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1901-1902

Proceedings of the Third Session of the Assam Legislative Assembly assembled after the first General Election under the Sovereign Democratic Republican Constitution of India.

—
The Assembly met in the Assembly Chamber, Shillong, at 10 A.M., on Thursday, the 2nd April 1953.

P R E S E N T

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Payment for acquisition of land at mile 12, Dikhu Right Bank

Shri ANANDA CHANDRA BEZBARUA asked :

*173. Will Government be pleased to enquire and state why payment for acquisition of land at mile 12, Dikhu Right Bank diversion has not yet been made after 2 years ?

Shri MOTIRAM BORA (Minister) replied :

173.—There was some delay in preparation of the estimates of costs and later non-receipt by Subdivisional Officer of the copies of detailed estimates sent from Government. On further reference by Deputy Commissioner, however, copies of those papers were sent and it has been ascertained from the Subdivisional Officer, Sibsagar, that 20th March 1953 has been fixed for payment of compensation to the interested persons.

Shri ANANDA CHANDRA BEZBARUA : Are Government aware that there are many cases like these ?

Shri MOTIRAM BORA (Minister) : Yes, there are some no doubt, but action has been taken.

Shri ANANDA CHANDRA BEZBARUA : Will Government please see that such delays do not happen again in future ?

Shri MOTIRAM BORA (Minister) : Yes, certainly Government will see to that.

Gadhuli-Gosaihat Road and Boko-Chamaria Road

Shri RADHIKA RAM DAS asked :

*174. (a) Will Government be pleased to state the date on which the works of the "Gadhuli-Gosaihat Road" and "Boko-Chamaria Road" were commenced in the year 1952-53 ?

(b) Is it a fact that even half the work of these two roads has not been done as yet ?

(c) Is it a fact that there has been long delay in commencing the work of these two roads ?

(d) If so, why ?

Shri SIDDHINATH SARMA (Minister) replied :

174. (a)—Works on "Gadhuli-Gosaihat Road" and "Boko-Chamaria Road" were started on 8th and 5th January respectively.

(b)—No. [Cent per cent. earthwork completed on Gadhuli-Gosaihat Road and 90 per cent. on Boko-Chamaria Road in less than three months. The balance 10 per cent. on Boko-Chamaria Road could not be done on account of dispute over alignment.]

(c)—No.

(d)—Does not arise.

Shri RADHIKA RAM DAS : Is it a fact that in the case of the Boko-Chamaria Road work was done here and there only and not on the entire road ?

Mr. SPEAKER : Not here and there only, but 90 per cent. of it, you will find that in reply to question (b).

Number of Middle English Schools in the United Khasi-Jaintia Hills

Shri HARESWAR GOSWAMI asked :

*175. (a) Will Government be pleased to state how many Government Middle English Schools are there in the United Khasi-Jaintia Hills ?

(b) What is the number of such schools in the Naga and Lushai Hills ?

(c) Is it a fact that the people of Sohkhā village near Dawki have been asked to construct the Sohkhā Government Middle English School out of their own funds ?

(d) Are Government aware that these villagers are very hard hit and are not in a position to do this work ?

(e) Do Government propose to give them a substantial building grant ?

(f) Have the Tynger Proceeding Middle English School, Laitmawsiang and Tynger Middle English School applied for grants-in-aid and recognition ?

(g) If so, what action Government have taken on their applications ?

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

175. (a)—One Government Middle English School.

(b)—There are 15 and 16 Government Middle English Schools in the Naga and Lushai Hills Districts respectively.

(c)—The Sohkhia Aided Middle English School at Jowai Subdivision was provincialised in 1949-50 on the understanding that the local people would provide the school building in a suitable centrally situated site, to be approved by Government. The site has not yet been finalised due to disagreement among the local people themselves.

(d)—Government are aware of the economic difficulties experienced by the people in the border areas due to stoppage of trade with Pakistan. They are, however, not aware that the people are not in a position to do this work.

(e)—The matter is under consideration of Government.

(f)—No such petitions have been received by Government.

(g)—Does not arise.

Shri HARESWAR GOSWAMI: Will Government be pleased to state what are the reasons for having only one Government Middle English School in the United Khasi and Jaintia Hills as against 15 and 16 in the Naga Hills and Lushai Hills ?

Shri SIDDHINATH SARMA (Minister): Probably the students are taking advantage of the other schools at Shillong. That may be one of the reasons.

Shri HARESWAR GOSWAMI: In the Naga Hills schools are not in one place but they are scattered. If the people from the interior of Khasi and Jaintia Hills are to come and read in Shillong, that will mean a lot of money, so it is necessary that schools in this Autonomous District also should be distributed to every part of the District, will Government consider this ?

† Questions were replied to by Shri Siddhinath Sarma (Minister) on authorisation.

Shri SIDDHINATH SARMA (Minister): Yes, Government will consider it.

Shri A. ALLEY: Are Government aware that there are certain schools in the Khasi States of the United Khasi-Jaintia Hills which desire provincialization? Will Government consider this?

Shri SIDDHINATH SARMA (Minister): If applications are received for provincialization, Government will certainly consider the matter.

Shri HARESWAR GOSWAMI: May I know whether the School mentioned in reply to Question No.175(a), is the only Government School in the whole of the Khasi and Jaintia Hills?

Shri SIDDHINATH SARMA (Minister): Yes, this is the only school.

Shri HARESWAR GOSWAMI: Strictly speaking this also is not a Government School as the building has been constructed by the people themselves.

Shri SIDDHINATH SARMA (Minister): But one of the conditions for provincialization of a school is that the people should also contribute by way of furnishing a building.

Selection of Candidates for Post-Graduate training abroad

Shri RAMESH CHANDRA BARUA asked :

*176 (a) Will Government be pleased to state the present method of selecting candidates for Post-Graduate training abroad?

(b) Is there any Selection Board for selecting candidates for the above purpose?

(c) Will Government be pleased to state the basis on which the amounts of such scholarships are fixed?

(d) Is it a fact that some candidates are allowed the entire cost of study abroad and while some are allowed partial cost only?

(e) If so, what is the reason of such differentiation?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

176 (a)—Except in respect of any Post-Graduate training arranged at the instance of the State Government, the final selection of candidates for Post-Graduate training abroad does not rest with the State Government. The State Government receive intimation

from time to time from the Government of India regarding the availability of training facilities in various subjects abroad, under the different schemes like the Point Four Programme, the United Nations Social Welfare Fellowships and Scholarships Scheme, the United Nations Economic Development Fellowships and Scholarships Scheme, the International Labour Organisation Fellowships Scheme, the Technical and Industrial Co-operation Scheme under agreements entered into with different countries, offers made by International agencies and Educational Institutions abroad, the modified scholarships scheme of the Government of India, etc. The terms and conditions under which the training facilities are available, including the eligibility of candidates to be selected for such training, the value of the stipend or scholarship, how the expenditure on the training, cost of travel within India, and from India to the country where the training is arranged and the living expenses of the candidate in the country where he is to be trained are to be met, are also intimated to the State Government. In those cases where under the prescribed conditions, training facilities are limited to those already in Government service, or who have already acquired substantial experience in the subject in which advance training facilities are arranged, the choice of the candidates is limited to those already in service, and the Heads of the respective Departments are requested to recommend Panels of candidates with particulars of their experience and qualifications, for training in subjects in which the training facilities are available. The recommendations of the Heads of Departments are normally placed before the State Development Committee, consisting of the Chief Minister, the Planning and Development Minister, Finance Minister, Public Works Department and Transport Minister, and Education Minister, and Minister for Food and Agriculture, for selection of candidates to be recommended to the Government of India, for final selection by them. But when names are to be submitted at very short notice to the Government of India, as sometimes happens, the recommendations of the Heads of Departments are considered by the Planning and Development Minister and the Chief Minister, and the candidates to be recommended to the Government of India selected.

In those cases where the training facilities available are not limited to those already in Government service, the fact that such training facilities are available and the terms and conditions under which they could be availed of are advertised whenever time permits and applications invited from those who desire to be considered for such training. The applications received in response to the advertisement are first considered by the Heads of those Departments to which the subjects relate, and the applications with the observations of the respective Heads of Departments are considered by

the State Development Committee, and the candidates to be recommended to the Government of India selected.

Here again, when the names of selected candidates are to be submitted to the Government of India at short notice, the applications and the observations of the Heads of Departments therein are considered by the Planning and Development Minister and the Chief Minister and the candidates to be recommended to the Government of India selected. Government constitute special Committees whenever they consider necessary, to scrutinise the applications and the observations of the Heads of the Departments thereon and to make recommendations to the State Development Committee for selection. In the case of Post-Graduate training arranged at the instance of the State Government the fact that such training facilities are being arranged, and the terms and conditions under which they are to be availed of, are normally advertised and the candidates selected from among those who apply by the State Development Committee after taking into account the recommendations of the Heads of Departments concerned.

(b)—As explained above, the State Development Committee normally function as a Selection Board for the recommendation of the candidates for Post-Graduate training abroad, but when the recommendations are to be submitted at very short notice, the selection is made by a Committee consisting of the Planning and Development Minister and the Chief Minister.

(c)—The amounts of the Scholarships awarded under the various schemes form part of the terms and conditions, under which training facilities are made available under those schemes and the basis on which the amounts are fixed is not known to this Government. In the modified overseas scholarship scheme of the Government of India, the amounts of the scholarships are fixed taking into account the cost of boarding, lodging, cost of purchase of essential books and apparatus, and the need to undertake educational tours recommended by the University. The tuition fees, examination fees and other charges levied by the Educational institutions are paid direct to the institutions.

In respect of the scholarships awarded by the State Government the amounts of the scholarships are fixed taking into account the living expenses in the country where the scholarships are made available and generally in accordance with the principles laid down by the Government of India in their modified overseas scholarships scheme.

(d) & (e)—Yes. This depends on the terms and conditions under which the training facilities are made available under the different schemes.

Under certain schemes, the candidates are allowed the entire cost of the study abroad including the cost of travelling whereas in certain other cases the candidates are allowed only partial cost, the rest of the cost having to be met by the candidate or the State Government as specified under the scheme. There is no differentiation as between one candidate and another selected for training under the same scheme.

Shri RAMESH CHANDRA BARUA: Sir, in view of the length of the reply would it not be better to place a copy of it on the table ?

Shri BAIDYANATH MOOKERJEE (Minister): Sir, it will go into the proceedings and my hon. Friend will get a copy of it in due course.

Shri DHARANIDHAR BASUMATARI: May I know whether these trained scholars are properly utilised ?

Shri BAIDYANATH MOOKERJEE (Minister): Yes, Sir, to the best of our ability.

Shri RAMESH CHANDRA BARUA: Is it not a fact that the medical degrees of United States of America and Canada, where Government are sending scholars, are not recognised in India ?

Shri BAIDYANATH MOOKERJEE (Minister): When we are sending students there I cannot understand why we should not recognise those degrees. The question is not clear to me, Sir.

Mr. SPEAKER: His question is that when the medical degrees of United States of America and Canada are not recognised in India why should Government send medical scholars to those countries.

Shri BAIDYANATH MOOKERJEE (Minister): We never send our students to such countries whose degrees are not recognised by us. If they have been sent to United States of America and Canada the degrees of those countries will be recognised by us.

Shri DHARANIDHAR BASUMATARI: May I know whether there is reservation of scholarship for Scheduled Castes and Scheduled tribes ?

Shri BAIDYANATH MOOKERJEE (Minister): No, Sir, not in this type of Scholarships.

Shri RAMESH CHANDRA BARUA : Do Government give proper notification in the Gazette calling for applications for these scholarships ?

Shri BAIDYANATH MOOKERJEE (Minister) : Generally this is done. But, as I have already stated, sometimes the information is received so late that it is not possible to advertise in the Gazette. In such cases, the heads of departments send a panel of names and the Development Board select candidates out of that panel. The selected names are then sent to the Government of India with all necessary particulars and the final selection is made by them.

Shri GAURISANKAR BHATTACHARYYA : Are the Medical Degrees of Canada and America at present recognised by this Government ?

Shri BAIDYANATH MOOKERJEE (Minister) : I want notice of this question, Sir.

Shri DHARANIDHAR BASUMATARI : Do Government propose to make some reservation for the scheduled caste and the scheduled tribe candidates ?

Shri BAIDYANATH MOOKERJEE (Minister) : I am sorry I cannot give any reply to this question off hand as the matter involves a question of policy which will have to be considered by the Government in a Cabinet Meeting. But I may state that unless some minimum standards are maintained selection cannot be made only on the basis of the community to which ever community the candidate may belong!

Mr. SPEAKER : In other words, if they come upto a certain standard you will select them ?

Shri BAIDYANATH MOOKERJEE (Minister) : Yes, Sir, we have already adopted that principle. We are recommending such names when received.

Shri DHARANIDHAR BASUMATARI : There are students of such standard, particularly in the medical line.

Mr. SPEAKER : Next question.

Shri HARESWAR DAS (Deputy Minister) : Mr. Speaker, Sir, Mr. Umaruddin tables this question (referring to starred question No.178) in each Session but always he remains absent.

It requires some labour to collect the information and unless the question is replied to, the trouble is unnecessarily taken.

Shri HARESWAR GOSWAMI : I have been authorised by Mr. Umaruddin to put his questions.

Mr. SPEAKER : No authority has been given to the Secretary.

Shri HARESWAR DAS (Deputy Minister) : There is a provision in the rules to reply to absent Members' questions, but that lies in the discretion of the Speaker.

Mr. SPEAKER : The Members should be present if they are interested in the questions which they themselves table.

Shri HARESWAR DAS (Deputy Minister) : This is however, not an important question and I do not press for it.

Mr. SPEAKER : I have made it clear on more than one occasion that the Members who ask questions should be present.

I now find that Mr. Umaruddin gave an authority for two or three days from the 19th March. This is very vague and moreover two or three days from the 19th have already elapsed.

(Starred questions Nos.177, 178 and 179 standing in the names of Maulavi Tamizuddin Pradhani, Maulavi Md. Umaruddin and Shri Santosh Kumar Barua respectively, were not put and answered as they were absent.)

UNSTARRED QUESTIONS

(To which answers were laid on the table.)

Roads and bridges in North Lakhimpur damaged by floods

Shri SARVESWAR BORUWA asked :

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

- (a) If he received from the Chairman of North Lakhimpur Local Board a list of roads and bridges, etc., damaged by the September and October floods with estimates for their repairs ?
- (b) If so, what steps, if any, have been taken for securing funds from the Central Government for the repair or reconstruction of these roads and bridges, as the case may be, and with what result ?

Shri SIDDHINATH SARMA (Minister) replied :

140. (a)—Yes.

(b)—The matter is under consideration of the Government.

Shri SARVESWAR BORUWA : With regard to (a), may I know if similar lists were received from other Boards as well ?

Mr. SPEAKER : How is it relevant ? Your question was with regard to North Lakhimpur.

Shri SARVESWAR BORUWA : This is an allied question.

Mr. SPEAKER : All right.

