessed to land revenue at a concessional rate are concerned, they have been enjoying in the society up till now, because they have been getting the protection from the State more than the ordinary citizens. Therefore, they should be satisfied with what they have been getting than the others who have been paying full revenue. Therefore, the compensation is not to exceed half the rate of the usual revenue, and then there should be not only revenue paying land situated nearest to it, but it also should be of similar quality, because in the nearest locality there may be more rich land and that land may not be of inferior quality, though that



land may be Faringati. The land nearest to it is exceptionally of good quality. Now if this is accepted in an amended form then he may not get advantage of very rich land in the neighbourhood. So this caution should be there in the point of location of land with a view to do justice to all.

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

**Mr. SPEAKER :** The amendments moved :

In sub-clause (a)(1)(i) of clause 12, substitute the figures "25" by the figures "10".

In sub-clause (a)(1)(ii) of clause 12, substitute the figures "50" by the figures "25".

In the proviso to sub-clause (a)(1)(ii) of clause 12, substitute the figures "15" by the figure "3" and the figures "20" by the figure "5" respectively and deleting the full stop at the end of the proviso add the following, namely:—

"if the total land so acquired from the owner does not exceed 750 bighas ; but if it exceeds 750 bighas, the owner's share will be 2 times and 3 times respectively."

In sub-clause (a)(2)(i) of clause 12, substitute the figures "10" by the figure "7" and the figures "35" by the figures "20" respectively.

In sub-clause (a)(2)(ii) of the clause 12, substitute the figures "30" by the figures "20" and replace the proviso under sub-clause (a) (2) of clause 12 by the following namely:—

"Provided that while no compensation shall be payable to the owners for revenue-free land, owners of land assessed to land revenue at a concessional rate shall be compensated at a rate which shall not exceed half the rate of full revenue-paying land of similar quality situated nearest to it."

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, the matter of compensation and apportionment of land is a very complicated problem.

As regards the fixation of compensation on fallow land and other lands we move in this way. The Constitution empowers the Legislature to fix a reasonable compensation. The very word "reasonable" is justiceable. To fix compensation we cannot go to the days when the world was first created as suggested by Shri Bhattacharyya. We cannot go beyond 1950 when the Constitution came into force. The State Legislature has been empowered by the Constitution to fix a reasonable compensation and so the compensation should be reasonable and not merely illusory.



As regards fallow land, land which is not cultivated for three years is also fallow land, for such fallow land we have calculated the average price at Rs.75 per bigha. Actually price of such fallow lands vary from Rs.50 to Rs.150 ; so we have taken the average price at Rs.75 per bigha. In the case of other lands, the average price we have calculated at Rs.150 per bigha. There are lands, the prices of which vary from Rs. 150 to Rs. 250. So we have calculated the average price at Rs.150 per bigha. For calculation land revenue we take at Re.1 per bigha. We put one third of Rs.75 as compensation for fallow land and one-third of Rs.150 for other lands. As a matter of fact, this is the maximum. There are cases in the district of Goalpara where rent is 6 annas per bigha. Now if we put below one-third, compensation may be regarded as illusory and the entire Bill may be declared *ultra vires*. So we put one-third for fallow lands as compensation and one-third for other lands as compensation. These relate to amendments Nos.12 and 13.

Now amendment No.15. It has two parts. A new proviso is wanted to be inserted, *viz.* : if owners' land is taken, when it does not exceed 750 bighas the compensation is put at 5 times and when it exceeds 750 bighas, the compensation is put at 3 times. Sir, this will give an absurd result. I have calculated here. Say 750 bighas of land are taken as surplus then it will be five times. Multiply 750 by 5, it comes to 3,750. But if 751 bighas are taken from the owner, he will get  $751 \times 3$  which is equal to 2,253. Is it a reasonable proposition, Sir ? More money for less land and less money for more land. In that case it is far more preferable to possess 750 bighas than over it. That is most inequitable. The Constitution lays down that the principle according to which compensation is to be calculated should be laid down. Now if this is the principle of calculating the compensation then it is most unreasonable. It means you take more land but pay less and you take less land and you pay more. So this principle does not work out. Therefore, Sir, it cannot be accepted.

Then amendments 16 and 17. I have worked out the figures. That also does not work out well. In proposed amendment 16—in fallow land if occupancy tenant's right is taken he will get 7 times and for other lands twenty times. Amendment 17 is for non-occupancy tenants' right ; for fallow land he will get five times and for other land it will be twenty times, *i.e.*, the occupancy tenant and the non-occupancy tenant both get the same compensation, twenty times. No difference between the occupancy and non-occupancy tenants' rights is



made. According to occupancy right the land is transferable, in case of non-occupancy right, the land is not transferable. Occupancy right is superior. So this is not a sound proposition at all. Then when owner's land is taken, if there be an occupancy Ryot, the owner gets three times and the occupancy Ryot 22 times. So the same occupancy Ryot gets 22 times according to amendment No. 15 and gets 20 times according to amendment No. 16. This is again unreasonable. In the zeal to reduce compensation, the entire matter has been jumbled up; so this amendment cannot be accepted, because it does not work out.

**Mr. SPEAKER:** Now let me put each amendment separately.

The question is that in sub-clause (a) (1) (i) of clause 12, substitute the figures "25" by the figures "10".

(The Motion was negatived).

