Assam Legislative Assembly Debates

OFFICIAL REPORT

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

OCTOBER-NOVEMBER SESSION

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Proceedings of the Sixth 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 Tuesday, the 2nd November, 1954.

PRESENT

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

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Increase of land revenue in Barpathar-Sarupathar

Shri HARESWAR GOSWAMI asked:

*8. Will the Minister of Revenue be pleased to state—

(*a*) By what percentage the land revenue in Barpathar-Sarupathar area has gone up as a result of the recent survey and settlement operations ?

(*b*) Whether the Minister has since received representation from the public against such enhancement of revenue and rate and if so, what steps have been taken on such representation ?

Shri HARESWAR DAS (Deputy Minister) replied:

8. (*a*)—Only a proposal has been received from Settlement Officer, Golaghat to the effect that the revenue in respect of Barpathar and Sarupathar mouzas may be increased by 91·36 per cent. but no final order has been passed as yet.

(*b*)—No.

Maulavi MUHAMMAD UMARUDDIN: Is it not a fact that as a result of the recent survey and settlement operations the rate of land revenue has been enhanced beyond a certain percentage, and in view of that should not the principle of deferred payment be applied ?

Mr. SPEAKER: Is it not a fact that as the land revenue has been raised as a result of settlement and survey operations, and in view of that should not the principle of deferred payment be applied ?

Shri HARESWAR DAS (Deputy Minister): That is a separate question, Sir.

Mr. SPEAKER: If there is a law, I think, that should be applied.

Shri HARESWAR DAS (Deputy Minister): There is law allowing deferred payment in rural areas.

Maulavi MUHAMMAD UMARUDDIN: Are not Barpathar and Sarupathar rural areas ?

Shri HARESWAR DAS (Deputy Minister): They are.

Mr. SPEAKER: Whether those are non-cadastral or cadastral ?

Shri HARESWAR DAS (Deputy Minister): These are immature areas, mostly non-cadastral.

Re: Public Works Department

Shri HARESWAR GOSWAMI asked:

* 9. Will the Minister, P. W. D. be pleased to state—

(*a*) Whether he is aware of the fact that in almost all other States in India, the Public Works Department has been split up into three or four departments, each under the charge of a Chief Engineer, and that this has helped specialisation and has avoided delay in disposal of work ?

(*b*) Whether Government propose to take similar steps in our State by promoting the two Additional Chief Engineers to the rank of the Chief Engineer instead of making one Chief Engineer technically responsible for all departments ?

* 10. (*a*) Are Government aware that the division at present allotted to one Executive Engineer under the Public Works Department, is too large ?

(*b*) Do Government propose to split up these Divisions in the interest of greater efficiency and speed in disposing work ?

(*c*) Will Government consider the advisability of sending some Engineers abroad to U. S. A. or China for taking training in embankment and drainage work ?

* 11. Will the Minister of P. W. D., be pleased to state—

(*a*) How many officers recruited from outside the State are now working as Junior Assistant Engineers and on what pay and other conditions of service ?

(*b*) What is the starting pay of such officers recruited within the State ?

*12. (*a*) Will the Minister in-charge of P. W. D. be pleased to state the names of officers in the P. W. D., with their qualifications who have been trained in U. S. A. and in what capacities they are appointed at the moment ?

(*b*) Do Government propose to consider the question of liberalising leave rules in case of P. W. D. officers so that temporary hands may go abroad for taking training ?

***Shri MOHI KANTA DAS (Parliamentary Secretary)** replied :

9. (*a*)—Government is not aware of the exact number of Departments into which the P. W. D. has been split up under each Chief Engineer in other States of the Union although normally the Irrigation Department (E. & D.) is a separate Department from that of the Roads and Buildings Department in some States. Such arrangement may encourage specialisation and speed up disposal of work to a certain extent.

(*b*)—The question of separation of the E. & D. Branch of the P. W. D. from the Roads and Buildings Branch is already under consideration of Government. The question of giving the over-all powers of a Chief Engineer to the two Additional Chief Engineers over their Departments is receiving the attention of Government.

10. (*a*)—Government are aware that some Divisions are too heavy for one Executive Engineer.

(*b*)—The matter is receiving Government attention.

(*c*)—The suggestion will receive due consideration by Government but due to extreme shortage of technical officers in the P. W. D., it is not possible to depute any officer for the purpose at present.

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*As Shri Siddhinath Sarma, Minister, Public Works Department was absent on that day Shri Mohi Kanta Das, Parliamentary Secretary replied.

11. (*a*)—A list of such officers along with their pay and conditions of service is laid on the table.

Statement referred to in reply to Starred Question No.11(a) asked by Shri Hareswar Goswami, M.L.A.

List of Junior Engineers recruited from outside the State with their pay

Name	Pay
1. Shri Y. A. Shri-dhan Rao ...	... Rupees 290 *plus* Rs.10 p.p
2. Shri Y. S. Gopinath Rao ...	... Rupees 290 *plus* Rs.10 p.p
3. Shri B. K. Narasingha ...	... Do. do.
4. Shri K. N. Ramachandran ...	... Do. do.
5. Shri M. S. Venkatswaran ...	... Do. do.
6. Shri M. Venkata Swamy ...	... Do. do.
7. Shri H. K. Lakshmi Narayan Jois	... Do. do.
8. Shri A. S. Srinivas	... Do. do.
9. Shri K. Srinivas	... Do. do.
10. Shri K. S. Surya Narayan ...	... Do. do.
11. Shri K. Hussain	... Do. do.
12. Shri A. S. Chelvaraj ...	... Do. do.
13. Shri N. K. Dikshit	... Do. do.
14. Shri A. V. Paramashivan ...	... Rupees 305.
15. Shri K. Sundaram	... Rupees 290 *plus* Rs.10 p.p
16. Shri K. Srinivasiah... ...	... Do. do.
17. Shri Devanathan	... Do. do.
18. Shri V. Krishna Raju ...	... Do. do.
19. Shri Khushalani Uttam ...	... Do. do.
20. Shri G. S. Calebs ...	... Do. do.
21. Shri Pannalal	.. Do. do.
22. Shri V. K. Ambart ...	.. Do. do.
23. Shri Vital Rao	... Do. do.
24. Shri Matilal Mandralal ..	... Do. do.
25. Shri S. K. Narayan Swamy Dikashit	.. Do. do.
26. Shri Mrigendra Nath Roy ...	... Do. do.
27. Shri R. G. Anantha Rao ...	... Do. do.
28. Shri K. Nagarajachan ...	... Do. do.
29. Shri T. S. Raman ..	... Do. do.
30. Shri G. S. Raghavendra ..	... Do. do.
31. Shri N. K. Ramswamy ...	... Do. do.
32. Shri Y. N. Chandra Shekhar Iyer	... Do. do.
33. Shri B. A. Seetharamaiah ...	... Do. do.
34. Shri K. Srinivason ...	... Do. do.
35. Shri M. S. Gopal	... Do. do.
36. Shri Kamalchya P. Choudhury	Do. do.

AGREEMENT

Articles of Agreement made the..... day of.....one thousand nine hundred and .....between.....of the first part and the Governor of Assam of the second part.

Whereas the Governor of Assam (hereinafter referred to as "The Government") has engaged the party of the first part and the party of the first part has agreed to serve the Governor of Assam on the terms and conditions hereinafter contained.

Now these presents witness and the parties hereto respectively agree as follows:—

1. The party of the first part shall submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and shall remain in the service for the term of ..... years commencing from the date of joining as Temporary Engineer/Temporary Junior Engineer/Temporary Overseer/Computor/Draftsman, subject to the provisions herein contained.

2. The party of the first part shall devote his whole time to his duties and at all times obey the Rules including the Government Servants Conduct Rules prescribed for the time being for the regulation of the officers of the Government of Assam and shall whenever required, proceed to any part of Assam and there perform such duties as may be assigned to him.

3. The service of the party of the first part may be terminated as follows:—

(1) By the Government without previous notice if the Government is satisfied on the report of the Standing Medical Board (in case of a Temporary Engineer) or a competent medical authority, *i.e.*, Civil Surgeon of a District (in the case of Junior Engineers and Overseers, etc.) that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in Assam.

Provided always that the decision of the Government that the party of the first part is likely to continue unfit shall be conclusively binding on the party of the first part.

(2) By the Government or their officers having proper authority without any previous notice if the party of the first part shall be guilty of any insubordination, intemperance or other misconduct or of any breach or non-performance of any of the provisions of these presents or of any Rules pertaining to the officers of the Public Works Department under Government of Assam.

(3) By three Calendar months' notice in writing given at any time during service under this agreement, either by him to the Government or by the Government or their authorised officer to him without cause assigned.

Provided always that the Government may in lieu of any notice herein provided for, give the party of the first part a sum equal to the amount of his pay for three months or shorter notice than three months if they pay him a sum equal to the a mount of his pay for the period by which such notice falls short of three months.

The term 'pay' for the purpose of this clause shall mean the pay (including special pay and personal pay if any) the party of the first part is receiving under these presents at the time, unless he is receiving officiating pay in which case it shall mean the pay (including special pay and personal

pay if any) of his substantive appointment, (*i.e.*, the pay of the appointment to which he was originally appointed under these presents).

4. If the party of the first part be suspended from duty during investigation into any charge of misconduct mentioned in clause 3 (2) hereof, he shall not be entitled to any pay during such period of suspension but shall be entitled to receive a subsistence grant at such rate as the Government may decide to allow him.

5. The scale of pay attached to the post of Temporary Engineer/ Temporary Junior Engineer and Overseer, etc., to which the party of the first is appointed shall comprise the following monthly rates of pay in successive stages of twelve months' service *Viz.*, Rs. 300—25—600./Rs.200—10—260—15—350.

He shall from the date of joining the appointment be granted Rs. per mensem, in the aforesaid scale and shall receive pay in the succeeding stages provided for in that scale in accordance with the provisions of the rules for the time being in force and applicable to his case, service in the stages reckoning from the aforesaid date. The pay from time to time payable to him under these presents shall be paid for such time as he shall serve under this Agreement and actually perform his duties, commencing from the aforesaid date and ceasing on the date of his quitting service in Assam or on the day of his discharge therefrom or on the day of his death if he shall die whilst in service, provided that if at any time the party of the first part proceeds on deputation or on duty out of Assam or India his pay during the period of his deputation shall be regulated by the ordinary Rules regarding deputation or duty.

6. The party of the first part shall be eligible subject to the exigencies of the public service for leave and leave salary under the Rules as admissible to temporary Government servants which may from time to time be applicable to him.

7. If the party of the first part is required to travel in the interest of public service, he shall be entitled to travelling allowance on the scale provided for in the Rules subsidiary to the Fundamental Rules for the time being in force and applicable to his case.

8. The party of the first part shall be eligible for any concessions in relation to medical attendance and treatment that may be prescribed by Government for the class of officers serving in the same station to which Government may declare the party of the first part to correspond in status or conditions of service.

9. During his service under these presents, the party of the first part shall be permitted to subscribe to the contributory Provident Fund and shall be subject to the Rules of that Fund for the time being inforce.

10. Notwithstanding anything hereinbefore contained the party of the first part shall unless otherwise decided by the Government be entitled to receive in whole or in part as may be authorised by the Government the benefits of any improvement that may be sanctioned by the Government subsequent to the date of these presents in the terms and conditions of service of officers of similar status of the Assam Public Works Department and the decision of the Government in respect of such improvement in the terms and conditions of service of the party of the first part shall operate so as to modify to that extent the provisions of these presents.

11. Notwithstanding anything hereinbefore contained the pay and Leave Salary admissible under these presents shall be subject to any emergency cut that may be ordered by the Government for the same period and on the same terms as for other officers under the administrative control of the Government.

12. In any matter in respect of which no provision has been made in this Agreement, the provisions of the Civil Service (Classification, Control and Appeal) Rules, any Rules made thereunder and any other Rules made or deemed to be made under Article 309 of the Constitution of India shall apply to the extent to which they are applicable to the service hereby provided for and the decision of the Government as to their applicability shall be final.

13. That in the event of there being a subsequent appointment to any permanent vacancy of the party of the first part, he will get the benefit of the length of service he has already put in for the purpose of increment but will have to come down to the rates and scales of pay admissible to the permanent Government servants of that cadre in which he will be appointed permanently.

14. The Party of the First part shall be entitled to Travelling Allowance as on tour on joining the appointment and return Travelling Allowance not exceeding the amount drawn as joining Travelling Allowance on satisfactory completion of the contract period.

15. The Party of the first part shall be entitled to Dearness Allowance/ cost of living allowance at the rate as sanctioned by Government from time to time to other Government servants on similar pay and status and also to rice concession/free ration as admissible to other Government servants.

In witness whereof the party of the first part and the Chief Engineer and Secretary to the Government of Assam in the Public Works Department by the order and direction of the Governor of Assam and on behalf of the Governor of Assam, have hereunto set their hands the day and year first above written.

Signed by the party of the first part in presence of

..... Signature of the party of the first part.

Signed by the said Chief Engineer and Secretary to the Government of Assam in the Public Works Department by the order and direction of the Governor of Assam and on his behalf in the presence of

..... Signature of the party of the 2nd part.

(*b*)—For Temporary Engineers recruited within the State, the scale of pay is Rs.200—600 and for temporary Overseers, the scale is Rs.120—275. The starting pay is the minimum of the above scales if the recruits are fresh from Colleges.

12. (*a*)—1. Shri K. Barua, B. E., M. C. P. (Calif.), Additional Chief Engineer (R. & B.).

2. Shri A. Rashid, B. E., M. S. (Colorodo), Assistant Chief Engineer and Under-Secretary, P. W. D.

3. Shri D. N. Dutta, B. E., M. S. (Colorodo), Executive Engineer, Umtru Hydel Project Division.

4. Shri R. K. Bhuyan, B. SC., M. SC. (Louisiana), Executive Engineer, Lower Assam E. & D. Division.

5. Shri A. N. Datta-Chaudhury, B. E., M. S. E. (Princeton), Executive Engineer, Cachar E. & D. Division.

6. Shri G. C. Sarma, M. SC. (Iowa), Executive Engineer, Goalpara Division.

7. Shri K. C. Pathak, B. SC. (Agri.), B. S. (Civil Engrg.) (Utah.), S. D. O., Sibsagar E. & D. Subdivision.

(*b*)—This is a general question concerning all other Departments. Government do not propose to liberalise the existing leave rules for the P. W. D. officers alone.

Shri HARESWAR GOSWAMI : Will Government make an enquiry as to whether in other States the Public Works Department has been split up ?

Shri MOHI KANTA DAS (Parliamentary Secretary) : I have already replied to that, Sir. The Government is not aware of the exact number of Departments into which the Public Works Department has been split up under each Chief Engineer in other States.

Shri HARESWAR GOSWAMI : Sir, my question, is: Whether Government will make an enquiry whether in other States the Public Works Department has been split up into how many Departments, and what are the results ? But the answer is given that Government is not aware of that. What is the difficulty in making an enquiry instead of saying that Government is not aware of the fact ? Is it due to the fact that the Minister-in-charge is absent today ?