Shri SIDDHINATH SARMA (Minister) : Yes, Sir, one consolidated report about damages done by the last flood to Public Works Department and Local Board roads, with maps and estimates, is under preparation. I can give further information in this matter that the Government of India were to send a Planning Officer to examine all these schemes here, but none has arrived so far. The Additional Consulting Engineer, Government of India, who was here on the 25th last, said that the Planning Officer-in-charge of this area had just retired from service and another officer would be selected soon. As advised by him Government will submit all the schemes to the Government of India as early as possible.

**Amount spent on New road projects in different subdivisions of Assam
by the State Government since Partition**

Shri RANENDRA MOHAN DAS asked :

141. Will Government be pleased to state—

- (a) The amount of money spent on new road projects in different Subdivisions of Assam by the State Government since Partition separately ?
- (b) The road mileage with black topped in different Subdivisions of the State separately before and after Partition ?

Shri SIDDHINATH SARMA (Minister) replied :

141. (a)—Hon. Member has not stated up to which date the information is required. However the amount spent by Public Works Department upto 31st March 1952 *plus* the amount proposed to be spent during the current year on road projects [other than

National Highways and projects under Article 275(1) of the Constitution] is furnished below :—

Name of Subdivision				Amount spent since partition upto 31st March 1952 plus the amount proposed to be spent during the current year
				Lakhs.
North Lakhimpur	...	..	...	12.38
Dibrugarh	...	...	...	12.21
Sibsagar	...	...	...	12.53
Jorhat	...	...	...	22.97 including Majuli Road.
Golaghat	...	...	...	7.54
Nowgong	...	...	...	44.32
Tezpur	...	...	...	12.41
Mangaldai	...	...	...	5.31
Barpeta	...	...	...	39.66
Gauhati	...	...	...	36.92
Goalpara	...	...	...	8.63
Dhubri	...	...	...	16.41
Silchar	...	...	...	46.99 including cost of the portion of the Shillong-Silchar-Tripura Border Road falling in Silchar Subdivision.
Hailakandi	...	...	...	2.40
Karimganj	...	...	...	9.15 including cost of the portion of the Shillong-Silchar-Tripura Border Road falling within Karimganj Subdivision.
Naga Hills	...	...	...	11.06
Garo Hills	...	...	...	28.68
Lushai Hills	...	...	...	6.21
Mikir Hills	...	...	...	75
North Cachar Hills	...	...	...	29.14 including the cost of Garampani-Haflong Section of Shillong-Silchar Road.
Khasi and Jaintia Hills	...	...	...	18.17 including the expenditure on Shillong-Jowai-Garampani Road.

(b)—Mileage of black topped Public Works Department Roads before and after partition in each Civil Subdivision excluding National Highways is as follows :—

Name of Civil Subdivision				Length black topped before partition (in mile)	Length black topped since partition up to 28th February 1953	Total length upto date	Remarks
Dibrugarh ..	..	..	..	10.38	2.00	12.38	
North Lakhimpur ..	..	..	..	11.56	..	11.56	
Sibsagar ..	..	..	..	3.92	2.84	6.76	
Jorhat ..	..	..	..	12.06	10.68	22.24	
Golaghat ..	..	..	..	6.23	..	6.23	
Nowgong ..	..	..	..	10.37	2.40	12.77	
Tezpur ..	..	..	..	34.88	7.50	42.38	
Mangaldai ..	..	..	..	7.21	4.53	11.74	
Gauhati ..	..	..	..	2.93	15.82	18.75	
Barpeta ..	..	..	..	3.00	9.96	12.96	
Dhubri ..	..	..	..	4.56	2.07	6.63	
Goalpara ..	..	..	..	..	0.30	0.30	
Silchar ..	..	..	..	39.51	14.89	54.40	
Hailakandi ..	..	..	..	18.97	..	18.97	
Karimganj ..	..	..	..	3.49	2.16	5.65	
Khasi and Jaintia Hills ..	..	..	..	27.66	10.00	37.65	
Naga Hills ..	..	..	..	4.94	0.25	5.19	
Garohills ..	..	..	..	..	1.10	1.10	
North Cachar Hills ..	..	..	..	..	..	..
Lushai Hills ..	..	..	..	0.75	..	0.75	

Requisitioning of the land of evacuee Muslims for rehabilitating displaced persons

Raja AJIT NARAYAN DEV of Sidli asked :

142. Will Government be pleased to state—

(a) if lands belonging to the evacuee Muslims in 1950 were requisitioned for the purpose of rehabilitating displaced persons from East Bengal ?

- (b) if such lands are still under requisition ?
- (c) if any compensation or rent is paid to the owners ?
- (d) if not, whether Government intend to pay such compensation or rents ?
- (e) if not, why not, and
- (f) if so, when ?

Shri MOTIRAM BORA (Minister) replied :

142. (a)—Some lands left by evacuee Muslims due to disturbances in 1950 were temporarily requisitioned in certain areas of Goalpara district for protecting standing crops and growing more food. These lands were allotted to local landless people and displaced persons.

(b)—No. The lands were restored to the owners immediately on their return.

(c) to (f)—Crops grown by the allottees on the evacuees' lands were shared between the cultivating allottees and returning migrants. So, the question of payment of compensation does not arise.

Tea Gardens of Assam

Shri HARESWAR GOSWAMI asked :

143. Will Government be pleased to state—

- (a) What is the total number of tea gardens in Assam ?
- (b) How many of these tea gardens are owned by Europeans, Marwaris, Assamese, Bengalees and others respectively ?
- (c) What is the total number of tea gardens that have been recently closed down for tea crisis and how many of them are owned by Europeans ?
- (d) How many labourers have been rendered unemployed for this closure ?
- (e) Whether any garden has re-opened since the enunciation of the new policy by the State Government and if so, how many have re-opened and how many unemployed labour have been re-employed ?
- (f) Whether Government have any criterion about the size of an 'economic' garden and if so, how many of the existing gardens are uneconomic accordingly ?
- (g) Whether the Apex Co-operative Bank advanced any loan to the tea gardens since the crisis and if so, what is the amount ?

(h) The security the Bank has taken from the gardens against the loans advanced ?

Shri PURNANANDA CHETIA (Deputy Minister) replied :

143. (a)—There are 1,067 tea estates in Assam.

(b)—Exact figures are not available, but have been called for. Information so far as available now is—

European-owned	...	...	...	743
Marwari-owned	...	...	...	50
Assamese-owned	...	...	...	131
Others	...	...	...	143
				<hr/> 1,067 <hr/>

(c)—Eighty-three gardens were closed down due to tea crisis. Of these, 25 are European-owned.

(d)—Labourers unemployed due to this closure are—58,433 (38,532 in Cachar and 9,901 in Assam Valley).

(e)—Nineteen gardens (14 in Cachar and 5 in Assam Valley) have re-opened. The labourers re-employed are 19,339 (16,726 in Cachar and 2,613 in Assam Valley).

(f)—The size of a garden is no criterion for determining whether it is economic or uneconomic. Government are setting up committees to ascertain which gardens are uneconomic and various factors will be taken into consideration in determining the same.

(g)—Yes.

(h)—In addition to hypothecation of tea crops and export quota rights of the gardens to the Bank, the gardens with their machineries were mortgaged to the Bank, as additional security.

Shri HARESWAR GOSWAMI: Sir, in relation to the question No.143(g), may I know the amount ?

Shri PURNANANDA CHETIA (Deputy Minister): In the interest of the Bank and according to the general practice followed by all Banks, the actual amount advanced to borrowers is not disclosed except in the court of law.

Shri HARESWAR GOSWAMI: Sir, from the answer to the Question No.143(d) and (e) we find that about 39,000 labourers of the gardens which were closed down are still to be re-employed. What step is Government taking for their re-employment ?

Shri PURNANANDA CHETIA (Deputy Minister): Government have already asked the owners of those remaining closed gardens to re-open their gardens in the meantime and then the question will automatically be solved.

Acreage of Land allotted to the Gauhati University near Pandu

Shri HARESWAR GOSWAMI asked :

144. Will the Minister of Revenue be pleased to state—

- (a) What is the total acreage of land allotted to the Gauhati University near Pandu ?
- (b) How many acres of such land have been requisitioned or acquisitioned from the people ?
- (c) What is the total number of families affected by such acquisition ?
- (d) What is the amount of compensation paid per bigha of such land ?
- (e) Whether Government have received any representation lately from the people of North Jhalukbari against the Government order of acquisition ?
- (f) Whether the people of these villages have been allotted alternative sites for building their houses and if so, where have they been allotted such land ?
- (g) How far is North Jhalukbari from the place where actual construction is going on now ?
- (h) Whether these lands will be required for the purpose this year ?
- (i) If not, why the requisition or acquisition has been made so hastily ?

Shri MOTIRAM BORA (Minister) replied :

144. (a)—An area of 839 acres of land is proposed to be acquired for the Gauhati University.

(b)—An area of about 295 acres has been acquisitioned.

(c)—Ninety two families.

(d)—The rate of compensation per bigha varies from Rs.400 to Rs.500 according to the class and nature of the land.

(e) & (f)—Yes, the Deputy Commissioner is taking action to open a reserve at Maj Jhalukbari as an alternative site for settlement with the people of these villages.

(g)—The site is about $\frac{1}{4}$ of a mile from North Jhalukbari.

(h) & (i)—All the lands may not be required for the purpose this year. Because all the lands may not be required for the purpose this year does not lead to a conclusion that requisition or acquisition was made hastily. It is not possible and practicable to start series of acquisition proceedings from different patches.

Shri HARESWAR GOSWAMI: Sir, was it necessary to acquisition the land at North Jhalukbari immediately ?

Shri MOTIRAM BORA (Minister): Yes, Sir, there was necessity to acquisition the land immediately. Otherwise it would not have been done.

Shri HARESWAR GOSWAMI: Sir, will this area of 839 acres of land be utilised for the purpose of the Gauhati University?

Shri MOTIRAM BORA (Minister): I have already replied that there was the immediate necessity of this area and I put emphasis on the word 'immediate', Sir. The area will be utilised for the purpose of the University.

Land declared as evacuee property in Katigorah Thana area in Cachar

M. MOINUL HAQUE CHOUDHURY asked:

145. (a) Is it a fact that large areas of land have been declared to be evacuee property in Katigorah Thana area in the District of Cachar?

(b) If so, what is the area?

(c) Is it a fact that 99 per cent. of the owners of these lands are *bona fide* natives of the District of Cachar who never left for or migrated to Pakistan and that they are still residing in the District of Cachar and are in occupation of these lands?

(d) How many Hindus are included in the list of such evacuee land holders?

(e) When these Hindu evacuee land holders left for or migrated to Pakistan?

(f) Is it a fact that almost in all cases for one or two big-has of lands belonging to real evacuee lands of the entire pattas have been declared to be evacuee property?

(g) Is it a fact that no notices were issued to such owners of land or published in the locality before such declaration as evacuee properties?

(h) Is it a fact that several representations from the public had been submitted to the Deputy Commissioner, Cachar in this connection?

(i) If so, what action has been taken to release such lands which were not really evacuee properties?

(j) Who are the officers—Patwari and Sub-Deputy Collector entrusted with preliminary work in this connection?

(k) What action Government propose to take against them?

Shri MOTIRAM BORA (Minister) replied :

145. (a)-(k)—Information has been called for from the Additional Relief and Rehabilitation Commissioner, Cachar.

Karicherra-Gharmoor Road in South Hailakandi

Shri GAURI SHANKAR ROY asked :

146. (a) Do Government propose to take up Karicherra-Gharmoor Road in South Hailakandi in the District of Cachar ?

(b) If so, from when ?

Shri SIDDHINATH SARMA (Minister) replied :

146. (a) The road has not been included in schemes taken up by Government. This will be put up before the next meeting of the Assam Roads Communication Board for their consideration.

(b)—Does not arise.

“Prachin Kamrupi Panjika”

Shri HARESWAR GOSWAMI asked :

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

(a) Whether he is aware about publication of ‘Prachin Kamrupi Panjika’ written in Assamese ?

(b) How much help in terms of money have Government rendered to the publisher of this Panjika till now ?

(c) In view of the importance of Panjika to Hindu families whether Government propose to consider the question of giving a lump sum help to the publisher and encourage indigenous writers to write such books ?

Shri OMEO KUMAR DAS (Minister) replied :

147. (a)—Yes.

(b)—Nil.

(c)—No assurance can be given. It will have to be examined along with other similar applications.

Expenditure from Post-war Development Fund

Shri RANENDRA MOHAN DAS asked :

148. Will Government be pleased to state—

- (a) The total expenditure incurred up to date on different schemes in different districts separately with their results from Post-war Development Fund ?
- (b) The total mileage of roads under Public Works Department in all districts separately in 1947 and total mileage in 1951 to 1952 in all districts separately ?
- (c) The total expenditure incurred for road development from Post-war Development Fund in all districts separately ?

Shri BAIDYANATH MOOKERJEE (Minister) replied :

148. (a) & (c)—The hon. Member is referred to the reply given to Unstarred Question No. 176 put by him during the September Session of the Assembly 1952.

(b)—The information is furnished below :—

District				Mileage at the end of the year 1946-47	Mileage at the end of the year 1951-52
1. Lakhimpur	...	...	...	275.25	461.51
2. Sibsagar	...	...	...	320.88	663.51
3. Nowgong	...	...	...	164.90	394.88
4. Darrang	...	...	...	326.06	450.14
5. Kamrup	...	...	...	281.00	566.78
6. Goalpara	...	...	...	188.8	452.56
7. Cachar	...	...	...	274.00	337.91
8. Khasi and Jaintia Hills	...	...	...	402.36	560.82
9. Garo Hills	...	...	...	207.48	237.94
10. North Cachar and Mikir Hills	...	...	...	210.00	240.15
11. Naga Hills	...	...	...	329.00	848.96
12. Lushai Hills	...	...	...	774.10	792.40
Total				4253.83	6007.81

Mr. SPEAKER : Shri Rajendra Nath Barua is not going to introduce his *Bill ?

May I know if Shri Ananda Chandra Bezbarua is going to introduce his Bill ?

Shri ANANDA CHANDRA BEZBARUA : No, Sir, I do not like to introduce my **Bill.

*The Assam Homeopathic Medicine Bill, 1953.

**The Assam Money Lenders' (Amendment) Bill, 1953.

**The Assam Urban Areas Rent Control (Amendment) Bill,
1953**

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move for leave of the House to introduce the Assam Urban Areas Rent Control (Amendment) Bill, 1953.

Mr. SPEAKER: The Motion moved is that leave be granted to introduce the Assam Urban Areas Rent Control (Amendment) Bill, 1953.

(After a pause)

The question is that leave be granted to introduce the Assam Urban Areas Rent Control (Amendment) Bill, 1953.

The Bill was introduced

The Secretary of the Assembly: The Assam Urban Areas Rent Control (Amendment) Bill, 1953.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that the Assam Urban Areas Rent Control (Amendment) Bill, 1953 be taken into consideration.