*(After a pause)*

The question is that in sub-clause (a) (1) (ii) of clause 12, substitute the figures '50' by the figures "25".

(The Motion was negatived).

*(After a pause)*

The question is that in the proviso to sub-clause (a) (1) (ii) of clause 12, substitute the figures "15" by the figure "3" and the figures "20" by the figure "5" respectively and deleting the full stop at the end of the proviso add the following, namely:—

"If the total land so acquired from the owner does not exceed 750 bighas; but if it exceed 750 bighas, the owner's share will be 2 times and 3 times respectively."

(The Motion was negatived.)

*(After a pause)*

The question is that in sub-clause (a) (2) (i) of clause 12, substitute the figures '10' by the figure '7' and figures '35' by the figures '20' respectively.

(The Motion was negatived.)



*(After a pause)*

The question is :

In sub-clause (a) (2) (ii) of clause 12, substitute the figures "30" by the figures "20".

(The Motion was negatived.)

*(After a pause)*

The question is: Replace the proviso under sub-clause (a) (2) of clause 12 by the following, *viz* :

"Provided that while no compensation shall be payable to the owners for revenue-free land, owners of land assessed to land revenue at a concessional rate shall be compensated at a rate which shall not exceed half the rate of full revenue-paying land of similar quality situated nearest to it."

(The Motion was negatived.)

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 16 after the words, "Cultivating tenant" insert the words, "or Adhiar as defined in the Assam Adhiars Protection and Regulation Act."

The purpose of my moving this amendment is quite obvious. I want to give protection to the Adhiars also.

Mr. Speaker, Sir, I beg to move that in sub-clause (1)(b) of clause 16 substitute the word, "five" occurring in the third line by the word "twenty".

Here, Sir, so far as the realisation of compensation is concerned, it shall be realised taking the compensation paid by the Government to the landlord as the maximum. It is sought to be realised from the peasant within a period of five years. Now, as I have already stated, tenants in our country are so very poor that they can be stated as actually living from hand to mouth. They have no money to spare even for their health and hygiene and for the education of their children. They have no money to spare for improvement of their land or for purchase of their plough cattle. In appreciation of these things, Government have embarked upon different plans such as the expansion of the Co-operative Department, intensifying the rural credit, etc. All these things



are still to come. And yet the appreciation throughout the country is there that the vast majority of our people are extremely poor and need immediate help. The situation being what it is, it is too much to expect that these peasants will be able to pay compensation as envisaged in this clause after passing of this Bill. Even if we take that 75 per cent. of it will be paid by Government, even the rest 25 per cent. will be too heavy a burden on them. I therefore want that instead of paying by five instalments, they should be allowed to pay in twenty instalments. Because if Government wants to realise money from the tenants, well, they should realise it in small instalments. After all, a peasant is the citizen of the State living in the State throughout his life, and therefore he cannot escape paying the amount. Even after his death it can be realised from his descendants. Therefore this long term guarantee to the peasant will be really helpful to him. Under the circumstances it is also necessary that there should be surplus money in the hands of the cultivators so that they can take to improved method of cultivation and purchase better plough cattle, use manure and raise the standard of life, for being capable of producing more for the national income. Taking all these factors into consideration, I make bold to say that in the best interest of the State it is necessary that the peasant should not be hard pressed. In my opinion, he will be too hard-pressed if he is made to pay this compensation within the limit of five years. Therefore, by this amendment I suggest that he should be allowed to pay within 20 years in 20 equal instalments. In this connection I beg to move my next amendment that—

In the first line of sub-clause (2) of clause 16 after the words, "full amount" and before the words, "under sub-section (1) above" insert the words "or the first annual instalment," and add the following proviso at end of the sub-clause—  
"Provided that any subsequent instalment or instalments defaulted will be realised as arrears of land revenue."

The purpose of this amendment is quite clear. Because here we see that in sub-clause (2) of clause 16 it is stated:

"On payment of the full amount under sub-section (i) above, the land shall be settled with him with the status of a land-holder as defined in the Assam Land and Revenue Regulation.....," etc.

So he will be given the right only on payment of the full amount under sub-section (1). That is to say, he will have



to wait till the full amount is paid. Till then he is not sure whether he will be getting the right. In case, for some reason or other, for certain unforeseen or extraordinary reasons or difficulties, if he fails to pay one instalment, in spite of the fact that he had paid some instalments in the past, the right will not accrue to him, and till the final instalment is paid, he will not be on a sure ground. The result of such a provision will be that the tenant will have no heart to invest labour and capital for its improvement to the best of his ability. And if he does not give the best of him for the improvement of his land, he will not get the best of produce, and the national income to that extent will suffer. So, it is not only in the interest of the tenant but also in the greater interest of the national income that the tenant should be sure of his position as early as possible. Therefore, as soon as a tenant pays the first instalment it should be held that he is going to get the land, and he may be given the opportunity of paying the instalments. If he feels that sometimes for some unforeseen reasons or extraordinary difficulties, this will be realised only as Government realise arrears of land revenue, he will have the confidence that the land belongs to him and he need not labour under any fear of the land going from his possession. This will give a great impetus to him to put his best for the improvement of his land. It may be stated that this will mean some additional burden on the Government. But if we weigh this against the benefit that the Government, as the representative of the society, will get from the peasant who constitutes about 70 per cent of our population who stands as the backbone of the nation, then this extra trouble or burden, whatever you may call it, on the part of the Government, should not be considered as too severe. Therefore, I think if Government really means to help the poor peasant, my amendment should be accepted.