Shri BISHNURAM MEDHI (Chief Minister) : Sir, each State has its own problems, and one problem of a particular State may not be similar to another State. So the matter has

to be examined according to the prevailing circumstances of the different States concerned. Now, we have said that as far as Irrigation (Embankment and Drainage) is concerned, this is a separate Department from the Roads and Buildings Department in some States.

Shri HARESWAR GOSWAMI: Sir, whether Government will now make an enquiry ?

Shri BISHNURAM MEDHI (Chief Minister): Sir, this has already been said that so far as Irrigation (Embankment and Drainage) Department is concerned, this has become a separate Department in some other States also. This we know without making an enquiry. So, what is the necessity of making an enquiry ?

Shri HARESWAR GOSWAMI: Sir, my point is whether Government is aware of the fact that in some States, Public Works Department has been split up into 3 or 4 Departments for administrative purpose, but I have been given a reply that Government is not aware.

Shri BISHNURAM MEDHI (Chief Minister): Sir, in some States there are separate Secretaries and they will co-ordinate their activities with the Chief Engineer. In our State there is one Chief Engineer who is also the Secretary, Public Works Department who co-ordinates the activities of other Additional Chief Engineers including the one in charge of Irrigation (Embankment and Drainage) Department.

Shri HARESWAR GOSWAMI: Whether the Department has been split up ?

Mr. SPEAKER: The Irrigation Department has been split up in several States.

Shri BISHNURAM MEDHI (Chief Minister): It all depends on the number of officers. Here in our State the personnel was very small and therefore we had to bring people from outside on temporary basis or on basis of contract. There are lots of difficulties for which we have not been able to split up the Department but the matter is receiving our consideration.

Shri HARESWAR GOSWAMI: Regarding 11(*b*), from the list of Junior Engineer recruited from outside, I find that the starting pay of these officers is Rs.290 *plus* Rs.10 p. p. What is "p. p." ?

Shri MOTIRAM BORA (Minister) : Personal pay.

Shri HARESWAR GOSWAMI : On the other hand the starting scale of the Engineers recruited inside is Rs.200 upto Rs.600. Why is this discrimination ?

Mr. SPEAKER : Because they are on contract basis. Is not that so ?

Shri MOTIRAM BORA (Minister) : Yes.

Shri BISHNURAM MEDHI (Chief Minister) : Even in spite of these remunerations we are not getting qualified Engineers from outside, because they are getting similar remunerations in other States. Our requirement is about 200 and out of this only 50 have so far come and we have not been able to fill up the remaining posts for expediting the work.

Shri HARESWAR GOSWAMI : Is this Rs.290 static ?

Shri MOTIRAM BORA (Minister) : It is within the scale.

Shri HARESWAR GOSWAMI : The scale is Rs.200 to Rs.600. Why the starting is so low ?

Mr. SPEAKER : In future they will get more pay but those from outside will be sent away as soon as the contract expires.

Raja AJIT NARAYAN DEB of Sidli : Are they not supposed to do the same work ?

Shri RAMNATH DAS (Minister) : It may be so.

Shri BISHNURAM MEDHI (Chief Minister) : Because it is a question governed by law of supply and demand. The candidates from the province are permanently employed in the Cadre and have prospect of being promoted up to the post of Chief Engineer whereas the outsiders have practically no chance of being permanently absorbed and have no future prospect of promotion to higher posts.

Shri GAURISANKAR BHATTACHARYYA : Will Government be pleased to state the reason why exception is made to the principle of equal pay for equal work in the matter of appointing indigeneous Engineers ?

Shri BISHNURAM MEDHI (Chief Minister): That is always done in the case of officers who are likely to be absorbed, but in the case of temporary hands some higher initial is given to attract persons as they have neither prospect of being made permanent nor being made permanent.

Shri GAURISANKAR BHATTACHARYYA: In view of the fact that Engineers are in great demand now, will Government consider the question of raising their initial from Rs.200 to Rs.250 per month ?

Shri BISHNURAM MEDHI (Chief Minister): That does not arise at present.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Land requisitioned by Government in Tea Gardens of Cachar District

Shri GAURI SANKAR ROY asked:

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

(*a*) The area of land requisitioned by Government in each Tea Garden of Cachar district, from the year 1951 to upto date ?

(*b*) The area of land already distributed in each garden separately during the above period ?

(*c*) The area of land reclaimed by the allottees in each garden separately during the above period ?

(*d*) The area of land distributed to landless *ex*-tea garden labourers with numbers in each garden separately during the above period ?

9. What is the definition of landless indigenous people ?

Shri MOTIRAM BORA (Minister) replied:

8. (*a*) *to* (*d*)—The information has been called for.

9.—Hon. Member is referred to the meani ng given in recognised English Dictionaries.

Shri GAURI SANKAR ROY: Is the meaning of the word "landless" in the dictionary applicable in the matter of distribution of requisitioned land of tea gardens ?

Shri MOTIRAM BORA (Minister): Landless is landless, it is not difficult to understand.

Shri GAURI SANKAR ROY: My question was "What is the definition of landless indigenous people" and the Minister has replied "hon. Member is referred to the meaning given in recognised English Dictionaries".

Shri GAURISANKAR BHATTACHARYYA: Whether Oxford or Chambers Dictionary, Sir ?

Shri MOTIRAM BORA (Minister): Any recognised Dictionary.

M. MOINUL HAQUE CHOUDHURY: Will the Government consider the desirability of placing some Dictionary on the table of this House in view of the answer ?

Mr. SPEAKER: It is in the Library.

Shri GAURI SANKAR ROY: Is there not any limit to the holding upto which the people are regarded as landless ?

Mr. SPEAKER: He who has no land is landless.

Sal Trees for Public Institutions

Shri HARESWAR GOSWAMI asked:

10. Will the Forest Minister be pleased to state--
   (*a*) To how many public institutions Sal trees were given in the years 1953 and 1954 (upto July) in the south bank of Kamrup both from reserved and unclassed forests ?
   (*b*) Whether he proposes to lay on the table a list of names of these institutions and the number of trees given to each one of them ?

Shri RAMNATH DAS (Minister) replied:

10. (*a*)—10 (ten).

(*b*)—A list of names of these institutions with the number of trees granted to each is laid on the library table.

Report against the Principal and the Vice-Principal of the Assam Veterinary College and Accounts Branch of the Director of Veterinary Department

Shri GAURISANKAR BHATTACHARYYA asked:

11. (*a*) Will the Minister-in-charge of Veterinary Department be pleased to state what action has been taken on the

report of Anti-Corruption Department against the Principal and Vice-Principal of the Veterinary College, and the Accounts Branch of the Director of Veterinary Department, and Veterinary College for misappropriation, defalcation and manufacuring of false vouchers ?

(*b*) Is it a fact that the Minister-in-charge of the Veterinary Department kept the connected files and other important papers with him for an indefinite period ?

(*c*) Is it a fact that a sum of Rs.18,000 was paid in excess for the construction of Veterinary buildings ?

(*d*) Is it a fact that a sum of about Rs. 50,000 was drawn by the Director of Veterinary Department on 31st March, 1954 but up till now proper disbursement of the said sum has not been made ?

Maulavi ABDUL MATLIB MAJUMDAR (Minister) replied :

11. (*a*)—A report concerning various irregularities has been received by Government and is under scrutiny.

(*b*)—No.

(*c*)—No.

(*d*)—No. The amount has been both drawn and disbursed.

Shri GAURISANKAR BHATTACHARYYA: With regard to answer (*a*), is it a fact that the name of the Minister in-charge of Veterinary Department was also in the report as being in collusion with the officer who committed the irregularities ?

Mr. SPEAKER : I disallow the question.

Shri RADHIKARAM DAS : How long the report is in the hands of the Government ?

Maulavi ABDUL MATLIB MAJUMDAR (Minister) : It was received about a fortnight ago and is under scrutiny now.

Shri RADHIKARAM DAS : Is it not a fact that in reply to a question in the last Budget Session the Minister said that they received the report in January last ?

Maulavi ABDUL MATLIB MAJUMDAR (Minister) : Yes, that is a fact, but on receipt of the report, explanation from the officer concerned was called for and that explanation has now been received and is now under scrutiny.

Shri GAURISANKAR BHATTACHARYYA: Will the Report be placed on the Table here ?

Maulavi ABDUL MATLIB MAJUMDAR (Minister): No, Sir.

Employees discharged from Supply Department since January, 1954

Raja AJIT NARAYAN DEB of Sidli asked:

12. Will the Minister of Supply be pleased to state—
   (*a*) The number of employees in the Supply Department discharged since January, 1954 ?
   (*b*) Whether any attempt was made to absorb the discharged staff in any other Department ?
   (*c*) If so, how many have been re-appointed in other Departments ?
   (*d*) Whether any discrimination was made at the time of selecting persons for discharging ?
   (*e*) Whether any representations were made by some Paddy Checkers who were discharged for either re-employment or compensation ?
   (*f*) If so, what action was taken by Government in the matter ?

Shri BAIDYANATH MOOKERJEE (Minister) replied:

12. (*a*)—The total number of staff retrenched since January, 1954 is 314.

(*b*)—The question of absorption has been taken up vigorously by this Government. According to Appointment Department's Resolution No.AAP.61/52/72, dated 24th November, 1952 constant attempts are being made to absorb as many retrenched personnel as possible in various Departments—under the State Government. But the State resources being inadequate, necessary action is also being taken to absorb as many retrenched personnel as possible in various other Departments under the Central Government, such as, Adviser to Governor, Director of Posts and Telegraphs, Land Customs and Central Excise, Accountant General, Assam, Railway, etc. Besides these, the Director of Supply and all the Local Officers have been instructed to direct the staff under them to register their names in the nearest Employment Exchange in connection with their absorption in any other Departments.

(*c*)—After actual retrenchment how many personnel have been absorbed in other Departments is not known to this Department.

(*d*)—No discrimination was made.

(*e*)—Yes, some representations from Checkers for their re-employment have been received.

(*f*)—As the Supply Department at this stage has no avenues for their re-employment they have been advised to apply for specific posts in other Departments and their cases will be duly recommended. Some who are willing, have been recommended for the posts of Police Constables.

Raja AJIT NARAYAN DEB of Sidli: With regard to (*c*), did the Minister make any enquiry after the receipt of this question ?

Shri BAIDYANATH MOOKERJEE (Minister): That is not possible, Sir.

Raja AJIT NARAYAN DEB of Sidli: Why is it not possible ?

Shri BAIDYANATH MOOKERJEE (Minister): It won't serve any useful purpose. This Department cannot spare their time by making such references and collecting such information as these will be of no benefit to the people.

Raja AJIT NARAYAN DEB of Sidli: Am I to take it that the Minister has no sympathy for these people ?

Shri BAIDYANATH MOOKERJEE (Minister): Sir, I can claim that I have got the greatest sympathy for these persons. None else can feel for them as I can because of my own feelings.

Raja AJIT NARAYAN DEB of Sidli: Has the Minister made any enquiry to demonstrate his sympathy ?

Mr. SPEAKER: No, I disallow that.

M. MOINUL HAQUE CHOUDHURY: How many of the discharged personnel have since been absorbed in other Departments ?

Shri BAIDYANATH MOOKERJEE (Minister): So long they were in service we could know how many were being absorbed in other Departments. But after retrenchment we

push their cases and they also individually try and when they get any appointment they do not send any information to us. So we are not in a position to reply.

M. MOINUL HAQUE CHOUDHURY: Is the Hon'ble Minister aware that the Department's Resolution No.AAP.61/52/72, dated 24th November, 1952 is not strictly adhered to by the District offices and the District establishments ?

Shri BAIDYANATH MOOKERJEE (Minister): I am not aware of that, Sir.

M. MOINUL HAQUE CHOUDHURY: Will the Minister make an enquiry ?

Shri BAIDYANATH MOOKERJEE (Minister): If I get a specific instance, otherwise not, Sir.

The Assam Freedom of Movement in Tea Plantations Bill, 1954

Shri BIMALA KANTA BORAH: Mr. Speaker, Sir, my Friend, the Deputy Minister Mr. Das has raised a very important point in this case. His contention is that according to the Constitution of India, this Bill (The Assam Freedom of Movement in Tea Plantations Bill, 1954) should not be allowed to be introduced in this House. Sir, I am at one with the Deputy Minister. This Bill seeks to give unrestricted freedom to the Trade Union Workers to enter in the tea gardens in Assam and to move about freely in the tea plantations for the purpose of organising Trade Union and also a similar right to other people, living outside the garden to enter freely and move about in the tea gardens for social and cultural purposes. Sir, these are the two different kinds of rights sought to be given to two different classes of people. The first is for those people who want to enter into the tea gardens for the purpose of organising Trade Union and the second for those who want to enter and move freely in the tea gardens for social and cultural purposes. The legislation of these two kinds of rights is not provided in the State List. We do not find any provision in the Constitution that legislation for these two kinds of rights can be made in our State Legislature. And, Sir, coming to the Concurrent List we also find that there is no provision in the Constitution for legislation on these two kinds of rights. Of course there is clause 22

referred to by my Friend, Mr. Das, but that clause of the Concurrent List does not help the mover of the Bill. Although some how or other the clause is twisted and include this kind of Bill in the Concurrent List, even then there will be difficulty. First of all, Sir, this Bill will be repugnant to the Central Legislation. A reference may be made to clause (2) of Article 254 of the Constitution. Sir, if the State Legislation is repugnant to the Central Legislation the Central Legislation will prevail as per provision under clause (2) of Article 254 of the Constitution of India. Sir, as I have said already if this Bill is passed by this House, it will give unrestricted right of entry in the tea gardens to every body without permission from the tea garden Managers or authorities, and that will amount of an offence of tresspass which comes under section 447 of the Indian Penal Code. Sir, this Bill wants to abolish that offence so far as garden authorities are concerned and it will therefore, be repugnant to the Indian Penal Code.

Mr. SPEAKER: Is there any contention that the Penal Code will be revised ?

Shri BIMALA KANTA BORAH: Because if this Bill is passed now every body can enter freely into the tea gardens at any hour of the day and night even without permission of the tea garden Manager. Therefore, this offence of tresspass is sought to be taken away from the Central legislation by this legislation ; and so, Sir, I say that this Bill is repugnant to the Central legislation. Sir, under clause (2) of Article 254 of the Constitution this kind of legislation can be done only with the consent of the President of India, but this has not been done and, therefore, Sir, this piece of legislation cannot be introduced in this House. Another point to which I like to refer is the Indian Trade Unions Act. This Act has already made similar provisions in the line.....

Shri GAURISANKAR BHATTACHARYYA: Which year ?

Shri OMEO KUMAR DAS (Minister): This is an Act of 1947 and this Act clearly lays down the principle which the Bill wants to introduce in this House.

Shri BIMALA KANTA BORAH: Section 28 K of the Indian Trade Unions, Act, 1947 reads as follows :—*Unfair practices by employers*"28 (*k*) (*a*) To interfere, restrain or coerce

his workmen in the exercise of their rights to organise, form join or assist Trade Union and to engage in concerted activities for the purpose of mutual aid or benefit''.