Sir, in moving the Motion I refer to the Statement of Objects and Reasons as laid down in the Bill itself. "This Bill aims at removing to some extent the grievances of rent payers in urban and sub-urban areas. The housing problem in urban areas has not been improved and the demand for house is very acute due to the increase in the population after influx of refugees both in the urban as well as in the sub-urban areas. The amendment of some of the provisions of the Principal Act as well as its extension to sub-urban areas is urgently needed. The Bill also seeks to give more time to pay rent to landlord by hard pressed tenants". This Bill actually modifies or seeks to amend two sections of the Principal Act. In Section 2 of the principal Act, we find that the definition of "urban area" means any area declared to be, or included in, a municipality under the provisions of clauses (a) and (b) of sub-section (2) of section 5 or declared to be a notified area under the provisions of sub-section (4) of section 328, or deemed to be such under the proviso to that sub-section, of the Assam Municipal Act, 1923 and includes a Cantonment as defined in Cantonments Act, 1924. My Amendment seeks that 'urban area' means any area declared to be, or included in, a municipality under the provisions of clauses (a) and (b) of sub-section (2) of Section 5 or declared to be a notified area under the provisions of sub-section (4) of Section 328, or deemed to be such under the proviso to that sub-section of the Assam Municipal Act, 1923, and shall also include all sub-urban areas of a municipal or cantonment town within a radius of one mile.

Sir, my purpose in doing this is that in most of the towns we find there is a big rush of people. As a matter of fact there is movement of people from the rural areas to the urban areas and that is bound to happen when a country develops and progresses and when there are scopes in the urban areas in the field of industry and commerce. It is not only the case with India or the State of Assam, but it is the case with every country of the world.

Sir, there is another problem because there is pressure of people in the villages, people want an outlet. They seek avenues for employment and they go to the towns with the expectation of being able to earn something by their labour and that is why this movement is going on for years. Particularly, during the War and after the War we find that all sorts of people moving into the towns as daily labourers, traders and seeking employment in offices. We find also that there is a great rush and movement to the towns because of the refugees particularly, in Karimganj, Gauhati, Dhubri and other places, where refugees are coming and increasing the numbers of people already living in the towns. While this rush is increasing and when the people are coming more and more to the towns, buildings in the towns have not increased but on the other hand, we see that there is the demand of more and more houses for accommodation of these people with the result that the landlord and other people having houses get scope to squeeze out money from these people. The Rent Control Order seeks to control rent within the town areas. We know from our experience that towns are extending also. At Gauhati, Silpukhuri is the limit of the town but we see that beyond a mile of this limit there is the supply of electricity and other advantages of a town and yet the Land Control Order cannot be applied there and the house owners and landlords find it easy to fleece out money from the poor people. Similarly, Ulubari, the place where Dr. Bhubaneswar Barua is staying is not within the Municipal area but they get the supply of electricity and other facilities of a town and there are many landlords and house owners who get the advantage of fleecing out money from their tenants. Although the Rent Control Order is there it is not applicable in that area. Though this Rent Control Order is defective, yet people can get some shelter and redress from this, but those who live outside the towns they cannot seek protection from this Rent Control Order, so I propose that the area of a town for the purpose of controlling rent be extended by one mile radius in which case the Rent Control Order will be applicable in those areas.

Again, section 6 (4) of the principal Act, reads: "No tenant shall be entitled to any benefit under this section in respect of any house if he is a defaulter, that is, if he has not paid the rent

due by him in respect of such house to the full extent allowable under this Act within the time fixed in the contract with his landlord or in the absence of any such contract, by the fifteenth day of the month next following that for which the rent is payable and, where any rent has accrued due before the commencement of this Act, if he has not also paid within three months of the date of such commencement all arrears of rent due by him in respect of such house to the full extent allowable by this Act." Now, protection is given by this section to a tenant after he has signed a contract which fixes time of payment of rent "within 15 days of the month next following that for which the rent is payable". My amendment seeks that in sub-section (4) for the words "within the time fixed in the contract with his landlord or in the absence of any such contract, by the fifteenth day of the month next following that for which the rent is payable" the words "within three months" shall be substituted. Then in sub-section (5) for the words "within a fortnight" the words "within three months" shall be substituted, and the words "together with process-fees for service of notice upon the landlord (or upon each of the landlords, where the landlords number more than one)" occurring in the same sub-section shall be deleted.

In sub-section (5) "Where if the landlord refuses to accept the rent the tenant may deposit this amount of rent together with the process fees for service of notice upon the landlord or upon each of the landlords, where the landlords number more than one and on receipt of such deposit the Court shall cause a notice of the receipt of such deposit to be served on the landlord (or each of the landlords) and the amount of the deposit may thereafter be withdrawn by the landlord on application made by him to the Court in that behalf. A tenant who has made such deposit shall not be treated as a defaulter under sub-section (4) of this section."

Sir, both the sub-sections of my amending Bill take notice of the fact that it may not be possible for a tenant to pay the rent within 15th of the month next following that for which the rent is payable. This is also our experience. Government also fail to pay their salaries to the officers within the time. We know of Primary School teachers and other teachers who do not get their salaries for months together. If the Government fails to pay salary in time it is not the fault of the Government servants if they fail to pay rent in time. It is the fault of the paymaster. Therefore, those things must be taken into account. To pay the rent within 15 days of the next month may not be possible and for the default to pay within the time limit the Court will not be in a position to help him. In certain

cases the landlord is in a better position and the tenant who is really on the mercy of the landlord agrees to abide by the dictated condition of the landlord. The landlord may threaten the tenant to eject him from his house in case of the tenant cannot pay the rent within the 15th of the next month. Therefore, in order to give some relief to the tenant, the time allowable to pay the rent should not be less than 3 months and if within these 3 months he fails to pay the amount he may be allowed to be ejected or thrown out of the house by the Court. This is a reasonable period. If we really feel for the tenant who has to live in such a house and who has been forced by circumstances to live there we should try to give him some protection and my amendment is trying to give that protection by allowing him time for payment of the rent for 3 months.

In various cases, we have seen the defaulters are not immediately punished. They are given an opportunity. If they do not pay then they are punished. In this case we do not want to take the case of the defaulters into consideration. We do not show any sympathy to them, if they fail to pay within the 15th of next month. Therefore I beg this House to take into consideration their cases and extend the time to three months.

Sir, again the words "or upon each of the landlords, where the landlords number more than one" be deleted, because if the process is to be served on every member, it is a very difficult thing. We want to delete that section because the deletion will not make the condition worse. It will improve the position of the tenants. Sir, in view of the acute shortage of houses in the towns at present let us not remain within an iron curtain. Let us open our eyes wide and see the pitiable conditions of these people. To-day the towns are extending. If we only put a technical limit to towns, if we only keep the Municipal areas, we may be committing a mistake. To-day the suburbs are as important as the urban areas. We also find in other places, such as in Calcutta and Bombay the suburbs are brought under the operation of these Acts. Therefore in our State also, where the towns are extending, it is necessary that these suburb areas should also be treated on the same footing as the urban areas. Sir, we should be realistic, and should take a very realistic view of all these things. To-day we are very few in number in this side of the House, and so it may not be possible for us to push this Bill through the legislature, but I would request the hon. Members of this House to consider the merit of this Bill and lend their support. We are ready to admit any amendment that may be useful, but I particularly request the Members in the Treasury Bench not to

take up the attitude that since this Bill has been put forward by a Member of the Opposition, it should be opposed. If the matter deserves consideration of the House, if it is really serious, I believe the Members of the Government side will not stand on the way of its passage. They will surely come forward to give relief to those who are actually suffering.

With these words, Sir, I beg to move that my Bill be taken into consideration.

Mr. SPEAKER : The Motion moved is that the Assam Urban Areas Rent Control (Amendment) Bill, 1953 be taken into consideration.

Shri GAURISANKAR BHATTACHARYYA : Mr. Speaker, Sir, this Bill has been introduced by my Friend Shri Goswami because the Principal Act does not cover all the necessary areas, it does not cover all the required spheres. The proposed Amending Bill to the Urban Areas Rent Control Act, also covers only some aspects. But as Shri Goswami has said, these few aspects are most important and non-controversial. He has therefore picked up only these sections to be taken into consideration immediately, so that there may be some improvement to the parent Act. These aspects are : firstly that the scope and extent of the Act should be widened. It should not be limited only to the Municipal areas. It should also include the so called suburban areas, at least to the extent of one mile's radius of the Municipal limit. Secondly, he has suggested that instead of making the time for payment of the last month's rent fifteen days of the next month, it should be made three months. Thirdly, he has suggested that instead of giving notice to all the landlords, who might jointly hold a house, it might be only the principal owner or the Managing Landlord who may be notified. These are the three principal aspects on which he sought amendments to the present Act. These are the three important aspects, and I think every one in this House will quite easily appreciate the necessity of them. Sir, we know, as my Friend Shri Goswami has just now explained, that there has been a tendency in our country for the people to come to towns. However hoarse we might cry asking the people to go back to villages the trend is rather towards the towns and not to villages. It is only natural, because, as the industries and commerce develop, as we move towards civilisation, in science and industries, general tendency of the people to come to the cities and to towns will be there, not only for eking out their livelihood but also for getting better facilities for education and other amenities of civilised life and particularly after the influx of the refugees into our State, and as

a result of the political Partition of the country people from outside the State have come and they have chosen towns and suburb areas as their abodes. There are shortage of building materials and it is for this reason that there has been greater demand for houses than there is supply at present, and as a natural result of the operation of law of demand and supply, there has been an wanton increase in the rent of houses in the urban areas. But inspite of the defects and discrepancies in the Urban Areas Rent Control Act, there is an Act after all which seeks to control to some extent the increase in rent in the Municipal areas which does not apply to suburb areas. Now the people who want to evade the force of this law, generally build houses outside the Municipal areas and there they charge at whatever rent they wish. If this opportunity would not have been there for the landlords to build houses outside the Municipal areas and thereby charge at whatever rent they choose, they would have perhaps built more houses in the Municipal areas than what they are at present doing. So, in order to see that these landlords do not evade the present Act, we would extend the areas of operation of the present Act. Therefore it is not only a question of extension of the scope but it is also a question of making effective the existing law, and from this point also I think the House should take the amending Bill into serious consideration.

Then there are Municipal laws and by-laws which are applicable within the Municipal areas with regard to hygiene, public health and so on. These laws and by-laws are not operating outside those areas. If this amending Bill be passed into an Act then the Municipalities will also take a note of it and they will see that the Municipal areas be extended. As at present we see that it is the Municipalities which have the initiative in their hands. If the Municipalities choose to extend the areas, then only the operation of the Rent Control Act comes. Here, we see that the Government follow the Municipalities' lead. We want that instead of the Government following the lead given by the Municipalities, they should lead and the Municipalities follow. As a result of the present Bill there will be some control in the matter of supplying houses to the needy people, houses which are hygenic, which are fit for habitation according to the principle of public health and sanitaion, and when such improvement is there, the Municipalities will in order to raise their income and also to give Municipal advantage to a larger number of people, extend their sphere, they will move the Government for giving them permission for such extension. Then there is another point, and it is general improvement of the health of the people living in the

congested areas. If these suburban areas are left as slums as at present, then it will affect not only those areas but also the town areas as well because when any contagious disease takes place in the suburban areas which are, generally speaking, slum areas, these diseases will then spread to the whole town and also to the neighbouring villages. The sub-urban area, so to say is an unhealthy buffer between our urban areas and the town areas. In this way unhygienic conditions spread diseases on the one hand to the towns and on the other hand to the rural areas. Therefore, not only in the interest of the people living in these particular areas but in the interest of all the people of the State, rural or urban, we should see that slumps are improved.

SRIMAN PRAPULLA GOSWAMI:: Is the hon. Member relevant, Sir?

Shri GAURISANKAR BHATTACHARYYA: I know, Sir, some people take a little time to understand things.

Mr. SPEAKER: There is no question of slums here.

Shri GAURISANKAR BHATTACHARYYA: It will be a factor which will help to remove slums as a result of the control of rent. There will be an effective check. Landlords are using their capital in building houses in the suburban areas instead of in town areas. Why do the people come to the sub-urban areas? Because there the people are free from the Rent Control Act, and that is why the people build their houses or sheds outside the Municipal areas. That is the point.

SRIMAN PRAFULLA GOSWAMI: Are there no slums in towns?

Shri GAURISANKAR BHATTACHARYYA: There are slumps everywhere, but whereas slums are more in the heart of the towns.....

Mr. SPEAKER: The question of slums does not come in the amending Bill.

Shri GAURISANKAR BHATTACHARYYA: This long explanation would not have been necessary if there had not been any interventions. At any rate, I hope, this point is quite clear by this time.

Then there is another point. Who are those people who are forced to live in these suburban areas? These are the lower middle class people who choose to live in these suburban areas, or at least within the Municipal areas, because they are here certain about the special amenities like light, water supply and the like. Well-to-do people can afford to pay much higher rate of rent, if necessary. But those people who belong to the lower middle class have not sufficient money to spare for paying his house rent. If they are to pay higher house rent, naturally they are compelled

to curtail other items of family budget such as food, clothing etc. It is, therefore, necessary for the State to give special attention to the middle class and lower middle class people so that their necessities of food and clothing may not have to be cut as a result of their being compelled to pay higher rate of rent. From the point of view of a welfare State also there should be a check to the general tendency of asking exorbitant rate of rent. From that point of view also, the Members should seriously consider as to whether it is not our duty to see that the State intervenes and that the State stops extraction of exorbitant rent by landlords and that tenants get houses at lower rate of rent.