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

**Mr. SPEAKER:** The Motion moved is that in sub-clause (1) of clause 16 after the words, "cultivating tenant" *insert* the words, "or Adhiar as defined in the Assam Adhiars Protection and Regulation Act".

In sub-clause (1) (b) of clause 16 *substitute* the word, "five" occurring in the 3rd line by the word "twenty".

In the first line of sub-clause (2) of clause 16 after the words, "full amount" and before the words "under sub-section



(1) above" *insert* the words "or the first annual instalment," and *add* the following proviso at the end of the sub-clause:—

"Provided that any subsequent instalment or instalments defaulted will be realised as arrears of land revenue".

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, the amendment 19 is not necessary. The benefit which my Friend wants to confer on the Adhiars by this amendment will come to them even without this amendment. The Adhiars' Protection Act gives the Adhiars same protection and as far as this Bill is concerned, if an Adhiar is in occupation of land and if he is cultivating it then he has got the right to stay in that land and if that land is taken under the provisions of this Bill, that land will be settled with him. If he has no land then he is a landless cultivator. In that case Khas land of Government may be settled with him under clause 17(1)(a) which runs as: "Cultivator who has been rendered landless due to ejection by the landlord or due to flood, erosion or earthquake, within two years next before the 12th day of November, 1955 and landless cultivator". Here, purposely the word "cultivator" has been used. There are tenants and occupancy tenants. If the tenant is within the ceiling, the land will be settled with him. If the Adhiar is in possession of the land then under the Adhiars' Act he cannot be evicted and he comes under the term "cultivator", and so the land will be settled with him. So, Sir, the benefit that this Bill wants to give will come to the Adhiar without this amendment.

Now I come to amendment No. 20. We pay compensation in five equal instalments and so we want to realise also from the tenants with whom the land is settled in 5 equal instalments. Government has got the power to settle the land at a less amount.

**Mr. SPEAKER:** Supposing a tenant cannot pay in 5 instalments owing to some financial difficulties, what will happen?

**Shri HARESWAR DAS (Deputy Minister):** So far we have got one provision in this respect. If the tenant happens to be very poor, Government can realise less amount from him.

**Mr. SPEAKER:** Have you got any provision for granting extension of time?

**Shri HARESWAR DAS (Deputy Minister):** There is no provision for extending the time.



The next amendment deals with payment of first instalment. On payment of the first instalment, occupancy right is sought to be given to the tenant, but the Bill provides that when the tenant makes the full payment, the land will be settled with him and he will have full right over it.

**Mr. SPEAKER:** If he fails to make full payment after paying 2 or 3 instalments what happens?

**Shri HARESWAR DAS (Deputy Minister):** Even if the amendment is accepted, the risk is there. After payment of the first instalment, the tenant gets full right over the land, but if he fails thereafter then the arrear instalments are to be realised as arrears of land revenue, and if he fails to clear that arrear, he may lose the land. The provision of the Bill is to keep the land for 5 years with him but he will not have transferable right. The Agrarian Land Reforms Committee, known as Kumarappa Committee, remarked that it is easy to distribute land, but it is difficult to keep it in the hands of the poor cultivator. It is really difficult to keep the land with the poor cultivator. If transferable right is given to him after payment of the first instalment, then he will suffer as he may immediately transfer the land and again become landless and the problem will be there. So, Sir, we have made provision in such a way that the land may be kept with him for at least 5 years, and only on payment of the five instalments, the land will be finally settled with him when he will have the transferable right. So, Sir, I oppose the amendment.

**Mr. SPEAKER:** Does the Mover want to withdraw the amendments?

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

**Mr. SPEAKER:** I then put the amendments.

The question is: in sub-clause (1) of clause 16 after the words, "cultivating tenant" insert the words, "or Adhiar as defined in the Assam Adhiars' Protection and Regulation Act".  
(The Motion was negatived.)

(After a pause.)

The question is that in sub-clause (1)(b) of clause 16 substitute the word, "five" occurring in the 3rd line by the word "twenty".

(The Motion was negatived.)

The question is that in the first line of sub-clause (2) of clause 16, after the words, "full amount" and before the words, "under sub-section (1) above" insert the words "or the first



annual instalment", and *add* the following proviso at the end of this sub-clause :

"Provided that any subsequent instalment or instalments defaulted will be realised as arrears of land revenue".

(The Motion was negatived.)

**Shri GAURISANKAR BHATTACHARYYA :** Mr. Speaker, Sir, I beg to move to delete the words "shall acquire no right, title and interest in such land and" occurring in lines 4 and 5 of clause 18.

Sir, from the statement of the Deputy Minister I have been tempted to believe that the right is not actually proposed to be given to the tenant for the long period of five years. But as far as this clause 18 is concerned, I have got very serious doubt in my mind. Here I find in the clause "A tenant who is in occupation of any land acquired under section 8 but who does not take settlement of such land in the manner described in Section 16 above, shall acquire no right, title and interest in such land and shall be liable to ejectment". So, as I have already said, to get settlement as per terms of clause 16 of land acquired by Government under clause 8 is a very difficult thing for the tenant because of his pecuniary stringency. Now, I would have understood and appreciated the view of the Deputy Minister if this clause 18 would not have been there in the Bill. First imposing certain very stringent conditions on the tenant for getting the land and then saying that if the tenant cannot faithfully fulfil these stringent conditions he will not acquire any right, title and interest in such land and shall be liable to ejectment, that is surely not a thing which can be said to be in the best interest of the tenant. And, therefore, in keeping with the sentiments which the Deputy Minister has expressed just now, it is only meet and proper that this portion of clause 18 should be deleted. I hope the Deputy Minister will accept my amendment. With these few words, I move my amendment for the acceptance of the House.