So, Sir, these people can easily go and enter freely in the tea gardens under the existing law. They may claim that holding of meetings should not be stopped. They may hold meetings, etc. which is the object of this Bill as well. If the Managers of the tea gardens interfere with genuine Trade Union activities it will be considered as an unfair practice and may be punished with fine which may go upto Rs.1,000. So, Sir, if the manager of a tea garden interferes there is provision for punishing him. The Central legislation is already there and all these things are covered by this Act. Therefore, Sir, my submission is that this Bill is unnecessary and redundant. If these people are allowed to enter the tea gardens freely in the name of cultural activities, it will amount to an unreasonable restriction in the enjoyment of property also. Suppose a circus party goes into the garden and pitch their tents there, if the tea garden manager has no right to drive them from there, this would amount to unreasonable interference with enjoyment of property; so also if a Ramlila Party goes there and moves about freely, the tea garden manager has no power to drive them out, this would also amount to unreasonable restriction on use of property, Since these people have got the right to move freely they may also have the right over every thing and they may go there in any hour of the day and night and create annoyance and troubles.

In view of these considerations, Sir, I submit that the Bill is unnecessary and redundant and I join my hands with the Deputy Minister and say that the Bill cannot be allowed to introduced in this House.

Shri OMEO KUMAR DAS (Minister): Mr. Speaker, Sir, I do not want to add to the arguments from legal aspect of the question which has been done by my Friend, Mr. Das, Deputy Minister and by my Friend, Mr. Bimala Kanta Borah.

Mr. SPEAKER. : Mr. Hareswar Das, do you want to say anything? On a point of order, it will be up to you whether you like to speak or not?

Shri HARESWAR DAS (Deputy Minister) : If it is so, then very good I do not like to speak.

Shri OMEO KUMAR DAS (Minister) : You have called me, Sir, that is why I have stood up to speak and to add to

the argument only from the general aspect of the question. The right to free movement in the gardens had attracted the attention of the Indian Leaders and the British Labour Leaders. I do not want to speak on the point of order raised but from a broader aspect. The British Labour Party sent a delegation in 1927, and I had the opportunity of working with that delegation. Mr. Purcell and Mr. Hallsworth came for this enquiry. They submitted a long report at that time. This was followed by the Whitley Commission and since then, there has been a series of discussions with the Indian Congress leaders and the Industry and also the Government of the time. As a matter of fact, I took up this matter on the floor of the House in the year 1938. In 1937, I must mention that a political conference was held under the presidentship of my comrade, late Hem Chandra Barua, and a resolution was passed that we should contact the labourers at Tarajuli Tea Estate.

There was an intervention from the Industry and as a matter of fact this Bill was introduced by me in 1938 but since then, there was a discussion in 1939 and the Industry agreed that they should not interfere with the right of entry and also the Government agreed that they would bring in a legislation. Since then there had been further discussions with the Government of India, the Industry and the Labour Unions also. The Plantations Labour Act was the outcome of these discussions held in New Delhi. The Plantations Labour Act was enacted in 1951. But the point is that the Plantations Labour Code could not be enforced because in 1952 the Industry was confronted with a slump. Additional financial burden in enforcing the welfare measures for the plantations labour had to be kept in abeyance. But towards the end of 1952, when the market price again rose there was another conference and the enforcement of the Plantations Labour Act was also taken into consideration. Since then, another conference was held in Madras, which was attended by the Deputy Minister, Labour for the framing of the rules which will provide for the entry into the gardens. There is also provision against interference in the Indian Trade Unions Act, because the Indian Trade Union Movement had developed in 1952. It was in the year 1926 that the first legislation was introduced in the floor of the Indian Legislative Assembly but the first Act did not provide against such interference. But since then, the Indian Trade Union Act had been further modified. In 1946 Amendment, a provision was made

against interference with Trade Union activities. This has been penalised. I want to bring to the notice of the House that this Bill is redundant. My friend, Mr. Das, Deputy Minister, has brought to the notice of this House that it offends against Article 19 of the Constitution. I want to mention in this connection that there was a case in Bombay High Court which was taken to the Supreme Court. The case related to the Sholapur Spinning & Weaving Mill. The Mill was closed down by the employers and Government of India took over management of this Industry. A share holder brought up a suit against the Government of India and this matter was taken to the Supreme Court. The Supreme Court in its decision held that there had been an infringement on the individual right by the Government. Besides that, this Bill is not in the Concurrent List. With these words, Sir, I oppose the introduction of this Bill.

Shri GAURISANKAR BHATTACHARYYA: Sir, on a point of information, was there an agreement entered into between the Indian Tea Association as represented by Mr. Walsh and the late Chief Minister of the State to the effect that these Trade Unons would be allowed the right of entry which would be certified by Shri Robin Kakoti, the present Parliamentary Secretary?

Shri OMEO KUMAR DAS (Minister): Sir, I want to point out another fact that if there had been any interference, the Trade Unions could not have come into existence as it has been now.

* **Shri HARESWAR GOSWAMI**: I have not said anything on the legality of the Bill. Mr. Speaker, Sir, although I could anticipate the fate of my motion, I did not anticipate that so much talk would be raised on this simple Motion of having the leave of the House to introduce the Bill. I have not been able to introduce the Bill and I am thankful to the Labour Minister for giving me greater scope to discuss at this stage..... ...

Mr. SPEAKER: I won't allow you to discuss on a point of order. You are either to reply to the point of order or take your seat. This is my ruling.

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* Speech not corrected.

***Shri BISHNURAM MEDHI (Chief Minister)**: Sir, if the point of order is held in his favour then this question may be raised whether this Motion should be allowed to be introduced or not.

***Shri HARESWAR GOSWAMI**: The Minister referred to the history of the.....

Mr. SPEAKER : No, I shall not allow it.

***Shri HARESWAR GOSWAMI**: It is unfair, Sir.

Mr. SPEAKER : Either you are to take your seat or you are to reply to the point of order. You are to chose one.

* **Shri HARESWAR GOSWAMI** : Sir, here also I may state that there is no question of right of reply. It is a question of getting certain things and I only want to explain the legality involved in it. Mr. Das has challenged the very question of having the leave of the House to introduce the Assam Freedom of Movement in Tea Plantations Bill on three grounds, namely, that as it is not in the entries of the lists of the seventh Schedule of the Constitution it cannot be introduced. His second point was that the Bill infringes certain freedom enumerated in Article 19. His third point was that even if exception is taken and even if we agree that reasonable restriction can be imposed, it must be imposed only in the interest of the general public and it cannot be for a section of people. Sir, I am coming to all those points one by one. Regarding the distribution of legislative power the Articles referred to are 245 and 246. Article 245, says, "Subject to the provision of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State." The Article 246 (1) and (2) says "Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect of any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the Union List").

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* Speech not corrected.

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State specified in Part A or Part B of the First Schedule also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List)."

Sir, nowhere it is stated in the Constitution that to legislate on a subject enumerated in the Concurrent List that the prior consent of the President must be taken. Mr. Borah referred to Article 254 (1) and as it is an important one I am reading it out: "If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void." This is what Mr. Borah has stated. I may now read out sub-clause (2) of the same Article. "Where a law made by the Legislature of a State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provisions repugnant to the provisions of an earlier law made by Parliament or on existing law with respect to that matter, then the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State".

Here, Sir, there is the word 'reserved'. It does not mean that we cannot introduce the Bill without his sanction, but we can reserve it for consideration of President. Mr. Borah's contention is that because there is a provision in the Indian Penal Code this will be repugnant to the Bill. Sir, that does not prevent us from discussing this Bill. What it means is that if this Bill is passed then it will be reserved for the assent of the President. So, Mr. Borah's contention that it infringes or it is repugnant to the provision of the Indian Penal Code holds no water. If the President after the Bill has been passed in this House, does not give his assent then it may be invalid. But the House before getting the assent of the President has a right to discuss the Bill if it is considered necessary on other points. Therefore, Sir, I want to say that we have the right to discuss this Bill and if we find that it is in the Concurrent List then we have a right to legislate on the subject also.

Sir, I do not want to go into the various doctrines of in-implied powers. But incidentally I may say that ancilliary powers and doctorines are important matters for discussing about distribution of powers between the Federal Government and the State Government because we have borrowed very many things from the Federal Constitutions of America, Canada, Australia and so on. Therefore, Sir, here also these doctrines are important, but what we are immediately concerned is with the doctrines of incidental and ancilliary powers. Now, Sir, in page 608 of Basu's Commentary on the Constitution of India regarding the doctorine of 'incidental and ancilliary powers' it is stated: "But though the doctrine of 'Implied powers' in the strict American sense may not be applicable under the Constitution of India, it should not be supposed that the Courts have no business in interpreting the legislative powers and that entries in the Legislative Lists are to be interpreted in their narrow, liberal and grammatical sense". We have seen at the outset that constitutional provisions are entitled to a liberal or generous interpretation and not to a 'strict' construction as may be applicable to statutes with particular objects. So viewed every Legislature, not the Federal Legislature alone, must have certain incidental and ancilliary powers to make sure that legislation with respect to its enumerated powers may be effective.

So, Sir, that is very important. We are not to take only in a narrow and literal sense the entries enumerated in the Seventh Schedule. We have to consider the ancilliary and incidental powers (Mr. Speaker: Or implied powers). The implied powers refer strictly to the American Constitution. In the Indian Constitution we are concerned with ancilliary and incidental powers. And, Sir, there is the most important doctrine of aspect.....

Mr. SPEAKER: Don't you think that our Constitution is very limited ?

***Shri HARESWAR GOSWAMI**: No, Sir, Basu's Commentary, which is the recognised authority on this subject, has clearly stated that we are not to take these things in a limited and narrow sense ; if for the purpose of a particular legislation under an entry in a particular Schedule it is necessary to take resort to these ancilliary and incidental powers, or even to the doctrine of aspect, then also we have a right to legislate on this point. At page 619 it is stated.

"Akin to the doctrine of 'pith' and substance' is the doctrine of 'aspect of legislation', referred to in Lefroy's Treatise on Canadian Constitutional Law. Substantially they mean the same thing.

*Speech not corrected.

According to this doctrine, the mere fact that a Provincial enactment may contain certain provisions bearing upon a subject exclusively reserved to the Dominion Legislature will not suffice to invalidate the Provincial enactment."

This is the doctorine of aspect and, Sir, it has also laid down the general principles for the interpretation of the three lists in the Seventh Schedule. From the above discussion we may now summarise the principles that should be followed by Courts in interpreting the entries.

My first point is this here we are not sitting as a Court and. as a matter of fact, we have no necessity to go into these things, If we consider that a certain thing is good, we should not bring in so many technicalities and legalities.

Secondly, Sir, as the Prime Minister has recently said, we must not allow anything to stand in our way. If something is good, these technicalities should not debar us from going ahead. Let the Court interpret. I, therefore, ask my Friends, "why do you usurp the powers of the Court at the very beginning and in its inception before the child is even pressed into the womb" ? (*A voice*—It is a mischievous child). It is a mischievous child in the eyes of those who are influenced by the Tea Interest. (*A voice*:—He was misquoting the Prime Minister.) My intention in referring to the Prime Minister's statement was to show that law should be for the welfare of the people and the technicalities of the law should not stand in the way of our making legislation.

Shri BISHNURAM MEDHI (Chief Minister): What the Prime Minister said was that if any legal technicalities stand in our way, it may be necessary to amend the Constitution in order to remove that difficulty before we legislate.

***Shri HARESWAR GOSWAMI**: At page 619 of the Basu's commentary, we find a summary of the principles that should be followed by our Courts in interpreting entries in the three lists of the Seventh Schedule, which are, "on broad lines very similar to those of the Government of India Act, 1935, excepting that the Concurrent List (List III) is larger under the Constitution and contains several items which were previously included in List II.

The entries in that Lists should be given a large and liberal interpretion, the reason being that the allocation of the subjects in the Lists is not by way of scientific definition but by way of a mere *simplex enumeratio* of broad categories".

Then, at page 638, it is more clearly explained:

"If there is over-lapping between a matter falling within the Federal List and the Provincial List, the subject to the extent of the over-lapping is one exclusively Federal on which the Province cannot legislate;

(*ii*) if there is any over-lapping between the Federal List and the Concurrent List it is again similarly treated as being exclusively Federal, so as to shut out Provincial legislation on the subject;

(*iii*) if there is over-lapping between the Concurrent and the Provincial Lists, the subject is treated as within the Concurrent List thus giving the Federal Legislature to legislate over the matter with the attendant consequences."

Mr. SPEAKER: What is your idea? Is it over-lapping?

Shri HARESWAR GOSWAMI: No, Sir, it is not. It is in the Concurrent List. My hon. Friend, Mr. Das, wrongly pointed out one entry, but he did not point out the next entry. What is that entry (Mr. Speaker: He said 22). Yes, entry 22 is "Trade Unions; Industrial and labour disputes". Even here I can come in. But I am referring to entry 24, which states, "Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits". These are the subjects. The entry states 'Welfare of labour' including these things. It therefore, implies that there may be other things beyond these, which are connected with "welfare of labour".

Mr. SPEAKER: You mean "welfare" is a very broad term.

Shri HARESWAR GOSWAMI: Yes, Sir, I submit that entries 22 and 24 are so broad that this can be done.

Sir, therefore, my first contention and reply to the first point raised by Mr. Das is that this House is competent to legislate on this point and it will not infringe any of the provisions laid down in Article 254 (1) and 254(2).

Secondly, Sir, in legislating on a matter not enumerated in the Concurrent List, it is not necessary at the beginning to take the consent of the President, as stated by Mr. Das. And I have never seen that in legislating on a subject enumerated in the Concurrent List one has to take the prior consent of the President. If this is to be done it will nullify the whole principle underlying the necessity of having a Concurrent List.

Sir, the next point is about the property rights. It seems the Government are very much interested about property rights, which, they think, this Legislation will infringe. Let us see, Sir, whether it infringes any of the seven freedoms enumerated in Article 19 of the Constitution.

Now, Sir, under Article 19, the seven freedoms are, freedom of speech, expression, to assemble peacefully, freedom to form associations and unions, etc. In this connection, Shri Borah and the Labour Minister referred to me to the recent amendment to the Union Act, namely, Section 28(*a*). I have not got a copy of the amendment with me but if I have listened correctly it only speaks about formation of Trade Unions.

Secondly, they also referred to me about another section in the Trade Union Act that it will be an offence under the Trade Union Act if the management interferes with the meeting of the workers and that is also a section in the Industrial Dispute Act, but even here there is a lacuna. The management may not interfere with a meeting held outside, but within the Bustee area the management can interfere and therefore my Bill seeks that even in the Bustee area the workers will be allowed to hold a meeting. Here an important principle is involved. A case was taken up to the Supreme Court where it was held that the common good of the general public is to be considered. It is a most important thing and in particular interest of principle that right of individual, if at moment it may be necessary to infringe the personal right of a person in the interest of general public or in common good of general public.

Then, Sir, that restriction will not be unreasonable. This is a Supreme Court ruling. I have not the case with me just now but I have read it and stated it correctly.