Then the next point is with regard to the time limit for payment of rent. It is "by the fifteen days of the next month" that the rent is to be paid. Mr. Goswami has explained it quite clearly. Quite a good number of people, specially those who live on salaries from the Municipal or local bodies, or even from Government, we know Sir, do not get their salaries regularly. As yet there is no legislation whereby we can enforce employers to pay their employees within the first 15 days of the next month. So long as there is no such legislation, we fail to see the reality of such a time limit being enforced specially in respect of those who receive their salaries after the 15th. Therefore, Sir, the extension of time limit from 15th days to one month is not arbitrary or unjust. It is quite moderate and sensible. There are some people as we have already stated who live in urban and suburban areas and who depend on the income derived elsewhere. For example, some refugees and the families of those whose earning members are living and working elsewhere. Even in some of the State services the earning members received their pay and allowances rather late in the succeeding month and then they have to remit it by money order or so, and it takes some weeks for this money to come to the hands of their families. Sir, we know that even our students who live in messes of schools and colleges receive their allowances from their parents and guardians mostly after 15th or near about 15th. If even students who are in the good care of their parents and guardians will have to wait up to 15th or so in receiving their allowances, we can well understand the difficulty of those people who are living as refugees who depend mostly on the incomes derived at some distant places. Therefore, Sir, for members of such families the 15th of the next month becomes too early a date. As such, it will only be meet and proper that there should be further extension of time, and from that point of view the period of three months is not an unreasonable suggestion. Secondly, with regard to giving of notice. We know that landlords generally exchange their properties and many people come

in and go out as owners of these properties. Generally speaking, those who live in hired houses, make the arrangements generally with the managers or "Kartas". Instead of retaining this strictly legal provision of all the members of the landlords' group being entitled to be served with process Sir, if only the manager is to be given process or served with notice, that becomes neither bad for the landlords nor bad for the tenants. It becomes advantageous for both sides. This will not only help the tenants, but it will also help the landlords; because the legal provision of giving notice and process to all those who are connected with ownership of property is rather cumbrous which I think every one of this House knows. It is therefore, advantageous and advisable that process and notice should be confined only to the manager or the principal of the landlords, and it should not be made compulsory that every one of the landlords or every one of the partnership or ownership of the properties should be served with notice. Sir, these are only a few demands, they do not cover all the demands arising out of the defects of the Assam Urban Areas Rent Control Act. For example, Government has not as yet been making this Act operative in all spheres. Even when Government hires houses for its own use it does not always follow the Rent Control Act. When they "requisition" a house for Governmental purpose, then only the rent is fixed according to the provision of this Act. For privately arranged houses Government itself pays higher rent than the Rent Control Act would have warranted. Even in Gauhati I can cite numerous instances where Government hires houses from its pets and minion outside the scope of the Rent Control Act and where they have been paid rent much higher than the Rent Control Act would have warranted. Sir, these discrepancies and difficulties are there and all of them will not be removed by this amending Bill. I think that the entire House will agree with me that this Bill which seeks to give some relief to the tenants should be taken into consideration and some of the most important and urgent things regarding the urban and semi-urban areas which the proposed Bill seeks to tackle should be taken into consideration.

With these few words, Sir, I support the Motion of my Friend Mr. Goswami, and I hope the House will see that this Bill is taken into consideration and passed.

Shri AKSHAY KUMAR DAS: Mr. Speaker, Sir, while I partly share with the sentiments of my Friend, the Mover with regard to the refugees, I don't find any reason to support the details of the Bill. Circumstance under which the refugees have arrived here, entitles them full consideration from this State, and I believe that they are still getting full consideration; and for

this reason, wherever there is considerable number of refugees, lands have been thrown and are still being thrown open for settlement. The real defect seems to be that at least some of the refugees do not remove themselves from certain places for some reasons or other. Sir, if the refugees want Assam to be their home they should live together with the local people. Sir, I believe that the development of urban areas in Assam is certainly worse than the development of rural areas. I do not mean to say that the development of rural areas is not defective, but I mean to say that the development of urban areas is still more defective. Sir, in a district where there are two municipal towns, there are at least 4 or 5 rural centres where trade and commerce have fairly developed, and most of the refugees as well as other middle class people prefer trade and commerce to agriculture. Then Sir, I do not understand and I find no reason why they cannot shift to such rural areas where there is trade and commerce. And in fact, lands are still available for building houses in such areas, and it is certainly possible for them with the loans they are getting from the Government to take to trade and commerce there. Sir, it is also found that the money distributed by the Relief and Rehabilitation department for this purpose if not being spent properly, I mean to say Sir, that if they took loans for a certain purpose, that money is spent for another or different purposes—.....

Mr. SPEAKER: Mr. Das. How this question comes so much here?

Shri AKSHAY KUMAR DAS: Sir, in the Statement of Objects and Reasons the main stress is on relief to the refugees, and the amendment is based on the consideration of the refugees problem. If there was a real good wish and good will for the refugees then there would have been definite attempt by all i. e., both by the Opposition and by the Government, and that attempt would have been to see that they are distributed in proper places, and that they are given proper facilities, instead of such ultra anxious considerations. Frankly speaking Sir, I think the last Bye-election is mostly responsible for sponsoring of this Bill..... (Shri Gauri Sankar Bhattacharyya: where you were defeated?) Yes, I don't mind to admit defeat. I am in company of the mover of the Bill.

Then Sir, coming to details. In clause 2, my Friend's intention is to extend the area to 'all suburban areas of a municipal or cantonment town within a radius of one mile.' Probably in the language of the supporter of the Bill we are "to open our eyes" to understand this phrase of 'a radius of one mile.' We can well understand the radius of a circle, Sir, but we have

never heard of a radius of a rectangle, as most municipal or cantonment towns are. Sir, in ascertaining such areas there would be no difficulty for a layman ; but my Friend wants to draw up this sub-urban area with a radius of one mile ; if he means it from the boundary of a municipal town or a cantonment town, then if the demarcation line falls right in the middle of a house, what will be the position of that house in calculating the rent ? (Shri Hareswar Goswami—you can partition it.) Yes, it may be possible for the mover or the supporter of this Bill, but it will not be possible for the average people of a sub-urban area.

Now Sir, my Friend well placed as he himself is, he wants to name all these areas as sub-urban areas. It may be applicable in places like Bombay or Calcutta. But we know Sir, how towns in Assam are. A town like Gauhati, or Dibrugarh or Shillong does not make all the towns in Assam real towns. There are towns which are worse than villages even. But still my Friend wants to name all those as sub-urban areas, which are contiguous to areas, called town by courtesy. The adage is to give a bad name to a dog and hang it, but here the mover gives a good name to a town to hang it :

Then Sir, considering sub-clause (a) of clause 3 of this Bill which seeks to extend the period to three months. Sir, we all know that there are very few fortunate people who are well-off like my Friend the mover of this Bill, who have got houses for leasing out. But in most cases a house owner in Assam is certainly not better-off than the refugees. It must be admitted by all that it is a common sight in many towns where an owner of a house has himself receded to a wretched hut in order to get some money by renting out the best part of his own dwelling. Why he did that ? Is it only for the sole purpose of grabbing money ? Certainly not. It is due to economic difficulty. The cost of living in these days has risen definitely and that rise has affected all ; but it has hit more those middle class or lower middle class group. In that case what is the necessity of extending this period to three months ? Sir, the rumour goes—and it may be hard fact—that the Gauhati Municipality is notorious for non-collection of house tax. Is it to give shelter to those defaulters of municipal tax that this attempt has been made to extend this period to three months ; to make it possible for the house owners to remain without paying the Municipal house tax for three months ? If the mover amends the Municipal Act also in this connection, we could have seen some sense in it. The Municipality will bring out distress warrant against the house owner as soon as the time is over for payment of house tax, but the owner will not have, according to this provision of the Bill, his rent for the house even for three months ; and even

if the three months also elapse but the tenant concerned defaults, then the owner will have to go to Court and even after adjudication it will take another 5 or 6 months before he can realise the rent for paying the house tax. If the report of the circumstances prevailing in the Gauhati Municipality is correct then of course it does not matter, but it may not be a fact. But I do not think this is the State of things in all other Municipalities in Assam. There are Municipalities who do not wait so long to collect their taxes. In their case, we can imagine the lot of those house owners who will be affected by this extension of three months. Sir, this is quite unjust and unfair to the owners of houses. In general Sir, if those people have come to stay in the town, they ought to have been grateful to those people who provide them with houses. And as I said the house owners of these areas are not well-off, they are not well placed, but they also are living from hand to mouth. As such their condition is certainly not better-off than the people who come to occupy their houses.

Here I see there is some attempt to make a "political football" of those low-paid officers including the lower primary school teachers. The object of the mover of this Bill to pay attention to these people is that often times they do not get their pay regularly and sometimes for three or four months together. If this is a fact, for this the State is responsible, or any organisation is responsible why do we make these poor individuals suffer, why don't we make the State suffer for it or why don't you make the organisation suffer for it? For that purpose he could have come with proper legislation. He could amend the Municipal Act also, but without doing anything of the sort, why does he hit hard the poor house-owners straight-away? It will not be to the interest of the State also Sir, because after all the State cannot afford to build houses for all the people who require a house. Certainly private enterprise must be there and individuals efforts must also be there for the development of a town.

With these few observations Sir, I oppose this Bill.

Shri BIMALA KANTA BORA. Mr. Speaker, Sir, at the very outset I must say that the Opposition Members who have supported the Bill are true to their salt, because the Object of the Bill shows that the extension of provisions of the Principal Act is mainly intended to meet the demands of refugees. They want to show that they are true to their commitments to the refugees. The Object of the Bill, as far as I can see, is not bad. A town is generally called a city when the population is one lakh or over. But in Assam there is no town the population of which exceed one lakh and therefore there is no sub-urban area in our State. Therefore the problem we want to solve will have to be solved in

other ways. Mr. Bhattacharyya says that if this Rent Control Act is extended to sub-urban area then it will not only control the rent of the houses in the sub-urban areas but it will encourage people to improve sanitation, health, etc., in those areas. He wants that people should build houses in the sub-urban areas so that hundreds of people who flock to those areas may have cheap houses for their stay and to educate their children. There are two contradictory points in his suggestions. At one time he says that in the sub-urban areas there should be more and more houses to meet the large influx of people and then again says that he wants to discourage people from building houses by extending the Rent Control Act, which would lower the rate of rents. These two things cannot go together. If there are too many houses in an area there cannot be good sanitation there. Therefore, Sir, his advice does not seem to be sound. There is only one way by which this problem can be solved and that is by extending the municipal areas. When once I was the Chairman of the Nowgong Municipality I found many people building houses adjacent to the Municipality to avoid the Rent Control Act but after consulting the leading people of those areas the municipal boundary was extended up to that locality to give benefit of the Rent Control Act to those people. The problem was thus solved. So, if there are moves like this to enlarge the municipal areas the whole problem can be solved.

I do not understand why this Bill seeks to amend the Principal Act, that is the Urban Areas Rent Control Act, which is only a temporary Act which will continue only for a few years? This Rent Control law is only a temporary measure. If we want to give permanent benefit to the people we should not try to bring such measures to amend this temporary Act. If the municipal area is extended then all our problems can be solved.

This Bill, according to Mr. Bhattacharyya, will benefit the Lower Primary School teachers who come to live in the sub-urban areas from their villages. I do not see why these teachers should come from their villages to live in the sub-urban areas when they actually work in the rural areas. The Lower Primary School teachers who work in the municipal areas generally live in the towns and their number is very few, village teachers have no business to stay in the Sub-urban areas. They would stay in their rural areas where they work. But our Opposition Friends, in their anxiety to draw sympathy of this House to the Bill have brought in the question of the Lower Primary School teachers also. The question of clerks was also raised. I do not know how many clerks there will

be to get the proposed benefit. We solved the problem for them all at Nowgong town and probably Gauhati is also going to solve it in the same manners.

Very recently our Government has opened out waste land and low-lying areas of Nowgong town and in the Gauhati town for the clerks and other people who want to live in the town. It was a nice attempt at solution of the problem by settling lands with those people. As far as I can say, at least a large number of clerks and other people have got land there, and they are building their houses thereon.

Therefore, Sir, this Bill is not really intended for clerks students, Lower primary School teachers and others as it has been made to appear. It is really intended for some people whom the Opposition members fight shy to disclose in this House. If they come forward for lands for the refugees we will try to give them. If any people want land for building houses for them let them approach the Government in proper way. Then again it is provided in the Bill that rent of houses should not be realised for three months. This is an absurd proposition. If the argument of the Opposition are analysed it comes to this; let people having lands in suburbs build houses, make sanitary arrangements and water supply and allow people coming from outside to stay in the houses without paying rents for three months. Why not provide for a reception committee to receive these people? This will complete the picture. So, the argument advanced in support of the Bill does not appear to be fair. After all, our people are conscious to-day and they understand things well. These sorts of arguments will not befool them. Sir, I think the Bill is not the proper solution of the problem and as such there is no necessity for this Bill. Therefore I oppose this Bill.

Shri MOHIKANTA DAS (Parliamentary Secretary): Sir, I beg to oppose the Bill on its legal aspects. By clause 2 he means to extend the provision of this Act to the sub-urban areas. I submit that it is redundant, as the same purpose can be achieved, under Section 1 (2) (b) of the principal Act. It runs thus "The Provincial Government may from time to time by Notification in the Official Gazette extend it also to such other areas as are declared town land under rule 64 (a) of Settlement Rules under the Assam Land and Revenue Regulation, 1886, etc." Also, Sir, you will find in the Assam Land Revenue Manual, Section 64, which runs thus "In these rules unless there is anything repugnant in the subject or context, the expression—

'Town land' means any land comprised in any area which has been declared a municipality or a notified area under the Assam

Municipal Act, 1923 and any other area to which the Local Government may by notification extend these rules.....". The intention of the Bill is to extend the provision of the main Act to the sub-urban areas within a radius of one mile. There is similar provision in the main Act. If the Government finds that there has become a necessity to declare certain portions of the land to be "town land" so as to include that area for the application of the provision of this Act they can do so. The provision is there. Therefore I beg to submit that clause 2 of the Bill is redundant in view of the fact that the principal Act makes provision for the same.

Now, if my Friend means that there has been an emergency or necessity for the extension of the provision. Yet I do not find in his contention and the arguments placed by him before the House that there is any necessity even for consideration for extension of the provision of this Act. His Statement of Objects and Reasons reads thus, "Demand for house is very acute due to the increase in the population after the influx of refugees both in the urban as well as in sub-urban areas." According to him this is the emergency which has arisen for the extension of the provision of the principle Act. I also live in sub-urban area and I have seen many towns and sub-urban areas, but I have not seen the necessity or emergency which has arisen in sub-urban areas for application of the provision of the principle Act due to the influx of refugees. In Tezpur and in other places, I have seen refugees settling down in sub-urban areas only when Government provide them with land and loan, but in that case they have not to pay any rent. In some places Government have established Refugee Markets. There the refugees go and establish themselves. If as suggested by some of my Friends, the intention is to give relief to the refugees living in towns, I may say that in towns refugees live on some occupation or business and the provisions of the principle Act are applicable there, but in sub-urban areas, I do not find that there is a necessity for application of the provision of the Act. I have seen in my town as well as in other towns that there are Office Assistants living in sub-urban areas, but these Office Assistants do not live within a radius of one mile of the town alone but some of them live within a radius of 8 to 9 miles and it is not possible to extend the provision to 8 or 9 miles even if the intention is to help them. Government have enacted this Act in order to give protection to the rent payers within the Municipal areas because these people get certain facilities, such as, lighting, water supply, road and such other facilities which are catered by the Municipality. In fixing a standard of rent there the Court has to take into consideration all those factors, but we find that in sub-urban areas, we are not getting these facilities of light, water supply, etc. In such cases how Government may extend

the provision ? There is no Municipality in such sub-urban areas and the Government cannot force the Municipality to extend its facilities to the sub-urban areas and therefore Government cannot extend the application of the provisions of the principal Act in those areas. This is inoperative there. If this amending Bill is passed, the Court will not be in a position to assess the rent in the sub-urban areas. So, I say that there is no necessity and there is no emergency. Besides, the Bill would be inoperative in as much as the circumstances prevailing in those areas do not justify fixing of rent and it would not be possible for the Court to assess any rent. Therefore, on the ground that there is no necessity or emergency this amending clause 2 is redundant. Secondly, this is inoperative in view of the prevailing circumstances of the sub-urban areas in comparison with those of Municipal areas, and thirdly, unless the sub-urban areas are brought under Municipalities, these provisions sought to be applied by this Bill cannot be enforced because urban areas have been clearly defined in the principal Act. Unless, the Municipality is extended towards the sub-urban areas by widening its limit, the provisions of the Act cannot be applied.