**Mr. SPEAKER :** Amendment moved is : *delete* the words "shall acquire no right, title and interest in such land and", occurring in lines 4 and 5 of clause 18.

**Shri HARESWAR DAS (Deputy Minister) :** Mr. Speaker, Sir, I could not quite follow what Mr. Bhattacharyya sought to achieve by his amendment. He is an astute lawyer but his amendment is somewhat legality and illegality combined.

**Mr. SPEAKER :** The wording is not very happy, but all the same it means that you should not deprive the tenant of all rights.



**Shri HARESWAR DAS (Deputy Minister) :** I am concerned with the amendment only. The amendment wants to delete the words "shall acquire no right, title and interest in such land and". But the other portion of the clause says that he shall be liable to ejection. Now, if the tenant's right, title and interest remain in tact, how can he be ejected? This is what I could not follow.

**Mr. SPEAKER:** The spirit of his amendment is that you should not eject him also.

**Shri HARESWAR DAS (Deputy Minister) :** The wording of the Bill is quite logical. A tenant is entitled to settlement. Now when settlement is given to him and he does not take that settlement, what is to be done? He is to be ejected. During resettlement operations under existing law, there is unilateral increase of revenue; the land-holder is offered settlement on new terms and if he refuses, he loses all his rights. The land is then settled with others and he does not even get compensation. Only that principle has been retained here and in order to make the Bill self-sufficient, this provision has been inserted. Offer will be made to him; if he refuses to take settlement, he will lose all these rights and be liable to ejection. This provision is consistent with the present law. If this amendment is accepted, an absurd situation will arise; he will retain all his rights, title and interest but he will still be liable to ejection. So, I oppose the amendment.

**Mr. SPEAKER:** The question is: *Delete* the word "shall acquire no right, title and interest in such land and" occurring in lines 4 and 5 of clause 18.

(The Motion was negatived.)

**Shri GAURISANKAR BHATTACHARYYA :** Mr. Speaker, Sir, I beg to move: At the end of sub-clause (2) of clause 19, *delete* the full stop and *insert* the words, "except for improvements made thereof".

Sub-clause (2) of clause 19 states: "No compensation for the land itself shall be payable for taking it over under sub-section (1) above". This is with regard to land under annual Patta. It is no doubt true that in such land the Patta-holder has got no right, but when it is continuously in his possession for many many years, the Patta is renewed every year. There is provision for giving him three months notice why his Patta



should not be cancelled. If it is decided to take over his land, there is a standing tradition, so to say, that this annual Patta lands also are lands of the tenant who holds them, though he has not got the position and status of a periodic Patta-holder. But apart from that, when a man holds this land for a number of years together and makes considerable improvement on it and enhances its value, there is no reason why he should not be paid some compensation for the improvement made on the land. Therefore, I want to insert these words at the end of this sentence so that there may not be any injustice done to those who have spent money and energy for the improvement of land, though it may be under annual Patta. With these few words, I move my amendment for the acceptance of the House.

**Mr. SPEAKER:** Amendment moved: At the end of sub-clause (2) of clause 19, *delete* the full stop and *insert* the words "except for improvements made thereof".

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I cannot accept this amendment because even under the present annual lease if the land is taken by Government, no compensation is paid for land. The terms are like this: "You shall have no right and title in the said land beyond the stated period of one year and will not be entitled to compensation except as provided in clause 5 for growing crops, fruit trees or buildings left standing on the land at the determination of this land. Should the said land or any part of it be required for public purposes" (here also we take it for public purposes) "during the currency of the lease, the said land or such portion of it shall be taken away from you and in any such case you shall only be entitled to receive compensation from Government for growing crops, fruit trees and buildings actually standing on the land taken. You shall not be entitled to any compensation for land itself, which is the property of the Government alone and not yours". This is the condition of the annual lease. The lessee has no right on the land. We do not like to disturb the present law and the question of payment of compensation for any improvement made on the land does not arise, I, therefore, oppose the amendment.

**Mr. SPEAKER:** The question is: At the end of sub-clause (2) of clause 19, *delete* the full stop and *insert* the words "except for improvements made thereof".

(The Motion was negatived.)



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move: Replace the explanation under sub-clause (1) of clause 20 by the words "Transfer does not include inheritance".

As a matter of fact, this was the original explanation and it is the Select Committee which has changed it. I think, Sir, that this is a retrograde step because by bringing in bequest or gift to an heir, there might be created a lawyers' paradise and there might also be *benamies* and many underhand transactions; so there is no reason for creating avenues for this sort of *benami* or underhand transactions or any such possibility to be kept in this Bill. Therefore, I want that the original explanation which was there, before the Bill was sent to the Select Committee, should stand.

So, I beg to move that the explanation under sub-clause (1) of clause 20 be replaced by the words, "Transfer does not include inheritance," and I hope it will be accepted by the House.

**Mr. SPEAKER:** The Motion moved is that the explanation under sub-clause (1) of clause 20 be replaced by the words, "Transfer does not include inheritance".