Then, at page 344 of Chitaley's commentaries on the Constitution of India, in a case between State of Bihar *versus* Kameshwar Singh, Supreme Court observed as follows:—

"Whatever furthers the general interest of the community as opposed to the particular interest of the individual must be regarded as a public purpose. With the onward march of civilization our nations as to the scope of the general interest of the community are fast changing and widening with the result that our old and narrower notions as to the sanctity of the private interest of the individual can no longer stem the forward flowing tide of time and must necessarily give way to the broader notion of the general interest of the community. The emphasis is unmistakably shifting from the individual to the community. This modern trend in social and political philosophy is well reflected and given expression to in our Constitution."

Sir, the freedoms enumerated in Article 19 are buttressed by another article, namely, Article 21, where personal liberty is concerned. I look at the thing from two points, *i.e.*, not only from the point of view of general interest but from the point of view of holding meetings by workers living in Bustees. These things are not in the Constitution. This will be in contravention of the provision because these workers cannot be treated as serfs only because they live in certain place. I want by this Bill to give them the right to hold meeting even inside the garden in the Bustee areas. To stop them from holding a meeting in these areas is unreasonable and is taking away the right which is given under Article 19(*f*).

Mr. SPEAKER: Can you find out anything in the U.S.A. Constitution ?

***Shri HARESWAR GOSWAMI**: In U.S.A. Constitution rights of the Trade Unions are curved to the minimum.

Mr. SPEAKER: But it is the best Constitution.

Shri HARESWAR GOSWAMI: We are not to be guided by the American Constitution only.

In the judgement of the Supreme Court, stated in page 357 of the Chitaley's commentaries, Madras State *versus*.....

Mr. SPEAKER: Would you kindly read your section also ?

***Shri HARESWAR GOSWAMI**: I am coming to that. What my Bill wants and it has been wrongly interpreted by Shri Das that my Bill wants to discriminate between people and people. My Bill wants to encourage Trade Union activities, both social, and political. My Bill wants that any Trade Union Worker shall have the right to enter into the Bustee areas for the purpose of organising meeting, etc., for the Trade Union. Here, Sir, I want to assert that this gives a better scope and a greater scope. Then secondly, any person leaving outside the tea plantation shall have the right to enter and move freely. Therefore it does not fall under the mischief referred to by Mr. Das. Any person leaving outside the tea plantation shall have the right to enter and move freely on foot, cycle, etc., for contacting labourers for cultural and social purposes. Now, Sir, if we come to Article 25, Article 19 about limitations, Sir,

*Speech not corrected

that has been said in the Supreme Court decision. We are to look more to the fundamental rights itself and not to the limitations. Here we are looking more to the limitations than to the fundamental right. Here we are looking to the limitations and forget the fundamental rights. There is nothing in so far as it imposes or prevents the State from making any law imposing reasonable restriction conceived by the said sub-clause either in the interest of the general public or in the interest of the Scheduled Tribes. Here, Sir, in my clause 3(*b*) there is general public.....

Mr. SPEAKER: Did you look at Article 31 ?

***Shri HARESWAR GOSWAMI** : 31 is an Article with compensation.

Mr. SPEAKER: It may help you for the promotion of public health and for prevention of anything in effect.....

***Shri HARESWAR GOSWAMI**: Sir, we are not concerned.

Mr. SPEAKER: Clause (5)(*ii*) 31. Nothing in this shall affect so and so for the promotion of public health or the prevention, etc. If you say 'welfare', of course there is public health.

***Shri HARESWAR GOSWAMI**: A man does not live by paddle. He has to think of other things also, and therefore, Sir, the cultural activities are much essential for a man as free citizen under this Constitution as any other thing. Sir, the expression " interests of the general public " in clauses (5) and (6) of Article 19 differs from the expression " interests of public order " in clauses (2) to (4). So, the State shall be competent to impose restrictions under clauses (5) and (6) not only on the ground of public order but also on grounds of social and economic policy or on the ground of the " common good". Sir, this is very clear that if this is necessary in the interest of economic policy or in the interest of social policy or in the interest of common good, then restrictions can be imposed. Thus, it has been held that the State may restrict the rights of management of a Company by its share-holders, by appointing Directors, in order to secure the supply of a commodity essential to the community and to prevent a serious unemployment amongst a section of the people.

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*Speech not corrected.

Mr. SPEAKER : If it causes unemployment that cannot be stopped. We have evolved a Constitution for which we should be proud of, and we have given here much interpretation such as conceived by the framers of the Constitution who are trying to-day to limit its good only in the interest of smaller section of the people.

***Shri HARESWAR GOSWAMI** : Therefore, Sir, as I have said that (*i*) that it is in the Concurrent List and the State is competent to legislate both.....

Mr. SPEAKER : Are you summing up ?

***Shri HARESWAR GOSWAMI** : (1) On the point of Trade Union itself and (2) on the point of labour welfare and social welfare. Then, Sir, it is not necessary to have the consent of the President at the beginning even if it is repugnant. If it is found necessary the President may give his assent. We cannot immediately foresee whether the President will give his assent or not. Under these circumstances, for these things we have to legislate and the President may give assent. Therefore we will be jumping before we can cross the hurdle. If you say, coming to the hurdle is a dangerous thing, bad thing, then, Sir, no restrictions under Article 19 have a right whereas it is expedient for free movement and free workers and to encourage social movability for developing a class of society by enabling other people to move freely among different labourers. So, Sir, it includes the whole mass of people and it is for particular purpose. If I give a right to go anywhere without any purpose then it is unreasonable restriction. Sir, it has been the penalty provision Mr. Das referred to-day about it. Sir, I am only to reply to him by referring to the clause of the Trade Union Act. Sir, that is otherwise, if we are to remain for the promotion. As happened with Shri Ram Nath Das in Cachar, he had to wait 6 hours even as Minister to enter into the garden.

Sir, I gave a notice to that effect otherwise I may be charged as being trespassed and I may be held up for that. As I have already done that, you may follow me whatever I may do. But, why I am restricted to go ? Sir, my submission is that under Article 19, I have got the right to move freely within the territory of Indian Union. So, this Bill is quite in order.

We always confess ourselves that we are doing whatever possible for the welfare of the people. Now, if we throw out

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*Speech not corrected.

the Bill on the filmsy ground that the same is not supported by law, does it mean that we should convert the House into a Law Court ? Even if they think, that is necessary for the common good, let us take the issue to the Court so that the Court may give its decision. But, Sir, in my opinion, before coming to the hurdle, why should we jump on it ?

***Maulavi MUHAMMAD UMMARUDDIN**: Mr. Speaker, Sir, I beg to point out the question of Motion for leave to introduce a Bill under Rule 59(1) of the Assam Legislative Assembly.

"If a motion for leave to introduce a Bill is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question thereon".

Sir, already we have had enough discussions on the Bill, and we cannot allow Mr. Das to speak for the second time.

***Shri HARESWAR GOSWAMI**: Sir, he (Shri Hareswar Das) has no right to give a reply under rules.

Mr. SPEAKER: Which is the rule ?

***Maulavi MUHAMMAD UMARUDDIN**: Rule 59(1) of the Assam Legislative Assembly.

Mr. SPEAKER: It says, "without further debate". Now we are discussing only. Mr. Umaruddin, what is your interpretation ?

***Maulavi MUHAMMAD UMARUDDIN**: When Mr. Goswami begs leave of the House to introduce the Bill, at that stage, it was objected to by Mr. Das. Mr. Borah also spoke something in support of Mr. Das in opposing the Bill. Now, for the second time, Mr. Das cannot speak after Mr. Goswami, who has spoken in support of the Bill just now.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir.....

(*Voices from the Opposition.* We cannot allow him to speak.)

Mr. SPEAKER: We want to discuss here only.

***Shri GAURISANKAR BHATTACHARYYA** Sir, we are to follow the guidance of rule 59(1) as laid down in the Assam Legislative Assembly Rules.

*Speech not corrected.

Mr. SPEAKER I can't help, the rule clearly allows it. Mr. Das, you may speak.

Shri HARESWAR GOSWAMI: Sir, we find the Speaker's impartiality has not been maintained and therefore we walk out.

(At this stage, the Opposition walked out enblock.)

Mr. SPEAKER: Mr. Goswami has withdrawn these statements in my presence and he was sorry for them.

Shri HARESWAR DAS (Deputy Minister): Mr. Speaker, Sir, why my Friends felt so nervous, I cannot understand. The point of order was based merely on law and they also treated it on that basis. It is a mere courtesy to hear the reply of the other side. My Friend, Shri Gaurisankar Bhattacharyya advanced a very strange argument. He relied on Article 19 and said that the citizens have got right to form into association and as they have right to form into association, therefore, the association represents general public. But, Sir, the very fact, "that an association is formed", every member of the public cannot become a member of the association. To become a member of certain association, a man must possess certain qualifications. This very fact that every member is not entitled to become a member of that association, puts that association outside the category of general public. The words used in this article are "general public".

As regards his other point: that the citizens have got the fundamental right to move freely in the Union of India. This ignores the right of private property that exists in India. If this fundamental right entitles one to encroach into private property then there is no use of this Bill being brought into this House When he said that he can move freely in the Union of India, he is right, but he cannot enter into private property. The contention that the right of a person to move within the territory of Indian Union confers on him to move within private property is absurd.

I would have been very glad if my Friend, Bhattacharyya, would have been here. Mr. Bhattacharyya relied on entry 22 of list III which relates to Trade Unions. Mr. Goswami, however, does not rely on that entry. He said that according to clause 3, of the Bill, every person shall have the right to enter into the tea garden regardless of Trade Unions. He therefore relied on entry No.24.

Now, Sir, if we agree with him, still this Bill will be *ultra vires*, as it has discriminated between labourer and labourer.

The Bill deals with labourers residing within tea gardens and ignores those who reside outside. That will be discrimination, between labourer and labourer, and will clash with the Constitution.

There was a case in the State of Rajasthan, between Rao Mohan Singh and other applicants *versus* the State of Rajasthan. The State of Rajasthan lost this case. Certain Jagirdars were given right to distill liquor and sell it and some Jagirdars and the public were not given that right. So the Rajasthan High Court decided that there was discrimination between Jagirdars and Jagirdars and the public and so the Act was invalid under Article 14. Under Article 14 of the Constitution, every person has the right of equal treatment before the law. So, Sir, if my Friend relied on entry 24, still his Bill will be invalid under Article 14.

Mr. SPEAKER: You depend on the equal protection of the law.

Shri HARESWAR DAS (Deputy Minister): Yes, under Article 14 of the Constitution. As I have already stated in the Jagirdars' case the State of Rajasthan appealed to the Supreme Court and the Supreme Court upheld High Court's decision. But my point is that this Bill does not come under entry 24. This Bill wants to confer right on certain people living outside tea gardens so that they may enter into somebody's private property, but does not confer any right on the labourers. This right of entry into private property is for the purpose of Trade Union and social and cultural purposes. This may include everything. If this Bill is passed, possibly the burglars will welcome it, as at any hour of day or night, they will be entitled to enter into private property. So, Sir, entry 24, does not cover this Bill.

Now, Sir, my Friend Mr. Goswami has discussed many points which are not relevant for his purposes.....

Mr. SPEAKER: You need not refer.

Shri HARESWAR DAS (Deputy Minister): I shall refer to one point, why the Concurrent List has been incorporated in the Constitution? There is the Union List and the State List, why then a third List? There may be some matters which lie on the border line. Sometimes it appears the Union should legislate and sometimes it appears the State should legislate on those matters. Such matters are therefore, included in the

Concurrent List over which the Union or the State has concurrent powers. But then the question of uniformity in such legislation arises and for this purpose the Government of India have framed some Business Rules, and according to these Business Rules legislation on any matter falling in the Concurrent List is to be submitted for previous approval of the Government of India. Now, Sir, my Friend, Mr. Borah has mentioned Article 254; in regard to this Bill I shall simply continue his arguments. This Bill empowers any person to enter into some private property at any time of the day and night. Under Sections 447 and 448 of the Penal Code, this is an offence. If a man enters into somebody's property with a view to cause annoyance it will be trespassed, which is an offence under the Penal Code and punishable. But this Bill seeks to make trespass a right and not an offence. Under this Act the trespasser will not be punishable. There is therefore overlapping with the Central Act. Bose, at page 638 of his Constitution, thus discusses this matter.—

(1) "If there is overlapping between a matter falling within the Federal List and the Provincial List, the subject to the extent of overlapping is one exclusively Federal on which the Province cannot legislate".

(2) "If there is any overlapping between the Federal List and the Concurrent List it is again similarly treated as being exclusively Federal, so as to shut out Provincial legislation on the subject.

(3) If there is overlapping between the Concurrent and the Provincial Lists, the subject is treated as within the Concurrent List thus giving the Federal legislature to legislate over the matter with the attendant consequences."

My Friend, Sri Goswami cited the doctrine of "pith and substance". If that doctrine is applied here, the "pith and substance" of this Bill is to legalise trespass. It therefore comes into conflict with the Central Act, namely the Penal Code, which is an existing law. There is overlapping. So the Central Act prevails.

This Legislature has no power to legislate on such a matter. My Friend quoted the case of the State of Bihar *versus* Raja Kameshwar Singh in the Supreme Court. It was in connection with the abolition of Zamindaris in Bihar. The question was whether there was public purpose. This is not relevant for our purpose. According to clause 5 of Article 19 reasonable restrictions can be put in the interest of the general public. Now, as I have told you that whenever an association is formed that association goes outside the category of general public. So protection of the interests of the general public is not provided in this Bill, neither the restrictions are reasonable. Now, my Friend said that Article 31 does not come in. My point is that Article 31 comes in as there is invasion of property. What is property? Right of property in land is said to consist of several sticks all of which may be made into a bundle and called right to property. This bundle may be broadly divided into two parts, (1) right of possession, (2) right *i.e.*, title on paper. Now there is judicial interpretation describing the right of possession as the substance and the title on paper as the husk. If I allow you to retain title on paper but take away the right of possession, you almost lose all. The right to enjoy and occupy is the main right. But here in this Bill that right is invaded. The owner or occupier cannot prevent others to encroach into his private property. His right of possession therefore is invaded and a portion of it is taken away. When a right is invaded Article 31 is attracted. Under Article 31, there must be puplic purpose and payment of compensation. In this respect also, the Bill does not satisfy the provisions of Article 31. I therefore submit that this Bill is out of order and leave cannot be granted. Why this House should grant leave to a Bill which is clearly out of order ?

Mr. SPEAKER : In view of the very interesting points raised, I think the House should have the benefit of the opinion of the Advocate General, if he is available on Saturday. We may hear on Saturday and decide accordingly.

Shri BISHNURAM MEDHI (Chief Minister) : Oh Yes. এই বিষয়ৰ সকলো Speech য়েই Advocate General লৈ পঠিয়াই দিব লাগিব, সেইবিলাক পঢ়িহে তেখেতৰ এটা পৰামৰ্শ দিবলৈ সম্ভৱ হব।

Mr. SPEAKER : I think the Secretary will give all the papers and speeches to the Advocate General so that he may discuss and advise and then we may come to a decision.

The Assam Land and Revenue Regulation (Second Amendment) Bill, 1954

Mr. SPEAKER : Mr. Pegu, please.

Shri MAL CHANDRA PEGU : I am not moving it, Sir.