Mr. SPEAKER : Such extension is provided in Section 1 (2) (b).

Shri MOHIKANTA DAS (Parliamentary Secretary) : Yes, Sir. You will find at present that Government have declared some areas as town although they are not fullfledged towns, *e. g.*, Dhekiajuli, Palasbari and Nalbari. My Friend should have moved for application of this Act to such towns. Therefore, I cannot understand why he is concentrating his attention to sub-urban area only and not to these towns.

Sir, I oppose this Bill, firstly because this is redundant and absolutely unnecessary in view of the clear provisions which are there in the Act which was enacted with great care by the legal experts of the Government. Therefore, some of my Friends wanted to impute certain motives for sponsoring this Bill, especially after the General Election in Gauhati. I will simply commend the hon. Members of the House to think over it. Secondly, Sir, the other two provisions suggested by him are also absolutely unnecessary. Now, Sir, his suggestion to substitute the words "within a fortnight" by the words "three months", in Section 6, sub-section (5) of the Act does not convey any meaning. "Within three months" from when, Sir? In our case, there is a time limit. So his amendment is absolutely vague. More over, his amendment will lead to accumulation of dues and protracted litigation. We may feel for our tenants. But from my experience as a lawyer I found many tenants who

after receipt of demand notices go to the Court and take counsels to fight litigations and thus prolong payment.

Mr. SPEAKER : I think you are concluding.

Shri MOHI KANTA DAS (Parliamentary Secretary) : Yes, Sir. Now as regards sub-section (5) of Section 6, it is stated, "Where the landlord refuses to accept rent offered by his tenant, the tenant may, within a fortnight of its becoming due, deposit in Court the amount of such rent, etc." Now, if we allow "three months" in place of "fortnight", it will lead to accumulation of dues. If a man cannot pay his rent for one month in time, how will it be possible for him to pay his rents for these three months which would thus accumulate? Specially such provisions will hard hit the widow and orphan owners of holdings. They will not be able to go to litigations and so the provision will not be salutary in the context in a Welfare State. So the law is very strict as regards the payment of rent and the Act is quite perfect. Therefore I do not see how this Bill can stand the test of honest criticism and scrutiny.

With these words, Sir, I oppose this Bill on the grounds, I have already stated above.

Shri MAL CHANDRA PEGU : Mr. Speaker, Sir, enough has been said by my Friends. Now I stand on the floor of this August House to oppose the Amendment Bill introduced by the Leader of the Opposition Party on the following grounds.

The Leader of the Opposition Party wants to insert the words "three months" in place of "fortnight", in sub-section (4) of Section 6, because the tenants may not be able to pay the rent within 15th day of the subsequent month, because of the fact that the tenants are very poor and due to their poverty the poor tenants cannot even enter into contracts by going to the Court with their landlords. Now my point is that if a tenant is so poor that he cannot even go to the Court to enter into contract with the landlords, I am afraid, the tenants may not be able to pay the rent at all. So the principal Act has amply provided this provision to rid the trouble of the tenants.

Mr. SPEAKER : Which one you are referring?

Shri MAL CHANDRA PEGU : Sub-section (4) of Section 6, Sir. Sir, ample provision has been laid down for good of the tenants. It says—"No tenant shall be entitled to any benefit under this section in respect of any house if he is a defaulter, that is if he has not paid the rent due by him in respect of such house to the full extent allowable under this Act within the time fixed in the contract with his landlord etc". Here Sir, more than 'three months' time may be extended by entering into a contract with the landlord by the provision of the Acts. This is a wide provision. The provision going to

be inserted by the Leader of the Opposition is rather limited. The provision laid down in the principal Act is wide enough to help the poor tenants. I do not find the reason why the Leader of the Opposition wants to insert this 'three months' time and thereby wants to limit the scope of this Act.

As regards sub-clause (5), Sir, he has put the Amendment like this, "in sub-section (5) for the words 'within a fortnight' the words 'within three months', shall be substituted, and the words 'together with process-fees for service of notice upon the landlord (or upon each of the landlords where the landlords number more than one)' occurring in the same sub-section shall be deleted". But this provision in the amendment has not been clearly defined by the Leader of the Opposition. He simply says that only the Manager should be given notice and not others. On this point, Sir, I beg to say that in the case of joint family, notice should be served on the Manager only not other family members. But if there are landlords more than one of the same rented house, then the difficulty arises in serving notice to one landlord only. If notice is not served on each of the landlords, such a notice is not likely to produce any effect. One may receive the notice and the others may not, and on that ground the landlords who are not notified may sue the tenants. In this way there may arise many complications. Therefore the existing provision of the Act is quite exhaustive and covers all the distress and difficulty of the tenants and no amendments are necessary. With these words, I oppose the Amendment Bill which is meaningless.

Shri HARESWAR GOSWAMI I am really sorry that my Bill has been misconstrued and its purpose has also been misconceived by the Members sitting opposite. I am, however, thankful to you for affording me an opportunity to explain certain matters that have cropped up during the course of the discussion of this Bill. Sir, it appears we are always haunted by a phantom and it appears when we speak plainly and clearly, we are given bad names. There is always an imputation of motives. It is said that this Bill has been brought to this House only because we are committed to some people during the elections or at some other time, and we are only conscious about them. It is really a very unfortunate state of affairs. Sir, we are not afraid of anything, we call a spade a spade, and when we think that the objective situation demands that certain things should be done, we shall not be deterred from doing that thing because there are certain other people who will question our motive. Sir, in the Statement of the Objects and Reasons it is stated, "This Bill aims at removing to some extent the grievances of rent payers in urban and sub-urban areas. The housing problem in urban areas has not been improved". So the purpose of the

Bill is to improve the housing problem, "and the demand for house is very acute due to the increase in the population after the influx of refugees both in the urban as well as in the sub-urban areas." It is a fact, we may follow a policy of ostrich, and we may hide our face inside the sand and say we do not see anything as one of my Friends in the opposite said the other day, "We have no problem in our State."

Mr. SPEAKER: Please confine yourself to the scope of the Bill.

Shri HARESWAR GOSWAMI: From the speeches it appears that there is no problem for the sub-urban people, nay there is no sub-urban area and that I have cleverly given a name, a high sounding name, 'the sub-urban area' just to make out a case. Sir, nothing is further from truth. Sir, the word 'sub-urban' area has a meaning of its own. If we forget that we will be doing an injustice to our own wisdom and knowledge.

Sir, it is stated that we are only interested in giving benefit to the refugees. In course of my speech at the time of moving the Motion for taking the Bill into consideration, I made the matter plain. Mr. Bhattacharyya also further explained that there is today a movement from the villages to the town, and however much we may try to persuade people to go back to the villages, the trend is to the town. Added to this, is the influx of refugees. The influx of refugees has still further aggravated the problem, and that problem must be solved. If you say that we are only concerned with the problem of the refugees, it will be wrong. The people are going out of the towns because there is the increasing pressure in the town as a result of which they are finding it difficult to be assimilated within the town, and finding no other way, they are spreading out. We cannot solve this problem, whether at Gauhati, Dibrugarh, Silchar or Karimganj. If we say that this problem is not there, then we will be following an ostrich-like policy. It is also stated that sub-urban areas exist only in big cities like Bombay or Calcutta. Sub-urban areas exist where there is urban areas. I should like to say that even at Gauhati, Dibrugarh, Silchar and Karimganj in the areas which we consider as sub-urban, this problem exists in a dimensity no less than in certain urban areas. It is true, as my Friend has rightly pointed out, there is the provision for extending the areas of the towns in the parent Act, but what have we seen? We have seen that our Government is completely indifferent and callous to the needs of the time. We have a symbol. The people outside say that the symbol of Rhino clearly indicates the attitude or activities of our Government. It is said that a Rhino feels the touch only

after 12 years, and so also the Government of Assam feel the problems after 12 years, and in that way the Rhino clearly and very truly characterise our Assam Government.

Adjournment

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

After lunch

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I was speaking of the proverbial Rhino. By an accident, but real coincidence we have taken the Rhino as a symbol of our State. If we find that Government is irresponsive to these demands how can we expect this Government to take action under Section 1(2)(b) of the Parent Act and also of such other towns and other areas under rule 64 (a) of Settlement Rules under the Assam Land and Revenue Regulation, 1886 or the Assam Land Revenue Re-assessment Act, 1936.

But even after these prolonged four years we have seen that is not being done, although nobody in this House, no Minister can deny that in the towns and sub-urban areas the pressure of population is greater than what it was a few years back. Sir, another thing to be considered is what was the actual purpose of the Parent Act. The main purpose of the Parent Act says:—".....Whereas it is expedient to restrict temporarily the increase of rents of houses situated within the limits of urban areas in Assam including Cantonments....."

Sir, the purpose is not to increase the revenue of Municipality, the purpose is quite different here. Whether we give municipal revenue or not, is not very essential, but the essential thing is whether we support the increment of rents that are usually done by the unscrupulous landlords.

Whenever we see that there is case that unscrupulous landlords may increase the rents the question whether municipal area will be extended or not is immaterial, but if there is a case where we find that there is unscrupulous increase of rents, there is case for extending of this Act.....

Mr. SPEAKER: You have not cited instances.

Shri HARESWAR GOSWAMI: I have cited, Sir. In Gauhati it is being done, at Dibrugarh it is being done, as well as in Cachar and in almost all the important towns of the State of Assam. The unscrupulous landlords are extracting money from the poor tenants. Therefore, the question is not whether the extension of the area of municipality has been called for or not, but the question is whether there is necessity or not to keep the rents down. If there is such necessity, we can amend the Principal Act to include the urban areas. Sir,

a point has been raised by Mr. A. K. Das when he says that the town will be rectangular, but I don't want to go into these matters. I do not know whether it is rectangular or circular, but if we really want it, it is possible we can have the inner and outer circles and define the areas in that manner.

Shri BAIDYANATH MOOKERJEE (Minister): Circle has got different meaning.

Shri HARESWAR GOSWAMI: Sir, I do not say that my amendment is perfect in every thing. I have not taken the assistance of any experts, I have done it myself. I tell my Friends sitting opposite if such an amendment is brought forward, I will be the first person to accept it. I do not believe in vagueness.

I myself will lend my support to the Government if an amendment like this is brought before the House. If this amendment is brought by the Government and if Government accept the proposition that there is pressure of population in the town as well as in the sub-urban areas and the objective situation calls for an Act of this type, I am willing to surrender myself in the hands of Government to get this Bill passed.

Then, Sir, my Friend Mr. M. K. Das said that it is redundant, it is inoperative, it is not necessary, but I say it is not redundant because the section he has quoted has not been given effect to. I say that it is necessary to give effect to these things, because then it will be easy to go direct to the problem than to go in a round about way through the Land Revenue Regulation. It will be better if we can include the sub-urban areas in the definition of urban areas and then only we shall be able to go straight to the problem rather than go through the Land and Revenue Regulation; that course will create difficulty. I do not understand what he means by redundant as well as inoperative. I do not know how he could advance this argument. By deleting the words fifteenth day and substituting it by the words three months I do not know what difficulty is created. That will be quite operative and it will not be difficult for the three months period to commence from the same time as the fifteenth day period now commences.

Sir, my Friends from the other side are saying that we are playing a political football with the teachers. If we say anything, they say that we are playing to the gallery; if we say something, they say that we are making political propaganda, or we are trying to convert this House into a platform. It becomes very difficult for us to say anything. As a matter of fact, Sir, the Middle English and Middle Vernacular School teachers residing outside the towns do not get town allowance of Rs.10 if they remain outside the town. This is the rule. They do not get Rs.10 if they remain outside the town

and outside the town means outside the municipal area. Now, there are many Middle English School, Middle Vernacular School and Primary School teachers who have to live outside the town limit, but not 8 miles away, because most of them have not got cycles to cycle 8 miles to the school and go back. They remain very near the town, within one mile of it. Then, Sir, as my Friend, Mr. Bhattacharyya said, there are some people who have to maintain two establishments—one in their own house and one where they stay. For such people it may take some time to get and arrange for the rent they have to pay. We, however, do not say that rent should be paid after one month, two months or three months. We only say that rent should be paid within a period of 3 months and if any one fails to pay within 15 days he should not be deprived of the benefits of this Act. Section 6 (4) states, "No tenant shall be entitled to any benefit, etc". That means, Sir, if a tenant is to be entitled to any benefit conferred by this Act he must pay the rent within 15 days of the following month. What I want to say is that instead of 15 days let it be 3 months. By this I do not, of course, want to encourage people to delay payment of the rent. Some people will always pay rent just in time. They are conscientious and honest people. But there are some who are habitual defaulters to whom the period within which the rent is to be paid does not make much difference. But for the first category of people, this extension of time limit will not prevent them from paying the rent within 15 days. Therefore, Sir, my amendment will not make the Act inoperative, rather, it will give sufficient relief to those people who, for reasons beyond their controls may not be able to pay their rent in time, i. e., within 15 days.

Sir, I have touched almost all the points raised by my Friends during the course of the discussion. I would only submit that let us go to the purpose of the amending Bill. The purpose of my Bill is to extend the scope of the present Act so that the people who are really suffering may get some benefit out of it. If it is also the aim of the Government to render them certain relief then they should not stand on technicalities. If there is any mistake in drafting that can be rectified at the time when the Bill is taken up for consideration clause by clause. I have already stated, Sir, that if amendments are moved which will give definiteness to the provisions and remove the vagueness of the Bill, I shall only be too willing to accept them and see that this Act is made sufficiently operative. Sir, the problem to-day is, as Mr. Bhattacharyya said, that there are some unscrupulous landlords who would like to build houses outside the town area in order to evade the provisions of this

law. This kind of thing is happening,—it is not merely Mr. Bhattacharyya's imagination. All these things should be taken into consideration and I appeal again to the treasury benches that if their purpose also is to render relief to the hard-pressed tenants they should not object to take my Bill into consideration. They should see that my Bill is passed so that effective help can be given to the tenants in the urban and sub-urban areas.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, it gives me some pain to oppose a Bill at the consideration stage coming as it does from the hon. Leader of the Opposition. I have scrutinised this Bill, and am almost convinced that if this Bill is accepted, it will mutilate the principal Act in such a way that the entire Act will be made a “কিছু কিছু” thing. Sir, it is a dry thing to draft a Bill and to deal with it. There is very little scope to digress, but the speech I heard, particularly from my Friend, Mr. Bhattacharyya the major portion of it is beyond the scope of this Bill. If there was any resolution in any Municipal Board meeting to extend the area of the municipal limits, then his speech would have been very appropriate there. But it is absolutely out of place here. He spoke about removal of slums, the insanitary conditions prevailing in the suburbs of towns and things like that which are beyond the scope of this Bill. He possibly has section 8 of the Act in his mind. It is provided for in section 8(1) that on application made to it by a tenant in possession of any house, the Court may direct the owner of a house to maintain sanitary arrangements, water-supply or supply of electricity and things like that. But he has missed section 7, which refers only to existing sanitary arrangements. This section states, “Every landlord shall be bound to keep the house in the occupation of a tenant wind-proof and water-proof—(these are the two mandatory provisions)—and to carry out other repairs which he is bound to make by law, contract or custom and also to maintain the existing essential supplies and services such as sanitary arrangements, water-supply, supply of electricity or drainage service in respect of the house”. So, by extending this Act to sub-urban areas, sanitary arrangements or drainage system cannot be improved unless they were already in existence. By extending the Municipal Act, of course, that may be done. But by extending this Act, slums cannot be removed or sanitary arrangements improved. This much only so far as Mr. Bhattacharyya is concerned.