**Shri HARESWAR DAS (Deputy Minister):** Sir, I cannot accept this amendment. Transfer always means a voluntary act. There are always two parties in a contract of transfer and both parties are consenting parties, but in case of inheritance, there is no such consent. A man may suddenly inherit certain property; this is not voluntary while transfer is voluntary. It is an act of God. Bequest to an heir also stands in the same footing. It is on the suggestion of the Planning Commission that the Select Committee inserted it. Actually a man may have 150 bighas still if he inherits another 100 bighas by way of gift or bequest, he cannot help it, but we have got the provision to take away the excess land from him. I am sorry, I cannot accept this amendment.

**Shri GAURISANKAR BHATTACHARYYA:** I am not satisfied with the explanation, so I am not withdrawing my amendment.

**Mr. SPEAKER:** The question is that the explanation under sub-clause (1) of clause 20 be replaced by the words "Transfer does not include inheritance".

(The Motion was negatived.)



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 22, the words, "or by bequest or gift from a person to whom he is an heir" occurring after the word, "inheritance" and before the words, "any land", be deleted.

This is almost a consequential amendment.

**Mr. SPEAKER:** The Motion moved is that in sub-clause (1) of clause 22, the words, "or by bequest or gift from a person to whom he is an heir" occurring after the word, "inheritance" and before the words, "any land", be deleted.

**Shri HARESWAR DAS (Deputy Minister):** This is a consequential amendment, which I cannot accept.  
(The Motion was put as a question before the House and was negatived.)

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that after the proviso to clause 23, the following new proviso be inserted, namely:—

"Provided further that no landlord shall exercise the right of resumption on the land of a tenant or Adhiar if he is not left with at least 20 bighas of other land under his plough after such resumption".

Sir, the provision under this clause gives the right to the landlord to resume certain portion of the land up to 25 bighas, i. e., he can become a cultivator if he so likes directly or indirectly. But what about the cultivator who is already there? If an Adhiar or a tenant who has got only 20 bighas of land and if a landlord disposes him of that land and if we allow the landlord to do so, in that case we throw him out of the land with his pair of bullocks and his plough and for want of land he becomes a pauper. The case of the landlord is quite different as he might have other means of earning his livelihood, but in the case of the Adhiar or tenant if he is dispossessed of the little land in which he was actually cultivating is going to be completely stranded and consequently he becomes a problem to the State as well.

Moreover, if we make an analysis of the population, it is seen that people who mostly are Adhiars or tenants or



under-tenants, are backward people, either tribal or scheduled castes or some other backward class. Our Constitution has envisaged that their lots will be improved and we have taken plan after plan for improving their condition but if along with it the landholder is given the right of unlimited resumption then the poor peasants who are below the margin will be completely ruined and they will be a liability to the State. Therefore, before resumption there should be guarantee for the poorest of the poor of cultivators and unless and until they are provided with alternative land for cultivation, they should not be disturbed or ejected or no resumption in such a case should be allowed to the landholder if that cultivating Adhiar or tenant or sub-tenant is in possession of only 20 bighas or less.

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

**Mr. SPEAKER:** The Motion moved is that after the proviso to clause 23, the following new proviso be inserted, namely :—

“Provided further that no landlord shall exercise the right of resumption on the land of a tenant or Adhiar if he is not left with at least 20 bighas of other land under his plough after such resumption”.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, this amendment is not in order because it makes negatory all the other provisions. Proviso to clause 23(a) reads:—“If the aggregate area of lands held by the landlord either by himself or through any member of his family does not exceed 25 bighas then he shall be entitled to resume the entire area”. Now, if this amendment is accepted, this clause 23(a) becomes negatory. In (b) also there is some provision which also becomes negatory, thus the entire section becomes nullified.

**Mr. SPEAKER:** Mr. Gaurisankar Bhattacharyya, what do you say to that?

**Shri GAURISANKAR BHATTACHARYYA:** It does not nullify.

**Shri HARESWAR DAS (Deputy Minister):** If the landlord has 25 bighas, he cannot resume the entire area, he can only resume 5 bighas. It is stated in the amendment that if he has 25 bighas, he can resume only 5 bighas.



**Shri GAURISANKAR BHATTACHARYYA :** If he is not left with 20 bighas of.....

**Mr. SPEAKER :** Mr. Bhattacharyya, just see to (a), there you have left it as it is and then at the end you have added this proviso ; don't you think that is contradictory ? Will you read it over again ?

**Shri GAURISANKAR BHATTACHARYYA :** No, Sir, according to me it is all right.

**Shri HARESWAR DAS (Deputy Minister) :** Now, Sir, if the owner has 20 bighas, he cannot resume any land. However, about Adhiars, the Adhiars should not have come here because in the Adhiar Protection Act there is provision for them. I do not know why my Friend should bring in Adhiars here. If this amendment is accepted then it will make the entire clause negatory. Say, if a man has got 60 bighas of land and leased it out to 5 or 6 tenants, he cannot resume any land. If he has got 100 bighas, let out to 6 tenants, he cannot resume anything. So I say, if this clause is accepted, then the whole clause will be made negatory. We consider a family which owns only 25 bighas as a cultivating family. For example, if the father dies leaving some minor sons and a widow, and they let out the land and after four years one of the sons becomes major and he wants to cultivate that land and the family owns only 25 bighas of land, he should be allowed to resume the entire area. Now my Friend who poses to be a friend of the poor does not appear to be so now. By his amendment if the father dies leaving his minor sons, they will not be able to resume their land. So we have fixed 25 bighas for resumption so that a cultivator family is not deprived of its land.