Private Members' Resolutions

Mr. SPEAKER : Then we come to the Private Members' Resolutions.

Resolution to appoint a Committee to enquire into Co-operative Movement in the State and to suggest ways and means for its Development

Sriman PRAFULLA GOSWAMI : Mr. Speaker, Sir, I beg to move: "That this Assembly is of opinion that Government do appoint a Committee to enquire into and to assess the present state of Co-operative movement and the working of Co-operative Department in the State and to suggest ways and means for its development and improvement." Sir, this Resolution is very important in view of the fact that we are to assess the present state of Co-operative movement. About 50 years ago when the country was not free, co-operative movement was first started but its scope was very limited. But after the country has gained independence our Co-operative movement has been given a new orientation and its scope was expanded. But after working of that policy since 1948, new situation has arisen for a review and assessment. During the war lots of Co-operative Societies grew and these were mostly Consumers' Co-operative Stores. At that time only few rich men were interested in these Co-operative stores with the object of getting sugar for their own benefit because there was scarcity of sugar at that time. But after the war was over and after the attainment of independence, in 1948 a new policy was enunciated and that was the policy of starting Primary Trading Societies and Central Trading Societies. It was a revolutionary step, I should say, because it included all the people and all areas throughout the State and it was for the benefit of the general public and not for some interested persons. Since 1948 it worked for some time and it received the patronage from the State Government. Almost all the control commodities were distributed through these Primary Trading Societies and Central Trading Societies. But after the control has been

removed, a stalemate has come and many of the Central Trading Co-operatives and Primary Trading Co-operatives have closed and only a few of them are working. The idea was to give a lead in co-operative movement and to make it successful. Because not to speak of the future of our democracy but the basis of it depends upon the co-operative and Panchayat system. Our ideology and our programme depend upon the success of the co-operative movement and the Panchayat system. Co-operative is concerned with the economic aspect of our society and Panchayat is concerned with the political aspect. The co-operative societies were started not for the distribution of controlled commodities to the Central Trading Co-operatives and Primary Trading Co-operatives but the idea was to organise our people on co-operative basis and to give relief to the people on economical field and to improve the economic condition of our country on a permanent footing. But during that period we could not take the advantage of the situation and we could not give proper lead in organising the co-operative movement, and we could not rouse the enthusiasm of the people. It was a pity that we could not properly explain the significance of the co-operative movement at that time and the officers of the Co-operative Department could not explain properly the aims and objects of co-operative movement. So, these co-operatives were mostly confined to the handling of controlled commodities and as soon as the control was removed these Central Trading Co-operatives and Primary Trading Co-operatives came into a stalemate condition. Therefore it has now become necessary to review this co-operative movement for which purpose an assessment of the present state of affairs is very necessary. On this ground we should appoint a committee to assess the present state of the co-opreative movement and this committee should suggest ways and means for its development. If we cannot find out ways and means then we cannot re-organise this co-operative movement. If we cannot re-organise the co-operative societies in the villages then, Sir, our democracy will be at stake. Because the fulfilment of democratic ideals depends to a great extent upon the co-operative and Panchayat. That is, why, Sir, assessment of co-operative movement is very essential. This committee, as I have suggested, will consist of both officials and non-officials and this committee will go into the working of the co-operative societies and will suggest as to how it can be improved or developed. This committee should also study about the co-operative

movement in foreign countries like Germany, Italy, China Japan, Sweden and such other countries and in other States of India and then suggest some necessary improvement. We are glad that our Minsiter-in-charge of co-operative has come back from Japan and China where he has seen how co-operative organisation is working there. A revolutionary change, I should say, has taken place in China. In Japan also the economic condition of the people improved to a very high standard through the co-operative movement. In China great experiment has been done on the basis of co-operatives. We have heard the other day from the Minister how co-operative societies are working in China and how co-operatives are working in Japan.

Mr. SPEAKER : What is the number of co-operative societies in Assam ?

Sriman PRAFULLA GOSWAMI : I do not know the exact figure, Sir. There are two kinds of co-operative societies, one is agricultural co-operative societies and the other is non-agricultural co-operative societies. And again each of these co-operatives is divided into two kinds, namely credit and non-credit. Now we are to see how we can organise co-operatives of all kinds in our State. To improve the condition of the people of the villages, we should organise producers co-operative both in agriculture and in cottage industries. Not only that, we can organise labour co-operative. Our people are only acquainted with consumers' co-operative societies. In Italy even poor earth workers formed into co-operative, whereby they not only improved their economic condition but could undertake and execute big enterprise. This labour co-operative has not been popularised in our country as it has not yet been organised. I should like to suggest that in the colleges and schools also co-operative stores should be popularised so that the students can get the practical training and experience of co-operative. These students when they will go out of the schools and colleges, will be able to organise co-operatives in their villages or towns. I should also like to suggest that the co-operative should be taught as a subject in our schools. Of course, in the University course in the subject of Economics, co-operative is included in the syllabus. In the high schools I should like to suggest that, co-operative should be made a compulsory subject so that our students can learn something about it. In this way, Sir, the whole Co-operative Department or movement should be

re-organised or remodelled. From my personal contact with many of the Co-operative officers for the last 4 or 5 years I can say that many of these officers are taking in conviction about the Co-operative movement and its success. At the time of starting the Primary Trading Co-operative and Central Trading Co-operative in 1948-50, I heard many of the Co-operative Inspectors to say that this movement would be a failure. How can you expect success when the Co-operative officers themselves said so and created confusion amongst the masses? When the Central Trading Co-operatives and the Primary Trading Co-operatives were working with new vigour against all sorts of opposition from the businessmen and other interested parties, our officers used to say that these would be failure. So first of all our officers must be converted to see how this organisation can be a success to the principle and ideals of Co-operative, then only we can expect proper work from them. As the officers are not convinced about the Co-operative and as they themselves are not enthused, so they cannot rouse the people.

Mr. SPEAKER: How such Co-operatives are running?

Shriman PRAFULLA GOSWAMI: There is an Act under which the Co-operatives are formed and the people themselves are to form Co-operative. But the people are guided by the Co-operative Inspectors and such other officers. The Co-operatives are not getting so much guidance from the officers concerned. Our people are not educated as the people of Germany and Sweden are. We have to train our people now and that job must not be left to itself. So our people should not be expected to do themselves everything of Co-operative. This is a transitional period in our country. So, in this transitional period, officers appointed for organising the Co-operative, must give all guidance and help to the people.

We will have to select such officers who have got the conviction about Co-operative and who are enthused with the ideology of Co-operative and who know the programme and policy of the Government. I do not blame all the officers, but there are many officers in the Department who do not believe in the success of the Co-operative Movement and who are not enthused with the ideology of co-operation. These officers should be first trained in our programme and policy and they should be enthused with that ideology so that they can carry out the work successfully. So at present our department needs a good deal of reorganisation. We have a Registrar of Co-operative Societies who is not a whole-time officer; he is entrusted with the

duties of several other departments and he cannot give proper attention to it. What we want is that there should be a whole-time officer. If exclusively one officer cannot be put in charge of Co-operative, then the officer at the top may be put together in charge of the Co-operatives and the Panchayats because the Panchayats and the Co-operatives are concerned with village welfare and should go together in a planned manner. The other officers like Co-operative Inspectors and Auditors should be trained properly to work in the villages. There should also be something like a refreshers course for the Secretaries and the other office bearers of Co-operatives. I do not like to enter into these details now, as my suggestion is to appoint a Committee, which will be looking into all these details. This Committee, will suggest ways and means for improvement. I therefore, do not like to speak more in moving this Resolution. Our Minister has seen how China and Japan have progressed. I should say their progress both in the economic and political fields are due mainly to Co-operative. There may be different names for it in China and Japan, but the basis is co-operation My request to our Minister is that he should give a new lead—a new drive. He should rouse and enthuse our people and start a new movement to make our Co-operatives successful. With these words, I move the Resolution.

Mr. SPEAKER: Resolution moved is that this Assembly is of opinion that Government do appoint a Committee to enquire into and to assess the present state of Co-operative movement and the working of Co-operative Department in the State and to suggest ways and means for its development and improvement.

Maulavi MUHAMMAD UMARUDDIN: Mr. Speaker, Sir, Mr. Prafulla Goswami deserves the thanks of this House for moving this very important Resolution. Sir, we all know the present state of affairs prevailing in this Department and also the history of this movement in the country. My own view is this: this Department is a complete failure and so also the Department of Agriculture. Of all the Departments which have been in existence these two Departments have been a complete failure. The reason is that: during the British regime all nation-building activities were neglected and, therefore, Agriculture and with that the Co-operative Movement did not receive the attention they deserved for the welfare of the common man. So, Sir, with the attainment of independence we have been giving more and more attention to the development of the

Co-operative Movement, which, we know, is one of the most important movements for improving the economic condition of our people.

Sir, this was more or less a token Department in the beginning with the Registrar, who combined other functions also, and a few officers posted here and there all over the State. There was no specific programme and the planning was poor. In the beginning the Co-operatives dealt with rural credit and did not bother about other items which we are now bringing under this movement. As for instance, we want to extend the co-operative movement to agriculture, to cottage industries and other industries. But then when we tried to develop this movement we begin in a half-hazard manner without a clear conception of the scheme that we wanted to try. As a matter of fact, in the year 1948, Mr. Hayley, drew up a comprehensive scheme generally known as Hayley's Chakra. That movement proved a complete failure. Then, as Mr. Goswami has pointed out we were bent upon developing this movement at one time dealing with consumer goods, salt and other controlled commodities like cloth, sugar, etc., which were in short supply during the war. At that time the basic aim of the movement was lost sight of. The movement should have been based on the basic needs of the people instead of their temporary needs. The people were not educated properly in the utility of the Co-operative Movement. This movement requires a certain amount of psychological preparation. In our society we are all individualistic-minded. If we want to introduce co-operative movement in such a society the people's mind must be prepared for co-operative endeavour. It involves a certain amount of sacrifice and a spirit of fellow-feeling must be there. But no attempt was made to develop that spirit of co-operation amongst the people. That is the most fundamental thing You cannot bring a couple of men together without making them understand why they should work together for performing a particular job successfully. That spirit of understanding was lacking and we did nothing to explain to the people the utility of this movement. Instead we suddenly imposed upon them all at a time hundreds and thousands of co-operative societies all over the country. The result was that with the improvement in the supply of commodities, all those societies disappeared. Now, we are trying to do what we call the rehabilitation of the Co-operative Movement, rehabilitation in the sphere of credit. This is, of course, a very laudable object, Rehabilitation of the movement so far as rural credit is concerned is very necessary. The main difficulty of our people is lack of credit, which has

practically made agriculture an uneconomical pursuit. Our agriculturists are in the clutches of the village money-lenders and the village traders, to whom under pressure of necessity they have got to sell their agricultural produce in advance at nominal prices. That is how the whole thing moves on.

(At this stage, Shri Hem Chandra Chakravarty, Chairman occupied the Chair, the Speaker having vacated it).

If we want to improve their economic condition and if we want to stimulate higher agricultural production we must place at their disposal an adequate amount of rural credit. Some lead has, of course, been given in this direction, but the plan is not properly drawn up and this has been done in a sporadic and half-hazard way. We must first have a comprehensive idea as to the amount of rural credit necessary in different places.

Then, we must find out what amount of money we can mobilise to meet our requirements.

Then, again in extending the activities of this Department, we must select places where there will be reasonable prospect to make the societies a success and at the moment when it is in an experimental stage the first step should be to get the success from a few. As a matter of fact, for our short-sighted policy we have opened too many societies and not with the desired success. Thus we have lost the confidence in our people in these societies. In view of the past vicissitudes through which the movement has passed and in view of the fact that the people have lost confidence, it is time to see in which direction we should intensify our work. We have seen that money has been given in the right manner and to the right type of people. Some people get together and form a society and ask for money. Merely starting a society does not mean that money should be given to it. In this connection, I should like to say that our officers are not properly qualified and if we want good results, we want man having quality of leadership who can create confidence in the people because you will find that in many places for lack of supervision these societies end in failure. What we want is that people may not have the occasion to neglect their duties to the societies. These are lacking because we have not got the right type of officers. We should start one particular set of co-operative societies all over the State in a planned basis. Therefore, I believe that the present system of organising the co-operative societies is not quite satisfactory as they do not go to augment the agricultural economy. In my opinion this is a very affective instrument by which we can improve the social and economic condition of our people.

Then, Sir, after we achieve success in a few more e. g., in rural credit societies and cottage industries societies, and after running them say for one or two years and in the light of the experiences gained and assessing the whole working of the Department, a new set of plan and policy should be formulated accordingly.

Sir, in some districts I have seen that the number of co-operative societies is many but in some other there are very few. Why this distinction about opening of co-operative societies ? Every proposal to start a co-operative society should be very carefully examined and then it should be given the sanction.

Then, Sir, as a result of the floods, people are very hard hit and they are anxious to start co-operative societies with a view to get short term loans for their societies but the system of marketing is not yet organised. There should be some organised marketing system as repayment of loans by the shareholders is to be made in kind.

Then, comes the medium term loan. If you give it carefully we will go a long way in removing the economic distress of the people. Once we can do that, we can proceed to other kinds of co-operative societies, which will relieve our people of taking loans from the money-lenders.

Unfortunately, all these conditions prevailing in the country have not been assessed ; so, it requires a careful survey of the whole situation of the country and then form planned policies in order to meet the real needs of the people. There should be a Committee for this purpose and this Committee will go into the whole question, into its history, progress, etc., and will give suggestions which will help the Government in formulating a well thought out policy to promote this imovement.

With these, I support the Resolution moved by Mr. Prafulla Goswami.