I shall now go through this Bill. First of all, there is a mistake in the preamble. This is a second Amendment Bill. In the last Session we amended the Act; that was the first amendment. As this is the second amendment the preamble should have been like

this : "Whereas it is expedient to further amend the Assam Urban Areas Rent Control Act, 1949, etc." Of course, Sir, this is not a very important point, but this nevertheless shows that the Bill was drafted by a raw hand.

Mr. SPEAKER : We should have a good draftsman among us in our Secretariat.

Shri HARESWAR DAS (Deputy Minister) : The draftsman must have some experience in the matter. If a new man drafts a Bill these difficulties arise.

Then, Sir, I refer to clause 2. This is a serious objection. Now, the intention of my Friend may be good. I do not question the motive of my Friend. As I said, his motive may be good, but we are to examine whether this Bill will serve his purpose. My point is that this Bill will not serve his purpose. Rather it will go contrary to his motive. Here, this clause 2 wants to amend item (v) of section 2 of the principal Act. Here my Friend has taken everything *in toto* except the last line. This clause gives the definition of the urban area. An 'urban area' under this clause of the Bill has been defined in this way "urban area' means any area declared to be, or included in, a municipality under the provisions of clauses (a) and (b) of sub-section (2) of section 5 or declared to be a notified area under the provisions of sub-section (4) of section 328, or deemed to be such under the proviso to that sub-section, of the Assam Municipal Act, 1925..." So far he has taken from the principal Act but he has deleted the portion which says 'and includes a Cantonment as defined in Cantonment Act, 1924'. This means that a cantonment town goes out of the scope of this Bill. Then, Sir, look again to the amending Bill. The first portion which he took from the principal Act is all right, but in place of the portion he has deleted he added this—'and shall also include all sub-urban areas of a municipal or cantonment town within a radius of one mile'. This means that this Bill will not apply to a cantonment town, but it will apply only to the suburb of a cantonment town. This, Sir, is an absurd proposition. The town is the head, the head has been taken away and the red cap is fitted to the trunk (*Laughter*) That is not possible, Sir. Why he has done it, I don't know. He has deleted the portion which includes the cantonment proper, but includes the suburb of a cantonment within a radius of one mile. That will create an absurd situation. So I say, if this Bill is accepted it will make the entire Act meaningless. You can well imagine what a situation it will create when the cantonment town is left out, but only the suburbs remain. If you do not include the cantonment town, how can you apply this Bill to the suburbs only? Not to speak of other

amendments, for this defect only my Friend should withdraw the Bill.

Then, Sir, as regards clause 3 of this Bill. This clause seeks to amend sub-section (4) of section 6 of the principal Act. Here his main intention is to substitute for 15 days. By this amendment Sir, the persons who default are getting a premium. There is no jurist who will support this proposition. Law does not encourage a defaulter. That is against all principles of jurisprudence. Duty and right go together. That is a recognised principle of jurisprudence. If you enjoy some rights, you have also corresponding duties to perform. Section 7 imposes such duties on the landlord—'Every landlord shall be bound to keep the house in the occupation of a tenant wind-proof and water proof and to carry out other repairs which he is bound to make by law.....etc'. He therefore has the right to get his rent regularly. The tenant has the right of having such a house from his landlord. In turn, he has got a duty to discharge, *i.e.*, to pay his rent regularly. Here in this Bill, Sir, the tenant is entitled to have such a house as laid down under section 7, but he is absolved from his duty. The landlord will pay regularly revenue to the Government, tax to the municipality, and maintain his house under proper repair, but the tenant has got not even to pay rent, that goes against all principles of equity and good conscience.

Now, Sir, coming to the speeches of both Shri Bhattacharyya and Shri Goswami, I think their motive is good. They are speaking for the poor. It is very good, Sir, to speak for the poor. But then, their arguments reminded me common Bar Library story in which a young Barrister was arguing a case—it is a theft case in which some timber was involved. He was arguing: Sir, the tree which is fixed permanently to the ground cannot be the subject matter of theft—it cannot be moved. So, If you cannot remove, you cannot bring it under the purview of section 379. But then the judge remarked, if it is severed, what then?' The young Barrister said: Sir, I have not considered that side of the question. Let me argue in my own way. It seems both my friends are also arguing their case that way. I put to them—If the landlord is poor and the tenant a millionaire what then? Possibly the reply will be that, 'we have not thought that side of the question'. Is it not within their knowledge that even in the town of Gauhati that there are cases where the husband died, who was possibly a Government servant or a businessman, leaving a widow and some minor children, and the widow and minor children went to the village letting out their residential quarters in the town and with the money they get as rent they somehow maintain themselves? Now, who may be that tenant? Possibly a millionaire, a Punjabi doing contract business and who can spend lakhs for his own comfort. Such a

person may be the tenant. What my Friends, in that case, have got to say? If they are the advocates of the poor then it will be wrong to presume that tenants are poor and the landlords are rich. There may be cases where landlord is poor and the tenant millionaire. What is to be done in such cases? After all when you are to legislate, you are to look to the interest of all. In the eye of law all are equal. There is a fundamental right in the Constitution that each citizen has got the right to be looked equally before the eye of law. Their point is that the scope of the Act is to be extended to the sub-urban areas. There is another point. Are there not poor people within the municipal area where this Act applies? Has the condition of those people improved because this Act applies there? In that case within the municipal area there should not be any poor man. But the thing is that by extending this Act to a town or outside the town area you cannot improve the condition of the poor people in any way. It is a personal relief granted to the tenant for a temporary period. Sir, these are the only provisions of the Bill. So, on the ground adduced above, I request my Friend to withdraw the Bill.

Mr. SPEAKER: Does Mr. Goswami want to withdraw his Motion?

Shri HARESWAR GOSWAMI: No. Sir.

Mr. SPEAKER: The question is that the Assam Urban Areas Rent Control (Amendment) Bill, 1953, be taken into consideration. (The Motion was negatived.)

The Assam Adhiars Protection and Regulation (Amendment) Bill, 1953

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move for leave to introduce the Assam Adhiars Protection and Regulation (Amendment) Bill, 1953.

Mr. SPEAKER: The motion moved is that the leave be granted to introduce the Assam Adhiars Protection and Regulation (Amendment) Bill, 1953.

(The Secretary then read the title of the Bill and the Bill was introduced).

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I beg to move that the Bill be taken into consideration.

Sir, in moving the Motion for taking the Bill into consideration I will refer to the Statement of Objects and Reasons of the

Bill. "This Bill seeks to give greater right to an Adhial, after completion of a certain period of time. The Bill also seeks to keep agricultural land strictly for agricultural purposes in the interest of greater production of food and deny to the landlord his right to use such land for purposes other than agricultural. The Bill further seeks to prevent eviction of an Adhial by a landlord for using his land for cultivation by hired labour and subletting whether by a landlord or by an Adhial". Sir, the Assam Adhiars Protection and Regulation Act, 1948 at one time appeared to be a very good piece of legislation, but if we go to the history of Adhiars movement in the State we will find that as a matter of fact this Bill puts a brake on the movement of the people. When the agitation against the Adhial system was going on Government came out with this Bill. Although it appeared at that time that the Bill was meant to give protection to the Adhiars actually, in course of years, it has turned out to be not a very progressive legislation. We find that after passing of the Bill many Adhiars have been evicted from their land on the ground that the land was to be utilised by the landlord for his own cultivation, not by himself, but by hired labourer on the plea of having horticultural or piscicultural or various other farmings. There is another important side in this Bill. This was to be in operation through out the whole State, but in practice it is in operation in some places only. Even today North Kamrup is left out from the purview of this Act. So, Sir, the purpose of my Bill is to remove some of these defects and give greater protection to the Adhiars in the form of security of tenure and other things.

In Section 5 of the principal Act it is stated, "A Revenue Officer may on application from a landlord, order an Adhial to cease to cultivate an *adhi* land after due notice and necessary enquiry as may be prescribed, and evict such *adhiar* in the manner prescribed, on one or more of the following grounds, namely:—

- (i) that the land is *bonafide* required by the landlord for residential or horticultural or piscicultural or poultry farming or dairy farming or similar other purposes or for cultivation either by himself or with the members of his family or by hired labourers or dependants;
- (ii) that an *adhiar* has used the land in a manner which renders it unfit for the purpose of cultivation, or
- (iii) that an *adhiar* has failed to deliver within prescribed time to a landlord such share or quantity of the produce as he is bound, subject to the provisions of this Act, by any express or implied agreement with the landlord to deliver".

Here, Sir, my amendment seeks that in section 5 of the principal Act (a) in clause (i) the words "for residential or horticultural or piscicultural or poultry farming or dairy farming or similar other purposes or" and "or by hired labourers" shall be deleted, and for clauses (iii) and (iv) the following shall be substituted, namely:—

"(iii) that an Adhjar has failed to deliver within two years to a landlord such share or quantity of the produce as he is bound, subject to the provisions of this Act, by any express or implied agreement with the landlord to deliver without assigning satisfactory reasons."

Here I have said, if he fails to deliver what he is obliged to deliver within two years or even after two years, provided he has failed to assign satisfactory reasons then he will be evicted. Also that he will be evicted if he keeps the land fallow for two consecutive years without assigning satisfactory reasons. In the principal Act in clause (iv) it is thus stated, "that the *adhjar* kept the land fallow for one year or sublets to others". Here in my amendment I have purposely omitted the word "sublet" as subletting will mean the owner subletting the land to the *adhjar* and the *adhjar* further subletting it. It will only complicate the problem and it will do no good to our society. That no *adhjar* should be allowed to sublet his land and that there should be only landlord and *adhjar*. As a matter of fact, I am against the very principle of *adhi* system, but if our Government do not see its way to remove this system of *adhi*, then it should be so regulated that in the course of a few years an *adhjar* will have a right on his land and will have security of tenure and he will not be removed on any and every ground. It is further stated in the Principal Act, "Provided that, the order of eviction passed under clause (iii) of this section shall not be executed if the share or quantity of the produce remaining unpaid is delivered to the landlord within such time as may be allowed, and with such compensation, if any, as may be awarded by the Revenue Officer: Provided further that if the landlord does not cultivate the land or utilise the same for the purposes contemplated in clause (i) or sublets it to others within one year from the date he gets possession of the land by virtue of the said clause (i) the evicted *adhjar* shall be restored to possession:

Provided also that any *adhjar* who acquires any right of occupancy under any other law shall not be evicted except under the provisions of that law or deprived of any right acquired under any other law". My amending clause reads like this:—
 "(c) the following two provisos shall be added at the end:—
 "Provided further that if the Adhjar is in continuous possession of

the land for six years or more and is cultivating the land and paying his dues regularly, he shall on no account be evicted from his land unless the landlord is an orphan or a widow” :

Secondly, “Provided also that an *adhiar* who pays his dues regularly shall not be evicted from the land if the landlord owns more than 30 bighas of agricultural land”.

Sir, these two things have been incorporated because if an *adhiar* continues possession of a piece of land and cultivates it regularly and pays his dues regularly, after 6 years there should be some permanency, some fixity of tenure ; otherwise he will not have the urge or desire or growing more food or improving the land and therefore the society will not be improved. Therefore, such a piece of legislation is necessary today by which we want that as there should be security of employment so also there should be security in the matter of cultivation also. There should be that security and if the security is not there an *adhiar* is evicted as foreseen in the Principal Act then there will be no urge or desire on the part of the *adhiar* to improve the land and improving production of food in the State.

Secondly, Sir, if the land owner is an orphan or a widow or a minor, in that case the landlord may enjoy certain benefit and the *adhiar* may be evicted, but if that is not the case but the landlord is matured men and he is a landlord in the true sense of the term, there is no reason to give him any benefit under this Act.

Thirdly, if the landlord owns more than 30 bighas of land elsewhere, the *adhiar* should not be evicted from his possession because the landlord has got 30 bighas of other agricultural land and after having that land if we give him the power to evict an *adhiar*, in that case we will be encouraging inequity. The directive principles envisage an egalitarian society and to bring about that egalitarian society all those clauses which encourage inequality must go and in place of those things we should provide measures by which we will be able to bring about an egalitarian society. My purpose in moving this amendment is because today our State is suffering from food shortage and for some years to come there is no prospect of increasing our food. If we can grow our required quota it is well and good, but still we should continue to produce more food. Our Prime Minister, Shri Jawaharlal Nehru, has said that even if we are self-sufficient in food in our country still we should try for producing more food so that we can better our exchange position. Therefore, it is not a question of putting a stop as soon as we reach our target of self-sufficiency and if we produce more food even after that, then we may exchange the surplus food with other things in which we are short and we are not well placed. If that is our aim, we

should see that lands meant for agricultural purpose should not be diverted for other purposes, but in the principal Act it is said that lands can be taken away from an *adhiar* if the said land is required by the landlord for *bona fide* reasons, such, as for residential or horticultural or piscicultural or poultry farming or dairy farming or similar other purposes. So many things have been given to a landlord and an unscrupulous landlord may say that he wanted his land for one of these purposes and with such a plea he can eject his tenant. Our agricultural production in the present context of the society means rice, dal and other such things, which are to be produced more and if we want to produce those things more, it is necessary that land utilised for this purpose should be kept for this purpose only. If we allow any landlord to convert his land from agricultural to other purposes, it will not do good to the society. At the moment, land is required for agricultural produce and therefore those land we have already have for agricultural purpose should be kept confined to that purpose only.