**Mr. SPEAKER :** The question is that, after the proviso to clause 23, insert the following new proviso, namely:—  
“Provided further that no landlord shall exercise the right of resumption on the land of a tenant or Adhiar if he is not left with at least 20 bighas of other land under his plough after such resumption”.

(The Motion was negatived.)

**Shri GAURISANKAR BHATTACHARYYA :** Mr. Speaker, Sir, I beg to move that in clause 24, substitute the figure and word “5 years” occurring in line 2 by the figure and word “18 months”.

Here this clause seeks to give a long rope to the land-holder, he can use the right of resumption or in other



words the right to eject the tenant up to 5 years. Now, by this amendment I want to limit this period to 18 months because in my opinion this period of 18 months should be sufficient in these cases when a landlord wants to eject a tenant or even when Government want to eject tenants—this very long rope of 5 years is not reasonable. If a tenant was in occupation of the land and would be investing his labour, money and other accessories for improvement of the land, because he will think it his duty to improve the land for good cultivation, what will happen to him if after so investing his labour, money, etc., on the land he is ejected, say after 4 years? All his investment and everything will be lost, it will be appropriated by somebody else. So, Sir, I think that it is neither equitable nor in keeping with our professed aim. Therefore, this long period of 5 years should not be there—only 18 months should be put.

**Mr. SPEAKER:** You can move your other amendments also.

**Shri GAURISANKAR BHATTACHARYYA:** Sir, I beg to move that, in the proviso to clause 24, substitute the figure and word "5 years" occurring in the fifth line by the figure and word, "18 months". This is consequential, Sir.

**Mr. SPEAKER:** The Motion moved is that, in clause 24 substitute the figure and word, "5 years" occurring in line 2 by the figure and word "18 months"; in the proviso to clause 24, substitute the figure and word, "5 years" occurring in the fifth line by the figure and word, "18 months".

**Shri HARESWAR DAS (Deputy Minister):** Sir, this amendment of my Friend will nullify the whole provision of this clause. Clause 27 provides for some preliminaries for ejectment or resumption. Now, these preliminaries require about 6 months. At least 45 or 60 days or more will be required for completion of these preliminaries; in cases where the tenant does not vacate the land he is to be ejected through the courts of law; now law courts take time. My Friend is a lawyer himself and he knows full well about all these things that in 18 months these things cannot be completed. So if 18 months is put here that will make the entire clause negatory. We have put this period of 5 years in clause 24 deliberately because we want to bring about a revolution in land reform; but our revolution is peaceful, it is not violent. We want to give time to the people to prepare their minds. There may be clerks, office assistants, etc., who may want to go to the villages. If we can induce these educated people to go to the villages, they will improve the villages, the villagers will get their advice. This will put a check to the educated persons leaving the villages and concentrating in towns. We want to create an atmosphere and give



time to the owners, so that they may take to cultivation and stay in the villages. For that reason we have put 5 years. After 5 years, of course they will not be allowed to resume. So, Sir, 18 months cannot take the place of 5 years here. I, therefore, oppose this amendment/

**Mr. SPEAKER:** The question is that in clause 24, substitute the figure and word "5 years" occurring in line 2 by the figure and word "18 months".

(The Motion was negatived.)

(After a pause)

The question is that in the proviso to clause 24, substitute the figure and word "5 years" occurring in the fifth line by the figure and word "18 months".

(The Motion was negatived.)

**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (2) of clause 28, substitute the word, "five" by the word, "seven".

In sub-clause (2) (a) of clause 28, substitute the words "nominated by the State Government" by the words, "elected by the State Legislative Assembly at least one of them being a member of non-Government party".

At the end of sub-clause (2) (c) of clause 28, substitute the full-stop by a comma and insert thereunder:—

"(d) two other non-official members representing the organised peasant movement in the State selected by the State Legislative Assembly".

Sir, it will be quite apparent as to what is the intention of my amendments. The Government has decided to make a legislation, and as has been seen in different clauses of the Bill, the Government has taken a lot of powers into their own hands. This being a very contentious matter, it is very important for the public to see its actual effect. Therefore, there should be a Board predominantly of non-official members to see to the successful and proper implementation of these provisions by the executive authorities of the State. Therefore, in place of 5 members, I have suggested that the number should be raised to 7 members. Of the non-official members which are sought to be included by this sub-clause (2)(a) of clause 28, at least



one of them should be a member of a non-Government party so that the representatives of the people can keep a watch as to how the legislation that has been passed by the Assembly is actually carried into effect by the Government of the day. Therefore, let there be at least one member from a non-Government party. As there is no question of veto, the presence of the non-Government party member will not in any way hamper the decision of the Board. Of course there may be some criticism against the Government from this particular non-Government party member.

Then, Sir, there should be two representative non-official members representing the organised peasant movement in the State selected by the State Legislative Assembly so that they may be helpful to serve the interest of the peasants. It is necessary that there should be closer contact with the organised peasant movement outside the House for the successful implementation of this piece of legislation. This is why, Sir, I suggest that instead of five members it should be raised to seven members, and of the members to be elected by State Legislative Assembly, let at least one of them be a member from the opposition side and let there be two other non-official members representing the organised peasant movement in the State selected by the State Legislative Assembly to serve on the Board.