Shri NILMANI PHOOKAN: Mr. Chairman, Sir, I want to speak a few words on the general principles of the co-operative movement. This co-operative movement was ushered into our country, especially, to help the indebted rural population and with that end in view we gave emphasis to the side of the rural credit societies and so long credit society was meant to be credit society in the rural areas and it worked well or ill, I do not like to enter into its history. But at the present moment after the country has become independent, our objective is to create a real Welfare State and if Welfare State means anything, it is the welfare of the rural population and if by rural population we mean anything it is practically the agriculturists. Therefore, in my opinion to rehabilitate the

present co-operative societies, Government should be in a mood to ransack all things pertaining to co-operative movement and first of all to establish an ideology in the administrative machinery so that the first and foremost duty of the Co-operative Department should be not to confine itself with the same old ruts. To every Co-operative officer from the lowest rank of the Department to the highest it should appear that they are really the servants of the needy rural population and their only anxiety should be how to build up a rural economy among those people who are extravagant, who are never thrifty and who lack character in dealing with affairs of their own enonomic life. So unless this atmosphere is created, there is no hope. And who will create this atmosphere ? It is not the natural leader of the society alone ; but they should be always helped and assisted by the Co-operative Department itself. The officials of the Co-operative Department should remember 24 hours that it is their duty to make all these illiterate, ignorant and extravagant people of the rural side to acquire the habit of thrift and build up a character and also to imbibe the spirit of co-operation among the members of the society itself. These are not very easy tasks, and therefore, the anxiety of the Department should be all the more greater because of the ignorance of our people. The societies are formed of people who are actually not to be relied on. Somehow or other they get into the the society. Those people who are not for the people themselves, they somehow get into the Co-operative Societies or Executive body and after getting some money they utilise it not for the purpose for which it has been originally taken from the Government or anybody else. After the society is registered and the Executive Commitees formed, the money is taken from any bank. I do not believe the Departmental heads or the officers care to look into the affairs of the society every quarterly or even once in a year. The result is, the whole thing is mis-managed and the money which has been taken for the relief of the needy goes to the pocket of those who utilise the money for personal necessaries and after 2 or 3 years the whole thing comes out when the account is audited. Auditors found that the Secretaries misappropriated the money for last 3 or 4 years. The money being mis-handled, misappropriated, all these things are found by the auditors, and when the auditors find it after 3 or 4 years even auditing annually, it was no detection. The result is, the poor agriculturists, our poor villagers who have the unlimited liability suffer for

contribution. I have my own experience in my subdivision. Some of the societies were asked to contribute to the tune of ten to twelve thousands of rupees twelve years back. I took the account, I found the figure 100 has been made 200 by two different kinds of ink, and this has been detected by me and the result was that ten or twelve thousand of rupees would have been realised from that society. I somehow managed to prove that it was not the persons from whom the Department wanted contribution. It is the Executive Committees who have been declared by the civil authority that they are যোত্রহীন (Yotra-hin) and I find the Chairman himself who has been declared যোত্রহীন (Yotra-hin) had got a *pucca* building. He has got also all the Executive authorities as যোত্রহীন। That very fact shows that the Department is not as active and serviceable as servant of the people, they ought to be up and doing. Among the persons to be rehabilitated 90 per cent. are agriculturists. The duty of the Government will be now to declare a moratorium for at least 5 or 6 years minimum, and after that declaration to begin the economic life of the rural population, rural family on a clean slate. They should build up their economy from that point. Otherwise the rural population which is growing every moment is helpless, and any amount of help to these agriculturists with old debts will never build up their economy. It is, therefore, my earnest appeal to the authorities, if they really want to rehabilitate, the Co-operative movement in the country should be launched more vigorously and without which there will be no rural economy in such poor State. The duty will be for Government to think seriously whether they should declare a moratorium in this country. If that is done, half the trouble, half the waste of the money of rural population will go at once, and in that case, the rural population will play their intelligence and they will be in a mood to economising themselves and to help each other. They will realise the benefit of Co-operative Societies, and they will not suspect each other, they will try to help each other, and they will understand what is economy, and unless this very foundation is laid any of the high ideals taking from any country either from Japan or China or England will not do in our small tiny State.

We want imagination, but at the same time right action. Imagination and action should go together to build up the economic life of our rural population. (Hear, hear). Otherwise there will be no salvation for the country.

Sir, I now appeal to the Minister-in-charge of Cottage Industries, who is a young man with ideas and imagination, and who also travelled widely throughout Japan and China to examine carefully these small things, *viz.*, cottage industries, co-operative societies and other small industries. He should take up these matters with right earnest. I think, the Opposition Party will also agree with my views unanimously.

(*Voices*.....yes, yes,)

Adjournment.

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

(After lunch)

Shri DHARANIDHAR BASUMATARI: Mr. Speaker, Sir, I want to speak a few words.

মাননীয় অধ্যক্ষ মহোদয় আমাৰ শ্ৰীমান প্ৰফুল্ল গোস্বামী ডাঙৰীয়াই যিটো প্ৰস্তাৱ আনি সমবায় সম্বন্ধে আলোচনাত যোগ দিবলৈ সুযোগ দিছে তাৰ বাবে তেখেতক ধন্যবাদ দিছো। সমবায় আমাক লাগে। আমাৰ দুখীয়া ৰাইজৰ মানদণ্ড বঢ়োৱাৰ বাবে কৃষক আৰু কৃষি শিল্প আন ব্যৱসায় বাণিজ্য উন্নতিৰ বাবে আৰু সৰু সুৰা বেপাৰ বানিজ্য কৰা সকলৰ বেপাৰৰ উন্নতি কৰাৰ সমবায় আমাৰ একমাত্ৰ পথ। এই উদ্দেশ্যেই সমবায় উদভৱ হয় প্ৰথম জাৰমানত ১৮৮০ চনত। আমাৰ দেশত সমবায় প্ৰতিস্থা হয় বৃটিশৰ শাসক Lord Curjonৰ দিনত। পিছে যুদ্ধৰ সময়ত সৰবৰাহৰ সুবিধাৰ কাৰণে ইয়াৰ পূৰ্ণ ৰূপ দিবলৈ হয় যেতিয়া গোটেই দেশত অশান্তি জ্বালাজন্ত্ৰনাৰে মানুহক জুমুৰি ধৰিছিল। যুদ্ধৰ সময়ত মানুহৰ মনোবৃত্তি হৈছিল কেনেকৈ দুই পয়ছা কৰিব পাৰি, সেই সময়ত মানুহৰ দৃষ্টি ভঙ্গী অতি নীচ হৈ পৰিছিল। সেই সময়ত দেশত এনেকুৱা অৱস্থা হৈছিল যে মানুহে কেৱল নিজৰ স্বাথ সিদ্ধিৰ কথা হে চিন্তা কৰিছিল। সেইসময়ত আমাৰ সমবায় বিলাকত যি বোৰ কৰ্ম্মচাৰী আছিল তেওঁলোকেও সমবায়ৰ আচল উদ্দেশ্য অনুসৰণ নকৰি নিজৰ স্বাথ সিদ্ধিৰ কাৰনেহে চাইছিল। তাৰ ফল স্বৰূপে এতিয়াও আমাৰ গাৱলীয়া ৰাইজৰ সমবায়ৰ নাম শুনিলে গা শিহঁৰি উঠে। সেইকাৰণে এতিয়া আমি আমাৰ কাৰ্য্যৰ দ্বাৰা কৰ্মচাৰী সকলৰ নতুন দৃষ্টিভঙ্গীৰ দ্বাৰা আমাৰ দেশৰ মানুহক সমবায়ৰ মূল উদ্যেশ্য আৰু সমবায়ৰ উপকাৰীতা দেখুয়াই দিব লাগিব। অধ্যক্ষ মহোদয়, সমবায় আমাৰ জাতিগঠনৰ মেৰু দণ্ড। এই সমবায়ৰ প্ৰতি আমাৰ ৰাইজৰ কেনেকৈ মনোযোগ আকৰ্ষণ কৰিব পৰা যায় সেইটো আমি চিন্তা কৰিব লগীয়া হৈছে। আমাৰ ৰাইজৰ মাজত সমবায়ৰ প্ৰতি এতিয়াও সম্পূৰ্ণ আদৰ গঢ়ি নুঠাৰ কাৰণে আমাৰ কৃষকৰ অৱস্থাৰ কোনো পৰিবৰ্ত্তন ঘটা নাই। দুখীয়া কৃষক দুখীয়াই হৈ আছে। তদুপৰি সমবায়ৰ কাম সুচাৰুৰূপে আমাৰ গাৱে ভুঁঞে এতিয়াও নোহোৱাৰ বাবে দুখীয়াৰ ওপৰত ধনী সকলৰ, মহাজন সকলৰ শোষণ চলিয়েই আছে।

অসমৰ শতকৰা ৯০ জনেই কৃষক। গতিকে দেশৰ শতকৰা ৯০ জনৰেই যদি অৱস্থা শোচনীয় তেনেহলে গোটেই দেশৰ উন্নতি আমি কেনেকৈ আশা কৰিব পাৰো? এইবোৰ পৰিস্থিতি লৈকে লক্ষ্য কৰি গোস্বামী ডাঙৰীয়াই আজি এই প্ৰস্তাৱটো দাঙি ধৰোতে হয়তো কৰ্ম্মচাৰী সকলৰ বিৰুদ্ধে নানা অভিযোগ আনিব লগীয়া হৈছে।

তেখেতে কৃষক বাইজৰ দুৰৱস্থা দেখিয়েই আলোচনা প্ৰসঙ্গত নানা অভিযোগৰ আৱতাৰণা কৰিব লগা হৈছে।

মই যি অঞ্চলৰ পৰা আহিছো সেই অঞ্চলৰ জনজাতীয় (ত্ৰাইবেল) লোকসকলে মহাজনবিলাকৰ পৰা কুৰিটকা ধাৰ আনি কেৱল সুদতেই ২, ২॥ মোন ধান দিব লগা হয়, অথচ মূল মূলেই থাকি যায় এইদৰে বছৰে বছৰে এই দৰিদ্ৰ জনসাধাৰণৰ ওপৰত শোষন চলিয়েই আছে। সেই কাৰনেই আমাৰ দেশত সুপ্ৰতিষ্ঠিত সুসংগঠিত সমবায়ৰ নিত্যান্ত আৱশ্যক। কিন্তু দুখৰ বিষয় সমবায় চলোৱা কৰ্ম্মীসকলৰ নিজৰেই সমবায়ৰ ওপৰত বিশ্বাস নাই। তেওঁলোকে কাম আৰম্ভ কৰিয়েই লিকুদেচনত যায় বুলি আশঙ্কা কৰি নিজৰ আৰু প্ৰতিষ্ঠানৰ ওপৰত আস্থা হেৰুৱায়। এনে সামাজিক পৰিস্থিতিৰ মাজত জনসাধাৰণ তথা কৰ্ম্মীসকলৰ মাজত সমবায়ৰ আৱশ্যকতা আৰু উপকাৰীতা সম্বন্ধে বিশ্বাসযোগ্য আচনি গ্ৰহন কৰি তেওঁলোকৰ মনত বিশ্বাসৰ দৃঢ়তা গঢ়ি তুলিব লাগিব।

ভাৰ প্ৰাপ্ত মন্ত্ৰী মহোদয়ে জাপান, চীন আদি দেশ ঘুৰি আহিছে। সেইবোৰ দেশত সমবায়ৰ জৰিয়তে কিদৰে কৃষক সমাজ গঢ়ি উঠিছে সেইকথা সিদিনা তেখেতে আমাক এই সদনতে কৈ গৈছে। আমি অৱশ্যে নিজে নেদেখিলেও কাগজে পত্ৰে চীন, ৰুশিয়া, জাপান আদি দেশত কেনেকৈ সমবায়ৰ জৰিয়তে কাম কৰিছে সেই বিষয়ে জানিব পাৰিছোহঁক। সেইবোৰ দেশৰ তুলনাত আমাৰ ইয়াত একোৱেই হোৱা নাই বুলিব লাগে। আমাৰ দেশৰ মানুহে সমবায়নো কি বস্তু তাক এতিয়াও বুজাই নাই। গতিকে আমি এতিয়া কৃষক বাইজক সমবায়ৰ বিষয়ে বুজাই বঢ়াই তেওঁলোকক সমবায়ৰ জৰিয়তে আগবঢ়াই আনিব লাগিব। আনফালে সমবায় বিষয়া সকলৰো দৃষ্টিভঙ্গী সলনি কৰিব লাগিব আৰু আৱশ্যক হলে নিয়মাবলীৰো সালসলনি কৰিব লাগিব। এইদৰেই আমি কৃষক সকলক সমবায়ৰ জৰিয়তেই ধনীসকলৰ কঢ়াল গৰাহৰ পৰা মুক্তি কৰি সমাজৰ আৰু দেশৰ আমূল পৰিবৰ্ত্তন ঘটাব লাগিব।

Shri NARNARAYAN GOSWAMI: Mr. Speaker, Sir, much has been discussed about this Co-operative Movement in this House. I personally feel that the spirit of co-operation among the Assamese people is practically very encouraging and firm, and for this good spirit of co-operation among the Assamese people we have been able to have in our own State good colleges, schools, etc., in the whole of Assam. Secondly, Sir, we find that due to this good spirit of co-operation among the Assamese people our development works have been successful practically in all parts of Assam. But regarding this co-operative movement we are to see why it has not been successful and why the picture of the co-operative movement before us is so gloomy and not gloossy. I beg to submit, Sir, two or three points to the Minister-in-charge of the Department. Sir, practically the Indian Limitation Act has been enacted to maintain peace and progress in the society but I am sorry to say that as far as my knowledge goes, this Limitation Act has not got any scope in any place within the Co-operative Societies Act, and so the movement is not successful and the picture is still gloomy due to the cause of the ineffectiveness of this Indian Limitation Act within the scope of the Co-operative Societies Act.

Even land is acquired by averse possession by the help of the Limitation Act. For maintaining peace and progress in the society the Limitation Act is necessary. But unfortunately if the award is given by the Co-operative Department, there is no way out of it even after lapse of a century. Even from generations to generations that trouble will continue. If for no fault of a share-holder but for the fault of some share-holders of the Society some awards are passed, even after the death of a share-holder, his heirs will be haunted.

Mr. SPEAKER: You are going away from the resolution.

Shri NARNARAYAN GOSWAMI: I am coming to that. So as an axiomatic truth I have placed before this House that there is no lack of co-operation among the Assamese people. But why then the Co-operative Movement is not successful in Assam? Personally I think that persons having a good knowledge of co-operative movement should be put in charge of such societies. Innocent persons cannot be encouraged in a way to go into this because if there be some award against one who is not guilty of the offence may have to suffer and the trouble will pursue him generation after generation and all his property will be taken away. As the provisions of the Indian Limitation Act do not apply to the Co-operative Societies Act, innocent persons cannot be encouraged to come into this institution.

Therefore, Sir, my submission is that the Co-operative Societies Act should be re-drafted or amendments should be brought with regard to this Act according to the spirit of the age. Mere appointment of persons in the Co-operative Department will not improve matters. The first and foremost duty of the Government is to amend the existing Act or to redraft the whole Act according to the demand of the time. I hope the Minister-in-charge will pay his best attention to this aspect of the matter.

Secondly, Sir, with regard to the selection of persons of the Department also, I think the authority concerned will pay best attention so that persons having some mentality to do some social service should be taken into the Department. They are to take persons, in this Department, who have special interest in this matter. My request to the Minister in-charge is that he will pay special attention when persons are selected to the Department. Persons having special interest for social service should be preferred.

Mr. SPEAKER: What kind of officers are appointed by the Government?

Shri NARNARAYAN GOSWAMI: Inspectors, Sub-Inspectors, etc. So it is my request to the Minister in-charge that only such people should be selected for this department who have special liking for social service and who are in touch with the masses. Of course Government is thinking in that light. I hope the Minister in-charge of this Department will give special attention to this because he has got experience in Japan and China, and therefore, he will give a new start to remodel the co-operative societies in our country like Japan and China. With these observations I again request the Minister to pay best attention specially to see that some provisions of the Limitation Act may get place in the existing Co-operative Societies Act and that the Act may be remodelled according to the time and spirit.