Secondly, our aim is to see that the land should go to the actual cultivator. We want actual tillers of the land to be owners of the land; therefore, to protect these *adhiars* and to give them tenure on the land we should not allow the landlord to cultivate the land by hired labour. We want to get rid of that system. We want land to be cultivated by the tillers and if we want to give land to the tillers, we should encourage through legislative means or through other means the actual tillers of the land to be the owners of the land. We should not do anything whereby the parasite landlords live on the labour of others. Therefore that thing is also necessary. Then, Sir, regarding the provisions namely, that an *Adhiar* should be evicted if he fails to deliver within one or two years such shares of produce to the landlord, etc., should not be there. Sir, there may be crop failure, there may not be rains and there may be drought. In the event of crop failure, it may not be possible to pay his dues to landlords. If on that ground the *Adhiar* is evicted, it will be a very harsh thing. My Bill seeks to give him two years during which period he is to pay his dues and even after two years sufficient reasons for failure is advanced, the law should not act against him, rather the law should look at him with some amount of sympathy. With these views, I have brought this amending Bill and I know that the Government Members sitting in the Treasury Benches will also feel that the *Adhiars* Protection Act, as it is today, have not satisfied the people. The *Adhiars* Protection Act gave a long rope even to the landlords not to hang themselves, but to hang the tenants. Therefore, these provisions should go. There is

about 40 per cent. of the cultivators in our State—from the Darrang and Sibsagar Survey Report—who are crop sharers, i.e., they cultivate under the landlords and they live on the Adhiar system. If we really wish their well-being, then it is necessary to remove these hindrance and what is essential is to give a sense of security to the tenants. If they are liable to be evicted on any day, on any moment and on any ground, naturally there will be no impetus and urge in them to work for the State, to work for the improvement of the land and for producing more for the country. For these reasons, I have brought this amending Bill and I trust if my Friends in the opposite goes into its proper perspective, leaving aside the technical questions, they will see their way to support my Bill. As I have already said that I did not say that there is no scope for any improvement here and there in my Bill, I welcome their suggestions, if any, to make it perfect. I solicit their co-operation and with their co-operation, I hope, I will be able to get my Bill passed through.

With these words, Sir, I request the House to accept my Bill.

Mr. SPEAKER: Motion moved is that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1953 be taken into consideration.

Shri GAURISANKAR BHATTACHARYYA: Mr. Speaker, Sir, it is really with some hasitation that I have stood up in support of the Motion of my Friend, Mr. Goswami.

Shri RAMNATH DAS (Minister): Why the hasitation, please?

Shri GAURISANKAR BHATTACHARYYA: Because we know today, the number of Members in the side of the Government is overwhelming. So, however good our suggestions might be we know that that suggestion may be defeated by the brute majority. I was hasitating whether I should speak or not because I was really feeling inside —

বলব কি, শুনবে কে, আছে কি কারও কান
(Voice—অলপ অসমীয়াতেও কওক)

Shri RAMNATH DAS (Minister): Are you hitting Mr. Mokerjee?

Shri GAURISANKAR BHATTACHARYYA: No. I am not referring to any individual Minister. I am referring to the Government which is ruling the country to-day.

Sir, last year when I tabled a Resolution requesting the Government to make amendments in the Adhiars Protection Act, particularly with regard to Section 5, it was said from the Government side that if any Member of the Opposition wanted to make any improvement of the proposed Bill, he or they could have brought an amending Bill. We were expecting that as we voiced the general demand of the people, the general sentiment of the tillers of the

soil-which was to amend section 5 of the Adhiars Protection Act so as to help the Adhiars and to protect them from the pernicious and inhuman treatment of the landlords, Government would bring forward an amendment to further protect the Adhiars, but we find that Government have not brought any amending Bill and therefore it became necessary on our part to bring this Bill. Now, I do not want to take much time, because Mr. Goswami has already discussed the matter rather elaborately. This clause 2 of the proposed amending Bill seeks to redress some of the great grievances. In the original Act, we find that for anything on earth an Adhiar can be evicted. Where there is residential purpose, horticultural purpose, piscicultural purpose, poultry farming or dairy farming or similar other purpose, also for tilling by members of the family or by hired labour and so on and so forth, an Adhiar may be evicted. So practically everything has been left to the mercy and excuses of the landlords. By the proposed amending Bill it is sought to restrict the club of "Brikodor" (*laughter*).—the great landlord. It should be restricted to some extent otherwise that big club of the landlord could demolish everything of the Adhiar.

Then the second important amendment which is suggested is that the period of default or alleged default should be at least extended to two years. It is not only natural calamities but there may also be other reasons for which the Adhiars may not be able to cultivate the land. He may have to keep the land fallow because it may not be possible for him to cultivate for some cogent reasons. Of course, there are some legal experts on that side of the House who might say that in that case legally he is on the wrong side. But at the same time, I should request the legal experts to remember that law should not be inhuman. It should not be something which only bothers about technicalities and makes everything a lawyer's paradise. Law should be as simple and as human as possible. My learned friend will perhaps say that if reasonable grounds are adduced, if it is explained by the Adhiar that for such and such convincing reasons he could not cultivate the land then perhaps he will not be evicted from the land. And natural calamities which Mr. Goswami has referred to might be a convincing argument. There are other arguments which may not convince the landlords because of the fact that there may not be sufficient direct evidence. For example, a man may be suffering from Kala-azar or from another disease for which he is not getting proper treatment due to economic condition for which he could not produce himself before a Government doctor. These things happen not only in one area or to one person but in many places and to many persons. If you go to a distance of $1\frac{1}{2}$ miles from Gauhati, there you will see the tribal people of the Beltola

Mauza and will see that a large number of these people are thus suffering. They are not getting doctors' certificates to prove their illness or disease. Again, there may be protracted disease for which there may not be sufficient direct evidence. There are such circumstances which apparently may not be direct evidence but which are real grounds, and therefore if for such reasons also a man fails to cultivate the land for one year he should be given a chance, and just because he fails to cultivate the land for one year, he should not be subjected to ejection.

My next point is regarding occupancy right. If an Adhial be cultivating the land and if he be paying the landlord's share properly then he may not be ejected. It is not only for the Adhial that we are feeling. We are saying that an Adhial must be giving the due share to the landlord. If he fails to do that and continues occupation, he might be evicted. On the other hand, if he be not a defaulting Adhial and continues to cultivate the land for six years or more, then he should not be evicted or ejected. But even then certain exceptions have been made in case of orphans or widows. But Mr. Das in his speech just sometime ago, was giving to us something, I should say, a smart reply taking advantage of the 'widows' and orphans' case. Now, the orphan and widow have not been missed this time at least. Not only that, the Adhial shall have to be doing his part of the duty honestly. Not only that, he shall have to continue to occupy the land for six years. Even these two factors will not be sufficient to give him the occupancy right as against the claims of widows and orphans. Therefore, the Adhials and the poor landlords, those landlords who are in difficulty, should be looked after in a balanced manner. I therefore, do not think that anybody will be able to say that this Amendment or our suggestions pertaining to it are very revolutionary or unreasonable.

There is another point. If any landlord possesses more than 30 bighas of land, he may not eject an Adhial if he properly cultivates the land. It is in the interest of small land-holders that the limit is made at 30 bighas. All these will go to show that this amending Bill does not show itself as a revolutionary measure. This will surely not solve our agrarian problem. In that way it is not a quite comprehensive and progressive legislation. But under the present circumstances, when we cannot take basically revolutionary measures, we should at least do something whereby the poorer section of the people, those who actually work, are given some amount of protection, some amount of shelter and some amount of incentive for his work. We know that when a man knows that the field where he is working will be his, then naturally that man will have

the initiative, the incentive to improve that field. He will for example manure it, give necessary bunds to keep the water under control and in various other ways improve the land so that it becomes better, so that it gives a better yield next year. If the cultivator thinks that to-day he might be tilling this land, but tomorrow it will be taken over by someone else, he will have naturally no heart to improve the land. As a result, the productive capacity of the land will decrease and it will be a loss to the nation, to that extent our national wealth will go down. Therefore, not only in the interest of the Adhiars but also in the greater national interest we should see that the people who actually work in the field get some incentive for work. Because it is only work that produces value, without exertion no value is created.

Mr. SPEAKER: To which are you referring ?

Shri GAURISANKAR BHATTACHARYYA: I am referring to item (c) under clause 2 of the Bill, Sir. "Provided further that if the Adhiar is in continuous possession of the land for six years or more and is cultivating the land and paying his dues regularly, he shall on no account be evicted from his land unless the landlord is an orphan or a widow."

So, I am saying that it is not only in the interest of Adhiars but also in our greater national interest that we should lend our support to this Bill. If he gets some incentive, the Adhiar will work hard and will improve the land. For that reason also we should see that this provision is at least accepted.

So far as the other points are concerned, I think, I should not take any more time of this House because Mr. Goswami has already explained the points. I shall only appeal to the hon. Members of the Government side to remember what they said during the last Session when we pressed the Government for amending section 5 in the interest of the Adhiars and the people in general. Even if there is some technical difficulty, they should be offering their helping hand to remove such difficulty and to see that this Amendment Bill is passed into an Act.

Shri NARNARAYAN GOSWAMI: Mr. Speaker, Sir, it is the desire of this House to work for the amelioration of the condition of the tenants and the raiyats, and with this end in view the Government are enacting Acts after Acts—the Assam Tenancy Act, the Assam Zamindari Abolition Act, the Assam Money Lenders' Act, the Assam Adhiars' Protection and Regulation Act 1948 and 1952, etc. Sir, I do not know whether my Friends in the Opposition have got the power to do something by the so-called

Assam Adhiars Protection and Regulation (amendment) Bill, but I say, Sir, that this House has to be guided by the spirit and letter of the Constitution of India. Sir, my Friend in the Opposition Party have brought this amending Bill not for the purpose of serving the interest of the Adhiars, but to serve their own party purpose they are simply misleading and white-washing the people, specially the people of the Gauhati Constituency for the bye-election purpose. I say, Sir, this amending Bill has got an election motive behind it. They should not have brought up this Bill for the purpose of giving the occupancy right to the Adhiars which they cannot do under the Constitution of India. Sir, I fail to understand the motive of this amending Bill; there should have been no necessity of bringing up such a Bill before the House when it is quite clear from the pending urban Tenancy Bill that we cannot touch it. Sir, my submission is that the aim of my Friends in the Opposition cannot be fulfilled under the spirit of the Constitution of India. To support this, Sir, I beg to refer to the definition of the terms tenant under the Assam Tenancy Act, 1935.

“... ‘Tenant’ means a person who hold land under another person, and is or but for a special contract-express or implied would be, liable to pay rent for that land to that other person” and ‘rent’ means whatever is lawfully payable or derivable in money or kind or partly in money and partly in kind by a tenant to his landlord on account of the use or occupation of land held by the tenant.....”

Now, Sir, the Adhiar has been excluded from Section 13 of the Assam Tenancy Act. Sir, about the occupancy raiyats, Section 13 (1) of the Assam Tenancy Act reads—...“(a)—a person who for a period of 30 years in the case of land settled for ordinary or special cultivation at full revenue rates, or (b) for a period of 12 years in all other cases, has continuously held the land as a raiyat, shall have a right of occupancy in that land”.

And, Sir, Section 13 (6) reads—“a person who under the system generally known as “adhi”, “barga” and “bhog” cultivates the land of another person, on condition of delivering a portion of the crop to that person, is not a raiyat” Now Sir, I beg to refer to the definition of the Adhiar—...“Adhiar means a person who under the system generally known, as Adhi, (whether Guchiadhi or Guti adhi), barga, chukti, bhog, or chukani cultivates the land of another person on condition of delivering a share or quantity of the produce of such land to that person...”

Now, Sir, the question here is under the Assam Adhiars Protection and Regulation Act one cultivates the land, and under the Assam Tenancy Act one holds the land. Sir, there is great deal of difference between cultivating the land and holding the land. We

are to see whether we can go to legislate to bring the tenants and Adhiars to same status. My submission is according to the Constitution of India we cannot touch it. Sir, under Article 19 (1) (f) of the Constitution freedom has been given to acquire, hold and dispose of property. Sir, I beg to refer to State List 18 which reads—“Land, that is to say, right in or over the land, land tenures including the relation of landlord and the tenant, and the collection of rents; transfer and alienation of agricultural land.....”

Now, Sir, we find that the State Government can legislate to this extent only. In this connection, Sir, I beg to refer to Concurrent List—7 which reads—“Contracts, including partnership, agency, contracts of carriage, but not including contracts relating to agricultural land”.

Sir, my Friends in the opposition are trying to prove their demand, but I say we cannot touch it. Government can deal only with Government lands, land tenures, etc., but we cannot deal with the question of the Adhiars under this Bill. Sir, my submission is that we may improve the condition of the Adhiars as provided under the Constitution, but we are not entitled to do so under the Constitution as stated in this Bill. So I request my Friends to go to Parliament, let them change or amend the Constitution there and we will be ready to join our hands with them to bring such legislation. When they can amend the Constitution of India we will see, Sir, whether it is they who can go forward, or we can go forward in such legislation.

With these few words, I request my Friend to withdraw his Bill and not prove his hollowness in this responsible matter.

Shri HARESWAR GOSWAMI: Mr. Speaker, Sir, I expected that in the discussion stage of this Bill many hon. Members would take part and will at least express their minds. But I also realise their position. It is not very easy to speak out under the discipline of a monolithic party. I know many of them feel the way I do. I also have seen in the list of Resolutions submitted in the September session, not less than 3 Resolutions from the Congress Party related to this Adhiar business. In all those three Resolutions they wanted amendment of the principal Act and they were very progressive. I admit that in the Congress Party to-day there are progressive elements. But the only snag is that it is difficult for them to come out and therefore they are keeping their mouths shut because they do not dare face the wrath of the party bosses, I know that although they are not able to speak, I am voicing their feelings.

Sir, one thing I fail to understand is when Mr. Goswami was speaking about Adhiar Protection Act he says that they are willing to do these things, but they have not the power. Sir, during 1937

when Provincial Autonomy was given, we were told the same thing. We were told that we shall do so many things, we shall abolish Zamindari and give land to the tillers, but the British Government is there and if the power be removed, then we shall do it.

Mr. SPEAKER: But Mr. Goswami, I think Mr. Narnarayan Goswami was referring to the Constitution. If I understand him rightly, he means that the conditions which you are trying to impose will put unreasonable restrictions on Article 19 (1) (f).

Shri HARESWAR GOSWAMI: I am coming to that, Sir. Sir, before I speak on other things, that power is there in the Constitution. That power has been given and what is considered unreasonable is not unreasonable if we also take into account the Assam Non-Agricultural Urban Areas Tenancy Act and also the Assam Non-Agricultural Tenancy (Amendment) Bill which has been brought to the floor of this House and which I hope shall be passed by this Assembly. But when we want to do the same thing by an amending Bill about this Adhjar system, there is a feeling that there is unreasonable restrictions on the holdings of property. This Bill falls far short of those other Bills. Sir, Mr. Goswami was speaking about the Tenancy Act. Sir, in the Tenancy Act also there are two types of occupancy rights. Sir, if we go into those amending Bills we will find that under those Acts more restrictions have been imposed on enjoyment of rights. All those Acts have not been declared *ultra-vires* by the Supreme Court or by any Court. Sir, if these things can be done, I do not see any reason why this Bill cannot be taken into consideration.