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

**Mr. SPEAKER :** (1) The amendment moved is that in sub-clause (2) of clause 28, substitute the word, "five" by the word, "seven".

*(After a pause)*

(2) The amendment moved is that in sub-clause (2)(a) of clause 28, substitute the words "nominated by the State Government" by the words, "elected by the State Legislative Assembly at least one of them being a member of a non-Government party".

*(After a pause)*

(3) The amendment moved is that, at the end of sub-clause (2)(c) of clause 28, substitute the full-stop by a comma and insert thereafter :—

“(d) two other non-official members representing the organised peasant movement in the State selected by the State Legislative Assembly”.



**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, at the outset I want to speak on amendment No. 29.

Sir, my hon. Friend wants to raise the number of members from 5 to 7. For intensive work, the lesser number of members is good. For example, in the Select Committee of this Bill, we had included a very large number of Members. But in actual work we have seen only a few Members took part in the deliberations of the Select Committee. Even my hon. Friend, Mr. Goswami, who was one of the Members of the Select Committee, after attending two days remained absent. In this matter let us have for the present 5 members and see how it works.

**Amendment No. 30.**—Regarding this, Sir, so long we heard the terms official and non-official. Now a peculiar term is coined here as “non-Government party”. It is nowhere found that there should be a word like ‘non-Government party’. But we want to keep this matter above party politics with a view to serve the purpose of the public in general.

**Amendment No. 31.**—Regarding this also some party representatives should not be brought here.

**Mr. SPEAKER:** The question is that in sub-clause (2) of clause 28, substitute the word, “five” by the word “seven”.

(The Motion was negatived.)

(After a pause)

The question is that in sub-clause (2)(a) of clause 28, substitute the words, “nominated by the State Government” by the words, “elected by the State Legislative Assembly at least one of them being a member of a non-Government party”.

(The Motion was negatived.)

(After a pause)

The question is that at the end of sub-clause (2)(c) of clause 28, substitute the full-stop by a comma and insert thereafter:—

“(d) two other non-official members representing the organised peasant movement in the State selected by the State Legislative Assembly”.

(The Motion was negatived.)



**Shri GAURISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that—“*Delete* the word, ‘and’ occurring at the end of sub-clause (2) of clause 29.” Also I beg to move that : *substitute* the full-stop occurring at the end of sub-clause (3) of clause 29, by a comma and *insert* the word, ‘and’ thereafter, and I further beg to move that—after sub-clause (3) of clause 29, *insert* a new sub-clause, namely :—

“(4) to suggest necessary steps to the Government for proper implementation of the provisions of this Act.”

Sir, in order to fit in the sub-clause (4), I had to suggest the first two amendments and in this sub-clause (4), I seek to introduce here the function of the Board. Apart from what is stated here, I want to suggest that necessary steps be taken for proper implementation of the provision of this Act. I hope the Government will have no objection to accept this amendment of mine.

**Mr. SPEAKER:** The amendments moved are that :

(1) *Delete* the word ‘and’ occurring at the end of sub-clause (2) of clause 29.

(2) *Substitute* the full-stop occurring at the end of sub-clause (3) of clause 29 by a comma and *insert* the word, ‘and’ thereafter.

(3) After sub-clause (3) of clause 29, *insert* a new sub-clause, namely :—

“(4) to suggest necessary steps to the Government for proper implementation of the provisions of this Act’.

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, the amendments Nos. 31 and 32 are consequential, only 34 is for consideration. It is redundant because it is provided in proviso (1) (a) of clause 29. Then in clause 30, it is stated that Board may frame its own rules of procedure, etc., for the proper discharge of its functions. So it is the same thing in different languages. (*Voice*—সেইটো একে কথা amendment টো অপ্রাসঙ্গিক).

**Mr. SPEAKER:** The question is that: *Delete* the word, ‘and’ occurring at the end of sub-clause (2) of clause 29.

(The Motion was negatived.)

(After a pause)



Then the question is that : substitute the full-stop occurring at the end of sub-clause (3) of clause 29, by a comma and insert the word, 'and' thereafter."

(The Motion was negatived.)

(After a pause)

Then the next question is that : "After sub-clause (3) of clause 29, insert a new sub-clause, namely :—

"(4) to suggest necessary steps to the Government for proper implementation of the provisions of this Act".

(The amendment was negatived.)

**Shri GUARISANKAR BHATTACHARYYA:** Mr. Speaker, Sir, I beg to move that in sub-clause (1) of clause 31, substitute the word "or" occurring in between the figures "12" and "13" by a comma and add the following figures thereafter, "15, 16, 17, 23 or 24".

Sir, the purpose of this amendment is to bring these clauses under the purview of justiciability, because here only some clauses have been made justicible and not the others. By my amendment, I want to bring these important clauses also under the category. I do not think any further explanation is necessary.

Then I beg further to move that: substitute sub-clause (2) of clause 31 by the following "(2) Against the decision of the District Judge a second appeal will lie before the High Court".

Here in the original clause it has been stated that there will be no further appeal. The decision of the District Judge will be final. But as we know, Sir, these land laws are very complicated and intricate points of law are involved therein. It is necessary for the ends of justice that there should be provision for second appeal to the High Court. Naturally, on second appeal the points of law only are discussed and not the facts so much. In view of this, Sir, I request the Government to accept my amendment so that there may be provision for appeal to the High Court. I hope for the sake of justice the Government will agree to accept this amendment.