Shri MAHENDRA MOHAN CHAUDHURY (Minister): Mr. Speaker, Sir, I am very grateful to my Friend, Sriman Prafulla Goswami, who has, by tabling this resolution, given me an opportunity to explain the state of affairs that is going on in the Co-operative Department of Assam. The Co-operative Movement in Assam is not a new thing; it was started as long ago as 1912, first with co-operative credit societies. Since then it has passed through different phases and also through many vicissitudes. But, Sir, it must be admitted that the movement has not gained the momentum it should have received from the side of the people as well from the side of the well-wishers of the co-operative movement. Some of my hon. Friends who have taken part in this debate especially Mr. Umaruddin was very much excited while declaring that the Co-operative Movement in Assam has altogether failed. I also do not claim that the movement has totally succeeded, but I cannot agree with my Friend that the movement has altogether failed. There are certainly many drawbacks—there are certainly many things which have not been done, but there are also many things which have been achieved by the Department. At the present moment we have got as many as 3214 societies functioning in different parts of the State, and in those societies there is a working capital of Rs.19,86,71,470, and in those societies there is a working capital of Rs.19,86,71,470. These figures simply prove that the movement is not a total failure. Then, Sir, during the last war, the movement took a different turn due to introduction of control of things. Many consumer co-operative societies came into being and those societies were mainly constituted only to distribute controlled commodities. Sir, that was a time when, if we would have worked properly, it would have given a good

footing of the co-operative movement in Assam. But, Sir, at that time we failed and the result is that since control was lifted these co-operative stores have gone into liquidation. The State-wide organisation of the trading co-operatives had very much influenced the Co-operative Movement of Assam. By introducing the trading co-operatives, Sir, we departed from the usual path of co-operation in Assam. The main principle of co-operation is that it must be voluntary, it must be free from all extraneous influence and also it must be free from all allurements and baits. When we organised primary trading co-operatives, these things somehow crept into the Movement. Sir, there was a direction from Government that those who do not become share-holders of the primary trading co-operatives, they were not eligible to receive the supply of cloth and yarn and under compulsion people were drawn to the Co-operative Movement and the co-operative trading societies. Sir, as a result all and sundry people who had no faith in the Co-operative Movement entered into the co-operatives. They have indirectly sabotaged the whole Trading Co-operative Movement. I am sorry to say, Sir, that our co-operative societies have not yet been able to recover. Sir, the whole criticism in the course of this discussion of this resolution has been levelled against the officers of the Co-operative Department from the Mover downward to Shri Basumatari.

Shri NARNARAYAN GOSWAMI: Including myself.

Shri MAHENDRA MOHAN CHAUDHURY: They have thrown the entire blame on the officers for what is bad in the co-operative societies, but I like to remind them, Sir, that co-operation fundamentally means voluntary association, it is the people's movement formed by themselves, for themselves and mostly managed by themselves and the trend should always be towards deofficialisation. Sir, when the axiomatic principle in co-operative is self-help and self-reliance, the presence of officers is bound to influence the members and, therefore, official interference in the societies is bound to come. Therefore, Sir, I want to remind my Friends that while they criticise the Co-operative Movement in Assam, we must always be vigilant towards this fundamental principle of co-operation. Sir, I do not say that the officers have nothing to do in giving a drive to this movement. Surely, the officers have many things to do but their activities must be limited and they should work always in very limited scope. Their main function is only to supervise and give technical assistance to the office-bearers. If these two things are complied with by the officers then I believe the

duties of the officers are fully done. But in these two things also I must admit that the officers are not doing their best. This is for two reasons. Our officers, as Mr. Goswami has said, are almost without training. Officers are appointed on the recommendation of the Assam. Public Service Commission from persons fresh from college. That was the state till recently. To obviate this difficulty we have not started a Co-operative Training Institute and in that institute we have made it a point that whoever wants to serve in Co-operative Department must undergo a course of training so that he can understand something of the Co-operative Movement and the peoples psychology. Again, Sir, the number of officers is small as compared to other States due to our financial limitations. The Reserve Bank of India has recommended that not more than ten societies should be put under one officer for their proper supervision, proper audit and proper technical guidance. But, unfortunately, Sir, as I have already said due to our financial limitations we are to put more than thirty societies in-charge of one officer for supervision, for audit and for technical guidance and the result is that they cannot attend to any of them properly. I do not also deny that there are some black sheep in the Co-operative Department who neglect their duties and go against the co-operative spirit and also who may be, as my Friend, Mr. Basumatari, said, taking resort to some corrupt practices. But that does not mean that the entire staff or the officers of the Co-operative Department are not doing their duties. Surely most of them are doing their duties, but they are doing their duties under many handicaps and for those handicaps they have not been able to give full satisfaction to the people. You enquired Sir, while Mr. Goswami was speaking about the percentage of literacy in China. It is almost similar with India. In Assam also most of our people are illiterate. They are quite ignorant of the Co-operative Movement. I have already, stated, Sir, that to get certain benefit out of co-operative, people come to form co-operative societies and as soon as that benefit is derived or that benefit is denied they leave the societies. It is not so in China. People are given free scope to work from the side of the Government training has only been arranged. Sir, we are also trying to extend the scope of the present co-operative training institutes so that we can give some training to our primary co-operative office bearers. Without that training it is difficult to run the organisation specially when we think in line of co-operative throughout the whole of the State. At the present moment

the Reserve Bank of India has started two training institutes—one at Poona and one at Pussa. In the Poona Co-operative Training College the high ranking officers are trained and in the Pussa Training Institute only the medium type of officers are trained. The office bearers of the co-operative societies we are proposing to give training in our training institute which has been established about two years ago in Joysagar in the Sibsagar Subdivision. In this connection I must say that our Co-operative Training Institute at present is not fully equipped with staff as well as with proper materials, but we hope and trust that very soon this institute will be fully equipped and all the facilities for training will be offerred to the trainees. (*A voice*: What about reserve seats for our trainees in Poona and Pussa ?) We have got some seats reserved in Poona Institute. The Pussa College has been started very recently and we hope we shall get our adequate quota for our officers' training there also.

Sir, my Friend, Mr. Goswami, suggested that there should be one whole-time Registrar for the co-operative societies of the State. The Reserve Bank of India on two occasions deputed their officers to look into the working of our co-operative societies in Assam and they did not suggest in that line. They suggested that the work of the co-operative societies cannot engage one man fully for the purpose. Therefore, in addition to his co-operative duties he may be given some other duties. This is the advice given to us by the Reserve Bank of India. It is of course certain that at present our Registrar for Co-operative Societies is a bit over-worked. At present the Government has set up a high level committee and the committee is considering all these matters as to how the work can better be distributed and efficiently managed. On the recommendation of that committee we shall be able to improve matters. My Friend, Shri Kakoti, has just now pointed out to me that in other States of India the Registrar of Co-operative Societies work for more than ten years at a stress. In Punjab the Registrar works for sixteen years, at a stress, in U. P. 17 years, in Madras eight years, in Bombay sixteen years and in Rajasthan fourteen years. But in our State in the course of last three or four years as many as four Registrars have come and gone (*A voice*: Whose fault is that ?) The reason of this frequent change we all know. We are in dearth of officers and whenever a Registrar comes here and takes over charge of the Department then a situation arises when his services become quite indispensable elsewhere and therefore he is to be sent away. But now, Sir, we have almost decided

that we must try to retain the services of a Registrar for as long a period as possible.

Sir, for the development of the co-operative societies, the finance is the greatest handicap. Unless we can make easy credit available to the societies it is difficult for the society to grow. Therefore, we are at present trying to offer credit facilities for our co-operative societies. If the societies fully avail of the facilities offered, many of the societies will be able to work better. My Friend, Mr. Umaruddin Saheb, with a thundering *voice* and closed fist has asserted that the Co-operative Department of our State has altogether failed. I am sorry, Sir, that he is not fully aware of the activities of this Department. I have already said that in the State of Assam more than 3,214 co-operative societies are functioning with a working capital of Rs.1,98,67,147. One of our societies, which is a co-operative store society, in Barpeta Subdivision is going to obtain a license for supplying electricity in the town of Barpeta. This is the second co-operative society in India which is going for supplying electricity to the people. Therefore, Sir, my Friend is ill-informed about the working of the Co-operative Department in our State.

Sir, many of my Friends have referred to my last visit to China and Japan. Of course during my visit to those countries I could see the activities of the Co operative Departments of those countries from a close angle. And from that I can say that in China, where the Government and the people are trying to build their entire economy on co-operatives, I found that the co-operatives were kept free from official influence and no amount of compulsion, either direct or indirect, or any kind of allurement or bait was thrown upon the people for the success of the Co-operative Movement. But here, Sir, the wind is blowing otherwise. My Friend, Umaruddin Saheb, comes here and occasionally discusses about the failure of the Co-operative Movement in the country, as if he is pained to see all these things. He becomes almost restless and in the fit of restlessness he almost forgets what he speaks. But as soon as he goes out of the four walls of this Chamber, he at once becomes one of the worst enemies of co-operatives. The capitalist like Mr. Umaruddin are the worst enemies of co-operatives and they always try to kill the Co-operative Movement. If we want to improve the working of the co-operative societies and if we feel that it is co-operative alone that can bring economic welfare to the people in the villages, we must work in that behalf most sincerely, honestly and energetically. (*A Voice*:—This

is your fault). Sir, I am fully conscious of my limitations and I am fully aware of my drawbacks. I request my Friend, Mr. Umaruddin, honestly and sincerely that when he goes to his village he should try to organise at least one model co-operative society. In China and Japan, Government officers do not feature at any stage of the movement. It is the people and the people's organisations that work the co-operative societies and make them successful. Sir, I have already stated how many officers we have got. The State of Assam comprises an area of 64,000 square miles with a population of one crore. If we want to change the rural economy of our State we shall have to organise about 50,000 co-operative societies. How many officers have we got ? We have got only 150 officers. Is it possible on the part of 150 officers to go throughout the length and breadth of the country, reach all the remotest villages of the State, meet one crore of people and organise co-operative societies ? It is a sheer impossibility. Therefore, Sir, if we want to make the co-operative successful, if we want to build our economy on co-operations by replacing the individualistic economy in the society, it is our bounden duty to take up the work in right earnest without going to blame others. We claim ourselves to be leaders of the people and we claim ourselves to be a good critic of Government, but, at the same time, we must not forget that we have got a certain amount of responsibility to discharge we have also a certain amount of duty to perform, and if you are conscious of those duties and responsibilities, I belive, Sir, the ghost of the co-operative movement, which now seems to be visible in our eyes, will disappear. I request my hon. Friends opposite that they should pay more attention to this matter and should make it a point to organise at least one model co-operative society in their constituency. (Mr. Umaruddin :—There are many). If that is so, he should have been the last person to say that the Co-operative Movement has failed.

Then, Sir, let me come to the Resolution. Shri Goswami in his resolution has demanded that a Committee to go into the working of the Co-operative Movement in Assam should be formed. For the information of the hon. Members, I may say that since 1949 till to-day, two officers on two different occasions from the Reserve Bank of India visited our State and they made some amount of survey about the working of our co-operative movement. They were (1) Mr. K. Subbaro, District Inspector of the Reserve Bank of India, who visited Assam in 1949 ; (2) Mr. K. Madhav Das, Chief Inspector of the Agricultural Credit Department of

the Reserve Bank of India, who visited Assam in 1952. They made certain observations about reorganisation of the Department and in the report submitted by Mr. K. Madhab Das, he suggested that a Committee consisting of the Registrar, Deputy Registrar and the Managing Director of the Apex Bank should be constituted to go into the working of the Co-operative Movement in Assam and also to recommend how best it could be rehabilitated. In pursuance of that recommendation we have already constituted a committee where we have also included two non-officials. Therefore, Sir, when a Committee has already been appointed and when they are almost to start work I find no necessity for another Committee to be constituted to go into the working of the Co-operative Movement in Assam. I request my Friend to wait for a while. After receiving the report of the present Committee, if we find that on any other point or points we want more elucidation or clarification, we shall try to appoint another Committee so that they can recommend as to how our co-operative societies should be rehabilitated.

One thing, Sir, At the present moment we are trying to organise credit societies in an extensive manner throughout the State.

I have received complaints from many of my Friends that the movement has not been as speedy as it should have been, but I am a bit opposed to carry on these matters speedily. My idea is to go a bit cautiously. The Reserve Bank of India has made available to us Rs.20 lakhs for short-term credits, we have been able to spend only Rs.10 lakhs upto-date and another Rs.10 lakhs, I believe, will be spent very soon and as soon as we finish this amount, we shall go for higher grants.

Then, Sir, in the last Session of the Assembly many of the hon. Members complained that mere short-term credit loans do not serve the purpose and on that occasion I said that our Chief Minister was in correspondence with the Government of India for medium and long-term loans along with short-term ones and I am glad to state that we have received a sanction from Government of India for medium and long-term credit of Rs.11,50,000 and 5 lakhs respectively. I believe, with the remaining Rs.10 lakhs at our disposal for short-term credits and with this Rs.16½ lakhs for medium and long-term credits, we shall be able to do a lot for the agriculturists in our State. But while working speedily we must also go cautiously. I am always repeating this because it is for starting things in a very hurried manner our movement received a setback in the past, we, therefore, to avoid any setback

should proceed on cautiously. In this connection, I appeal to my Friends, both on the Government side and on the Opposition side, to carry on a propaganda about co-operation in the villages. Unless and until the people are educated with the fundamental principles of co-operation, it is no good speaking to make the movement successful. Therefore, with this appeal to my Friends and with all that I have said, I request my Friend, Sriman Prafulla Goswami, to withdraw his Motion.

Maulavi MUHAMMAD UMARUDDIN: Sir, Mr. Chaudhury has stated that a Committee with some officials have been created. May I know whether that Committee will go into one particular aspect in credit or whether it will go into all aspects of the Co-operative Movement ?

Shri MAHENDRA MOHAN CHAUDHURY: To all aspects of the Co-operative Movement.

Sriman PRAFULLA GOSWAMI: After hearing our Minister and getting the information that a Committee has already been appointed, I beg leave of the House to withdraw my Motion.