Secondly, Sir, if we go into the history of this Bill also, it is in a way like a challenge to the Government. Sir, in the last session we were told that if Members really feel the necessity of amending the Act, they can come forward with an amending Bill. We expected that the Government themselves would come forward with such an amending Bill so as to give more rights to the Adhiars. But they have failed. They do not come forward with that Bill. And we have to do that. But as soon as we have come with an amending Bill, they immediately change their position. They say instead of amending this Act, why not amend the Tenancy Act and instead of amending the tenancy Act, why not amend the Constitution, and so on. It was said by John Gunther, Sir, that Mahatma Gandhi was a very slippery man. Today we find the party in power is very slippery. At least in one respect they have inherited from the Father of the Nation—in thier slipperiness. As soon as we want to amend a certain Act, they will say no, we should not amend this Act, let us amend the other Act. In this way, Sir, they want to avoid the issue.

Shri NARANARAYAN GOSWAMI: The Constitution was made by 35 crores of people in India, it is not our making ?

Shri HARESWAR GOSWAMI: Let us not go into this. I do not want to reply to that, it will simply be wasting of time. Even regarding Article 19 (1) (f) which has been referred to so much by my Friend Mr. Goswami, I feel that there are certain clauses in this Bill also which does not take away all the rights because in the parent Act it is said in section 5 that when the Adhiar utilises his land in a manner which renders it unfit for the purpose of cultivation—I have not taken away that section and I have retained it in my amending Bill that if an Adhiar cultivates his land in a manner which is prejudicial to the land itself, then he should not enjoy that right. Therefore, there is some limit to the enjoyment of right by the Adhiar. Then, also if he does not pay his dues regularly, then he may be evicted. That also I have not taken away. What more the landlord wants ? The landlord will not get one thing, *i. e.*, he will not get the agricultural plot of land for the purpose of horticulture, pisciculture, dairy farm or poultry farm. So he will not get for the purpose of cultivating it, not through his own labour but through hired labour otherwise if he wants that plot of land for agricultural purpose and also he wants to till it himself, I have not got any provision which will prevent him from doing so. Here curtailment of his right means curtailment of his holding. In the Tenancy Act also there is nothing more than that. We have heard it said that the Adhiars are sought to be brought almost to the same footing as the occupancy riyat who can enjoy certain right of occupancy. In the last 10 or 12 years I have not seen any material change in the condition of the occupancy riyat. Mr. Naranarayan Goswami read so much from the Tenancy Act. But the Tenancy Act does not apply to the Adhiars. The landlord can enjoy his property provided he wants it for agricultural purpose and secondly he wants it to till it with his own labour. If he wants to till it with hired labour then he will not get it (A voice: not even by machine?). If he uses machine himself, then there is no obstacle. As a matter of fact, I am now advising the Brahmins that while, according to his religion, he cannot plough himself, he can plough with machine, and as such with the help of machine if he becomes a cultivator there is no objection. If he drives the machine himself, there is no objection (*laughter*). It is quite possible. I am not preventing him from doing so. The arguments advanced by Mr. Narnarayan Goswami sound very good, but it appears that those arguments do not fit in the present discussion of this Bill.

With these words, Sir, I would request those Members at least who have kept their mouth shut, but whose mind is with me, and

Mr. Das who will with his legal arguments try to demolish my arguments, to bring in another Bill, if necessary, providing more relief to the Adhiars.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, this is another painful thing on my part to oppose the Bill at the consideration stage specially when it comes from my Friend, the Leader of the Opposition, with whom I have so much in common. As a matter of fact we started in perfect agreement, only towards the end we differed when he became a Goswami and I remained a Das, a servant of the people (*laughter*). Now, what is a Goswami? He is an intermediary, an intermediary between God and man (*laughter*). The speech of my Friend, Mr. Bhattacharyya, and his complaint against this side of the House, that his reasonable grievances are not listened to by this side of the House, has reminded me of a story. An opium eater went to bed at night, he closed the doors and windows, drew the curtain, took a heavy dose of opium and went to bed. Next day even at noon he was lying down in bed with his eyes shut. Naturally the entire room was dark and he was simply seeing darkness. He was complaining, "How is it that the sun has not risen yet, the night is not yet over, is the sun dead?" The position of my Friend is like this (*laughter*). He keeps the doors and windows of his mind closed. His eyes are shut and so the rays from this side, however powerful they may be, fail to illuminate the chamber of his mind. With his eyes shut he sees only darkness. However much we try to give him light, we fail to reach his mind. So, I request my Friend to keep the doors and windows of his mind open. If they are kept closed, he will see only darkness, and will be complaining like that opium eater.

Shri GAURISANKAR BHATTACHARYYA: On a point of information, Sir, has the opium been supplied by the smuggler under.....

Mr. SPEAKER: No, I cannot allow you to speak now.

Shri HARESWAR DAS (Deputy Minister): I shall now deal with the general principles of the Bill. From the Bill it appears that a raw hand drafted it. There is mistake in the preamble. The preamble makes it appear that this is the first Amendment, but actually this is not the first Amendment, it is the second Amendment. The word "further" should have appeared before the words "to amend". This is, however, a minor objection and for this reason only I do not oppose the Bill. (Shri Hareswar Goswami: In the printed copies supplied to us we do not find anything wrong.) But

there is a mistake in my copy. Then perhaps there are two sets of copies in one of which there are some mistakes.

Now, let me read the Statement of Objects and Reasons. The intention may be very well and I do not doubt the intention or motive of my Friends, Mr. Goswami or Mr. Bhattacharyya. But as regards the sentiments expressed I may point out that they have no place in legislation. When we deal with a Bill we must not bring the question of sentiments in it. In the Statement of Objects and Reasons we read as, "This Bill seeks to give greater right to an Adhjar after completion of a certain period of time. The Bill also seeks to keep agricultural land strictly for agricultural purposes in the interest of greater production of food and deny to the landlord his right to use such land for purposes other than agricultural. The Bill further seeks to prevent eviction of an Adhjar by a landlord for using his land for cultivation by hired labour and subletting whether by a landlord or by an Adhjar." But what do we find in Clause 2 (b). Here it lays down that "for clauses (iii) and (iv) the following shall be substituted. This means that Clause (iv) of Section 5 of the main Act is deleted.

Now, item (IV) of section 5 provides that if the Adhjar keeps the land fallow for one year or sublets to others, he is liable to eviction. If that clause is deleted as is sought to be done, the Adhjar will be able to sublet the land to others. If the Adhjar can sublet to others, it will be contrary to the intention of the Bill. So the Bill as it stands, defeats its own purpose. I do not want to oppose the Bill merely for opposition's sake. I request my Friend to see my point. I also agree with him that an Adhjar should not be allowed to sublet. The Adhjar is already there as a sub-lessee.

Shri HARESWAR GOSWAMI: But why is it allowed under the principal Act?

Shri HARESWAR DAS (Deputy Minister): In section 5 (IV) it is laid down: "that the Adhjar kept the land fallow for one year or sublets to others", If the Adhjar does it, he is liable to eviction. The Leader of the Opposition wants to delete the words, "sublets to others", but a similar clause has not been inserted. So an Adhjar will be entitled to sublet. Then in his Statement of Objects and Reasons, the second sentence reads, "The Bill also seeks to keep agricultural land strictly for agricultural purposes in the interest of greater production of food and deny to the landlord his right to use such land for purposes other than agricultural". That is not possible under the Constitution. This will mean denial to the landlord his right to "hold" his land, which he is entitled to do under Article 19(1) (f)

of the Constitution and 'hold' has been interpreted by the Supreme Court as the right to use in any manner the owner likes. We cannot do away with the provisions of law. Shri Bhattacharyya pleaded for special treatment to the poor tenants. This is not possible as benefit to the poor has to be conferred in accordance with law. My Friend is aware of this difficulty and so has taken recourse to special pleading, but special pleading is beyond the scope of the Legislature. When you have accepted the right of a man to hold private property, you have got to admit his right to use his property in any way he likes.

Shri HARESWAR GOSWAMI : But there is scope for restriction for the use of land.

Shri HARESWAR DAS (Deputy Minister) : Yes, but you cannot take away the right itself. If you want to restrict the right for general public or for the Scheduled Tribe you are to bring a separate Bill, where President's assent will be necessary. You cannot do that by amending the Adhiars Act.

It appears that there is a misconception about the scope of this Act, which is very limited. What is an Adhiar and what is a tenant? A confusion has been created in this regard. It has been argued by both of my Friends, Mr. Goswami and Mr. Bhattacharyya, as if there is no difference between an Adhiar and a tenant. The Leader of the Opposition argued that in the Tenancy Act there are occupancy right conferred on a tenant. Now, in Tenancy Acts Adhiar has been specially excluded. The definition is there. If this Bill is passed then it will conflict with many other Acts. Without repealing those Acts, this Bill cannot be passed into law. For example, there is the Goalpara Tenancy Act. It is prevalent in the Goalpara district. There is the Sylhet Tenancy Act which is prevalent in the Karimganj Sub-division. In the Goalpara Tenancy Act, Section 4 item (20) explanation (2) runs thus—"a person who, under the system generally known as *adhi*, *barga* or *bhog*, cultivates the land of another person on condition of delivering a proportion of the crops to that person, is not a tenant." There are similar provisions in the Sylhet and Assam Tenancy Acts. So if my Friend wants to have his Bill passed, he should have repealed relevant clauses of the Goalpara Tenancy Act and Sylhet Tenancy Act and the definition of the Assam Tenancy Act.

Shri HARESWAR GOSWAMI : That is not necessary.

Shri HARESWAR DAS (Deputy Minister) : That is necessary because this Bill applies to Goalpara, Karimganj and every other place in the State. If this Bill is allowed to pass, two contradictory provisions on the same subject will be in vogue. This will create confusion. I therefore oppose this Bill.

Then there is another mistake. That is also due to wrong drafting. Clause 3 (1) of this Bill says, "Notwithstanding anything to the contrary in this Act and in the principal Act, any existing agreement between an Adhinar and a landlord, expressed and implied, to pay less than the portion or share of the crops stipulated in the principal Act shall not be allowed to be revised in a manner prejudicial to the interest of the Adhinar". What does this mean? Clause 3 (1) makes it section 9 of the principal Act. This is a part of the principal Act itself. If it was a part of the amending Bill then it would have been another thing, but if the Bill is passed this clause will be section 9 of the principal Act. So the words "stipulated in the principal Act" is meaningless.

Shri HARESWAR GOSWAMI : In this Act or principal Act?

Shri HARESWAR DAS (Deputy Minister) : That section itself is a section of the principal Act. There is a great difference between an Adhinar and a tenant. A tenant also may pay rent in kind. The difference between the paddy paid by an Adhinar and paddy paid by a tenant is this that the quantity of paddy to be paid by a tenant is fixed, whether he cultivates the land or not. This converts the paddy into rent, but in the case of an Adhinar this is not so.

If a share of the crop is given, it will not be rent and will convert a cultivator into an Adhinar. An Adhinar may grow 8 maunds of paddy per bigha of land and the owner will get $\frac{1}{4}$ of it, he may neglect and grow only 2 maunds per bigha then the landlord gets one fourth of the 2 maunds. This is the risk. If the Adhinar neglects, then the quantity of the share of the owner is reduced substantially, but in the other case the position of the landlord is rather secured. The landlord in that case gets a fixed quantity. If a suit is brought against an Adhinar for non-receipt of the share, that suit will not be a suit for rent, it will be a money suit. A tenant gets the right over the land for 12 months as his rent is fixed for 12 months, but the Adhinar does not get that right. The Adhinar only gives a share of the crops he grows to the owner. His occupation therefore terminates with harvest of that crop. He can occupy the land from the date of cultivation to date

of harvest. After the harvest is over, his right in the land ceases. This is the difference between an Adhiar and a tenant. Now my Friend wants to give the Adhiar an occupancy right which is not possible. The proviso suggested by him in clause 2 (c) is an absurd proposition. It says—"if the Adhiar is in continuous possession of the land for six years or more... he shall on no account be evicted from his land etc..." It means expropriation without compensation. If an Adhiar can somehow keep the land in his possession for six years, then he becomes the owner of the land. He gets more than the occupancy right. After that period of six years, if the Adhiar does not give any share of the crop he cannot be evicted. It conflicts with many other provisions of law.

Now his suggestion for the modification of section 5 of the Act which practically controls the whole Act, will upset the whole Act. Look at the language he puts....."he shall on no account be evicted from his land...". It is mandatory. He becomes the owner of the land, a Lakherajdar. The right of the owner of the land is extinguished without payment, of compensation.

Then his amendment in section 5 (iii) suggests that an Adhiar can keep his land fallow for two years, for satisfactory reasons. Satisfactory to whom? An Adhiar may explain a certain thing to his satisfaction, which may not be to the satisfaction of the owner. He may put forward many excuses and may say that those are satisfactory reasons. To whom this satisfactory reasons are to be given—my Friend has not mentioned. He ought to have provided that. He cannot say something in paper and keep something in his mind. He should remember that it is an Act. These provisions may be discussed in a law court and my Friend will not be there to say that this was in his mind (*laughter*). A lawyer cannot be guided by something what may be in the mind of my Friend. Now if an Adhiar keeps the land fallow for two years he cannot be evicted, as there is no crop, he is not to give any share. Then he cultivates. For two years he may not make any payment. That is for four years that landlord gets nothing, but he will have to pay land revenue regularly. My Friend, Mr. Bhattacharyya, was speaking about the widows and minors. Now how the widows and minor owners will maintain themselves? There are many other contradictory suggestions, which cannot be accepted. I hope, my Friend will now understand the whole position clearly and withdraw his Bill,

Mr. SPEAKER : The question is that the Assam Adhiars Protection and Regulation (Amendment) Bill, 1953 be taken into consideration.

(The Motion was negatived).

Resolution regarding the increase of daily halting Allowance of the Members of the Assam Legislative Assembly.

Shri EMONSING SANGMA : Mr. Speaker, Sir, I beg to move that the halting allowance of the Members of this Assembly be increased from Rs.10-8-0 per diem to Rs.20 per diem, in addition to the usual daily conveyance allowance of Rs.2-0-0 with effect from the beginning of the present Budget Session and this Assembly requests the Government to take appropriate steps to implement the same.

The object of moving this Motion is that the halting allowance for the Assembly Members of this House is not adequate to meet the expenses that are incurred by the Members here. There are various items for which the Members are to incur heavy expenses when they come to attend the Assembly Session. The present rate of halting allowance which is Rs.10-8-0 is not barely sufficient even to meet their daily necessities here. We find from our experience here that guests from outside and from the respective constituencies of the members come to Shillong to meet their respective representatives when the Assembly Session is on. When the Members receive their guests or men, it is only natural that they should receive their people with some entertainments. Not only this, sometimes the Members are to take them round to certain places for official and non-official business.

Adjournment

The Assembly was then adjourned till 10 A.M. on Saturday, the 4th April, 1953.

SHILLONG,

The 10th October, 1953. }

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.
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11. Messrs. Sirbhumi Publishing Co., Calcutta.
12. The Proprietor, 'Graduates Union,' Gauhati.
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17. Messrs. Bodh Raj Marwah, Booksellers, Shop No.63, Pusa Colony Market, Delhi-Karol Bagh, New Delhi.