**Mr. SPEAKER:** What do you mean by the words, "Against the decision of the District Judge a second appeal will lie before the High Court." ? Do you mean that the District Judge is the final authority ?



**Shri GAURISANKAR BHATTACHARYYA :** Sir, so far as I can understand, this provision seeks to bang the door to the High Court.

**Mr. SPEAKER :** The amendments moved :—(1) In sub-clause (1) of clause 31, substitute the word “or” occurring in between the figures “12” and “13” by a comma and add the following figures thereafter :—15, 16, 17, 23 or 24 :—(2) Substitute sub-clause (2) of clause 31 by the following : “(2) Against the decision of the District Judge a second appeal will lie before the High Court.”

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I quite appreciate the feeling of my lawyer Friend (*laughter*) but I cannot oblige him.

**Mr. SPEAKER :** Do you think that you can prevent them from going up ?

**Shri HARESWAR DAS (Deputy Minister):** Sir, however, much we may desire to do so, they will always manage to go up (*laughter*). Sir, we want to make the process of land acquisition expeditious. We want to settle the available land with the landless people without delay. We have provided for appeal for the clauses 12 and 13 which deal in compensation. Clauses 15, 16, and 17—these three clauses deal with disposal of excess land. Now for speedy disposal we have purposely prevented any appeal.

Clauses 23 and 24 give the right of resumption for personal cultivation. If tenants have got to be ejected, this has to be done through the Civil Court. Whatever we may do it will have its course in the Civil Courts. So far as the revisional jurisdiction of the High Court is concerned, we have no control over it. Then the High Court has also powers under the Constitution ; so we cannot prevent lawyers going to Court.

**Mr. SPEAKER :** The question is that in sub-clause (1) of clause 31, substitute the word “or” occurring in between the figures “12” and “13” by a comma and add the following figures thereafter, “15, 16, 17, 23 or 24”.

(The Motion was negatived).



*(After a pause)*

Now again the question is—

Substitute sub-clause (2) of clause 31 by the following:

“(2) Against the decision of the District Judge a second appeal will lie before the High Court”.

*(The Motion was negatived).*

*(After a pause)*

Now, the question is that clause 1 of the Bill do form part of the Bill.

*(This was adopted).*

The question is that clauses 2 and 3 of the Bill, as amended, do form part of the Bill.

*(This was adopted).*

The question is that clauses 4 to 40 of the Bill do form part of the Bill.

*(This was adopted).*

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

*(This was adopted).*

**Shri HARESWAR DAS (Deputy Minister):** Mr. Speaker, Sir, I beg to move that the Assam Fixation of Ceiling on Land Holdings Bill, 1955, as amended, be passed.

**Mr. SPEAKER:** The Motion moved is that the Assam Fixation of Ceiling on Land Holdings Bill, 1955, as amended, be passed.

Yes, Shri Hareswar Goswami will speak now.

**Shri HARESWAR GOSWAMI:** Mr. Speaker, Sir, it is the convention to take the sense of the House with a view to decide whether it would like to continue the discussions after four o'clock.



**Mr. SPEAKER:** You only want time to speak; don't you ?

**Shri HARESWAR GOSWAMI:** Sir, the House will sit on the 2nd of April next, when we shall find sufficient time for discussion.

**Mr. SPEAKER:** All right.

### **Adjournment**

The Assembly was then adjourned till 10 A. M. on Monday, the 2nd April, 1956.

Shillong :

The 8th March, 1957.

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



## AGENTS IN INDIA

1. Messrs. Thacker Spink & Co., Calcutta.
2. Messrs. W. Newman & Co., Calcutta.
3. Messrs. S. K. Lahiri & Co., Calcutta.
4. Messrs. R. Cambray & Co., 6 and 8/2, Hastings Street, Calcutta.
5. Messrs. D. B. Taraporevala Sons and Co., 103, Meadow Street, Fort, Post Box No.187, Bombay.
6. The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
7. The City Book Company, Post Box No.283 Madras.
8. The Director, The Book Company, Limited, Book Sellers and Stationers 4/4A, College Square, Calcutta.
9. The Manager, The Imperial Publishing Co., 99, Ry. Road, Lahore.
10. Messrs., Chapala Book Stall, Shillong.
11. Messrs. Sirbhumi Publishing Co., Calcutta.
12. The Proprietor, 'Graduates Union,' Gauhati.
13. Mr. Banwarilal Jain (Book Seller), 1719/2002, Mati Katra, Agra (India).
14. Messrs. Low Book Society, 65/3, Harrison Road, Calcutta.
15. The Director, Benares Corporation, University Road, P.O. Lanka.
16. Messrs. Law Book Society, 4A, Wellington Square, Calcutta.
17. Messrs. Bodh Raj Marwah, Booksellers, Shop No.63, Pusa Colony Market, Delhi-Karol Bagh, New Delhi.
18. The Oxford Book and Stationery Co., Scindia House, New Delhi/17, Park Street, Calcutta-16.
19. Messrs Mokshada Pustakalaya, Publishers and Book Sellers, Gauhati.
20. Messrs Popular Book Depot (Regd.), Book-sellers, Publishers, etc., Lamington Road, Bombay-7.