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

Resolution for a non-recurring grant of Rs. 1,50,000 to the Silchar Gurucharan College

M. MOINUL HAQUE CHOUDHURY: Mr. Speaker, Sir, I beg to move:

'This Assembly is of opinion that a non-recurring grant of Rs.1,50,000 be made available for the Silchar Gurucharan College immediately for meeting the following immediate and unavoidable needs of the said college:—

	Rs.
1. Acquisition of land (proceedings nearing completion).	30,000
2. Buildings:	
(a) Extension of Laboratory Building ...	25,000
(b) Men students' Common Room ..	15,000
(c) Women Students' Common Room..	10,000
3. Gas Plant	25,000
4. Electrical installations and internal wiring	15,000
5. Water works	8,000
6. Furniture (including two Common Rooms instead of one)	7,000
7. Library Books	5,000
8. Laboratory chemicals and apparatus (in addition to the grant of Rs.8,500)	10,000
Rs.	1,50,000

Sir, it may not be unknown to the hon. Members of this House that Silchar Gurucharan College which is commonly known as G. C. College is the premier institution of the district of Cachar,—catering needs of the students of that side for prosecuting their studies upto B.A. and B.Sc. classes and this institution is situated at Silchar. Sir, the district of Cachar is one of the backwardmost areas of this State so far as the plain portions of the State is concerned and more so, as far as the question of education is concerned. The reason is not far to seek. It is known to the hon. Members that the present system of education came into existence only after the advent of the British rule and Cachar is one of those places which came last to the hands of the British and that was only in the year 1832 and as such this district remained much behind other districts in the matter of education. This would be evident from the fact that the first Government High School of the district, *i.e.*, Silchar Government High School, was established as late as 1882 or 1883 as far as I can recollect. This would explain one of the reasons of the backwardness in education of the people of Cachar. But then, at the time when this school was started by the Government, the need of the district for College education was very much limited and it was met by the then M. C. College of Sylhet, a college maintained by the Government of Assam. In course of time it was found that the M. C. College was not sufficient for the students of that side and M. C. College was not in a position to give sufficient seats to Cachar boys after meeting the demands of the boys from the district of Sylhet, thus, resulting in the necessity of starting of a college in Cachar. In 1935 late lamented Shri A. K. Chanda, who was Member of this House, started the G. C. college with the help and co-operation of the public. That was started with an idea to accommodate at best 100 students. After purchasing a privately owned bungalow on the other side of the river Barak the institution was started. It grew due to the sacrifice of a band of workers particularly some teachers who did not take any pay including the founder, Principal Shri A. K. Chanda. But afterwards it was found that the demand of the students in the district for higher education was increasing ; so land was purchased in the vicinity of Silchar Town—in its suburh—and permanent—College building were constructed at a considerable costs and today the value of the college property is estimated to be about Rs.3½ to 4 lakhs of rupees. But even at that time it was never felt that the college would have more than 300 students at any time. Thus the college which was started for 300 students and that too in Arts subjects, is having more than 900

students today, as far as I am aware ; that the number of girls alone is about 120 as far as I can remember and the demand was so much that many more students had to be refused admission.

Sir, apart from the general increase of students in the district of Cachar itself there is one more factor, namely the students coming from Lushai Hills. In Lushai Hills there is no educational institution which impart education beyond matric standard. Thus they are also required to depend upon this G. C. College for the education of Lushai boys which is nearer to their home in as much as the Lushais are labouring under same geographical, political and communication difficulties as the people of Cachar. The only land route through Sylhet through which we were connected with Assam Valley fell in Pakistan after partition of the country and it is no more available to us. We cannot use it. The capacity of the railway line through Hill Section, the other route is rather slender and uncertain particularly all through the rainy season. Thus geography alone left no other alternative for us but to develop G. C. College. The number of boys seeking admission was so large this year that after accommodating maximum number of boys there remained many and in order to ease the situation, the college authorities wanted to start night classes. The number of boys and girls who wanted to take advantage of this scheme was about 300. But then the college authorities could not materialise the same due to one of the difficulties mentioned in my resolution ; neither the college had internal wiring for electric installation nor it had electric connection and there was no money as well to do both these, resulting in that the scheme had to be abandoned and boys refused admission ultimately. Besides the geographical difficulties, referred to already, another reason is poverty for which the people of the district are not in a position to take the advantage of Cotton College, the only Government College of the State. Even if they can, there is one more difficulty compared to the need of the State as a whole the space in the Cotton College is too limited ; it can not accommodate all the boys of the State.

Sir, this leads me to the discussion of the enormity of the problem incidentally. The Report of the University Commission has dealt with this problem rather in detail. According to them if there were 100 students in 1931-32 (for general education) it was 253 in 1947-48. In my own estimate it will be near about 350 to day ; that means the number of boys has

increased from 100 to 350 since then. Sir, alone in University Examinations, we find, if in 1931-32 there were 100 students, then it was 250 in 1947-48 and possibly near about 325 to-day according to my estimate. So it is not unusual that some people are starting colleges here and there to-day. Whatever, the number of students may be, we must educate these boys at any rate. How we are to do that ? Can Cotton College do that alone ? Recurring grant for the Cotton College is nearly 5 to 6 lakhs annually. Non-recurring grant is almost of the same amount almost every year. But how much we are spending for these non-Government colleges ; much less than the annual grant of the Cotton College—only about 3½ lakhs for all the non-Government Colleges numbering almost two dozens, which are educating boys 15 to 16 times more than that of the Cotton College. What than the policy of the Government ? Is not the Government wedded to the policy of making education cheap and readily available to every house ? I am sure they are and they are not persuing a different policy. To give an example: inspite of having Cotton College which was getting 4 lakhs annually in 1949-50 (and 6 lakhs to-day), apart from the non-recurring grant, the Government of Assam recognised Barpeta College by extending all facilities and grants, thereby making it apparently clear that they would give grants to colleges started at subdivisional head-quarters. But then Government did not remain satisfied there. When Nalbari College was started inspite of the facilities of Cotton College, Government aided girls' college, B. Boroah College at Gauhati, the Government of Assam showed their willingness to carry collegiate education to villages by giving grants to that college. But after doing all these, if now anybody stands and condemns establishment of colleges in every subdivision, then I would simply question his sincerely and pity him. After all we must remember that democracy depends for its very life on a high standard of education and if that education cannot be made cheap and available to everyone so as to equip them both in body and mind then a country is not great and cannot be great. Extent of territory or wealth do not make a country great, but certainly greatness of her people makes her great and that greatness cannot come without education; as such, those who want to keep education confined to limited few, they are really not the friends of the country. But, Sir, if we are to educate our people we cannot leave everything to them. Actually speaking can people do that ? It is not

possible for people alone to start and run a B. Sc. college which would cost them nearly 4 to 5 lakhs annually. As it is not possible for them, as Government was not coming forward with sufficient help, so the University Commission rightly remarked about non-Government Assam colleges that 'the financial position of many of these colleges is not very satisfactory and many of the teachers are ill paid'. They further expressed the hope in the following words:— "Assam requires trained men in every sphere of life. On account of the paucity of opportunities for higher education in the province it is difficult to obtain trained personnel in many a spheres of life. Strenuous efforts will be required to stimulate higher education" etc. The Commission further suggested integration of Cotton College with the University as a constituent college and in fact, our present Vice Chancellor of the Gauhati University, Mr. Handique, demanded handing over of Cotton College to University while giving evidence before the Commission. It is high time that we should get away from the vicious distinction of Govenmenent and non-Government colleges. But what our Government is doing. It seems that they are focussing most of their attention to the maintenance of the Government college at the cost of the non-Government colleges resulting in that most of the non-Government colleges have not got good teachers, libraries or laboratories and other welfare activities. That accounts for the large number of failures in University Examinations and also for the large number of boys passing in the Third Division. It has been estimated that of the total number of boys passed, 55 to 83 per cent. of them are placed in Third Division. That the failure of students in examination is varying from 37 to 60 per cent. of the total boys appear in different Universities. In 1948, 60 per cent. of the students failed in I. A. Examination in the Gauhati University. This is really a deplorable state of affairs which not only wasting public funds but also the time and energy of the students themselves. This further causes terrible frustration in the mind of the youths, so much so that a boy who plucked once in life loses confidence in himself. This is very unfortunate.

Sir, There is another aspect of the matter. As for example: why our boys are proving failures in the All India Competitive Examinations ? In olden days not a single boy from Assam could become a member of the I. C. S by examination. Even to-day same is the state of affairs. Till to-day not a single boy could compete in the I. A. S.

examination. Why so? This is because of the low general standard of education that is being imparted in the educational institutions of the province: if this is not the sole reason certainly it is one of the reasons. I, therefore, say that the Government has got to see to this aspect of the matter and I believe the remedy is not far to seek. Instead of focussing all their attention to the only Government college, the Government should pay more attention to these non-Government colleges which are teaching much larger number of boys, so as to equip these tudents of non-Government colleges to take their full part in country wide competitions. So, looking from this general aspect of the whole educational problem, the Silchar G. C. College must receive generous treatment from the Government particularly in view of the fact that the influx of students in that college is much more than any other college in the province in view of the large scale migration of refugees to Cachar and also because of the Lushai students. Yet, why I have brought a reasolution making a special case for Silchar G. C. College? I shall now narrate the same.

Sir, due to the loss of the Sylhet M. C. College resulting in loss of the privilege of reading in a Government college by our boys, we can certainly claim special treatment apart from the question of justice for the education as a whole.

Sir, the only one way to ease the pressure of students on general education is to divert the students to technical education, medicine or agriculture etc. etc. Certainly Government realised it long ago. But in Cachar District there is no such institution to ease the pressure of students upon G. C. College. What we find to-day is this Government is establishing Agricultural College at Jorhat on a Scheme costing Rs.9 lakhs, Agricultural Training School at Khanapara in Kamrup District costing more than a lakh, Veterinary School or College at Gauhati costing 16 lakhs, Assam Forest College at a cost of 2½ lakhs at Gauhati, Gauhati University with a Scheme of 17 lakhs at Gauhati, two Technological Institutes at Gauhati and Jorhat and Basic Training College, Janata College at Titabar, a Medical College on a scheme of Rs.40 Lakhs at Dibrugarh and an Ayurvedic College at Gauhati on a scheme of 3.8 Lakhs.

Sir, the House will see that none of these institutions find place in the district of Cachar. On the other hand the general education of the boys which they are receiving there in non-Government Colleges of the district, is not

receiving proper facilities in the hand of the Government. Sir, then, how can we divert our boys to other spheres of life and ease the pressure upon our non-Government colleges in the district ?

Shri NARNARAYAN GOSWAMI: Let my Friend think about Assam as a whole.

M. MOINUL HAQUE CHOUDHURY: Sir, the House will see that all these institutions are established in Assam Valley and none in the district of Cachar. Thus, I am thinking in terms of Assam as a whole (*laughter*). Thus, if justice was not done to the district of Cachar under the first Five Year Plan, and no technical or such other institution was established there, I can only blame our own lot; I don't envy the lot of other districts.

Shri NARANARAYAN GOSWAMI: Let us think in the terms of Assam.

M. MOINUL HAQUE CHOUDHURY: Sir, I was telling that I have nothing to grudge the lot of the other fortunate districts. Goalpara stand on the same footing as that of mine. So, Sir, I was telling that there is no point in comparing the facilities for education in the district of Cachar with other districts. For instance, unless a boy from Cachar is the son of a rich man, he cannot take the facilities of a Medical College at Dibrugarh or an Engineering College at Jorhat as he cannot possibly spend Rs.100 to 150 per month. After all local boys get very many facilities.

Shri NARNARAYAN GOSWAMI: There is not a single city in Assam. We should develop Gauhati.

M. MOINUL HAQUE CHOUDHURY: Sir my Friend has not gained any experience from the state of affairs in Calcutta where all educational institutions were centralised by the Government. Now Government of West Bengal has taken a scheme to decentralise the institutions from Calcutta as far as possible and to spread them all over the State.

Shri NARNARAYAN GOSWAMI: There is not a single city in Assam.

Mr. SPEAKER: Mr. Choudhury, you will not hear him.

M. MOINUL HAQUE CHOUDHURY: Sir, he (Narnarayan Goswami) has already given me much troubles. When I use the word Kamrup he flares up. He wants a Pragjotishpur kingdom. Hence so much heart burning.

Sir, so in order to consider these problems, a meeting under the Deputy Commissioner was held on 7th August, 1954 at Silchar and a resolution was adopted requesting the Government of Assam to take up Silchar G. C. College in the second Five-Year Plan and to develop it into a full-fledged Government College and actually a scheme involving a cost of Rupees 30 lakhs was adopted. That is not much compared to the negligence with which Cachar was treated in the First Five-Year-Plan. But then apprehending that this scheme will take some time to be scrutinised and then given shape to, all the legislators of the district of Cachar submitted a representation to the Chief Minister and Education Minister of Assam to allocate a sum of rupees 1,50,000 to G. C. College in the present Supplementary Budget so as to make the money available immediately as the college was passing through great difficulties for want of funds immediately. Far less to speak of including the same in the Supplementary Budget for the acceptance of the House, the authorities even did not acknowledge the receipt of those. Hence, Sir, I have been compelled to come with this resolution.

Sir, this college is second to Cotton College so far roll strength is concerned. Due to the increase of students and starting of B. Sc. Classes, immediate extension of the buildings, particularly laboratory and students common room both for male and female students, has become an absolute and immediate necessity. If, for want of common room and other facilities, students do not remain content, it will create many more problems including discontent and unrest amongst them. So, for acquisition of lands for buildings, etc., I have asked for Rs.30,000. The acquisition proceeding is nearing completion. For immediate extension of buildings, I have asked for the minimum, *i.e.*, Rs.50,000, and another Rs.7,000 for furnishing the common rooms. In order to teach Science in B. Sc. class installation of gas plant, and more chemicals and apparatus have become necessary and for this in two heads I have asked for Rs.35,000. The grant given for Science section is too inadequate to meet the expenditure even, for less to speak of expansion, the library is poorly equipped, for improving which a sum of Rs.5,000 would be necessary immediately. The college has no electric installations. It is really a horrible experience for the boys in summer.

For doing this, I have prayed for a sum of Rs.15,000. These are the minimums. Like us, all the guardians of the students of G, C. College individually applied to the Chief Minister to make available this 1½ lakh of rupees immediately. But unfortunately that has not been allotted. I, therefore request the hon. Minister-in-charge to allot this sum without fail in the next Budget of the Assembly coming in next March. Sir, this will not only help the district of Cachar but it will also help the Lushai boys and girls. If Government do not see eye to eye with me today and meet this demand, then it is very likely that they will be confronted with a demand to start one more Government College in Lushai Hills soon and very likely they will have to meet it. We have not got hostel facilities as it should be. The Lushai boys and girls are residing here and there in deplorable condition in Silchar. This Government could have given us some money for a tribal hostel from the grants allocated by the Centre for this specific purpose. I am told by an M.L.A friend that not a single student has occupied the newly constructed Tribal Hostel at Gauhati established out of the grant given by the Centre. This Government can give us some money as well for constructing a Tribal Hostel for the tribal boys at Silchar. I hope this will also be done.

With these few remarks, Sir, I commend my resolution for the acceptance of the Government and this House.

Mr. SPEAKER: The motion moved is that this Assembly is of opinion that a non-recurring grant of Rs.1,50,000 be made available for the Silchar Gurucharan College immediately for meeting the following immediate and unavoidable needs of the said college:

		Rs.
1.	Acquisition of land (proceedings nearing completion)	30,000
2.	Buildings	
	(a) Extension of Laboratory Building	25,000
	(b) Men students' Common Room ..	15,000
	(c) Women ,, ,, ,, ...	10,000
3.	Gas Plant	25,000
4.	Electrical installations and internal wiring	15,000
5.	Water works	8,000
6.	Furniture (including two common rooms instead of one).	7,000
7.	Library books	5,000
8.	Laboratory chemicals and apparatus (in addition to the grant of Rs. 8,500).	10,000
		1,50,000

Shri PRATAP CHANDRA SARMA: Mr. Speaker, Sir, I rise to speak a few words. My Friend, Mr. Choudhury, wants Rs.1,50,000 as non-recurring grant for the Gurucharan College and he has raised many points in support thereof which are not relevant at all. Gurucharan College in only an affiliated college, but my Friend has raised the point of converting it to a full-fledged Government College. If Government wants that Gurucharan College be converted into a full fledged Government College, let it be done and I will raise no objection whatsoever. But the fact is—it is only an affiliated college and whether it should get rupees 1,50,000 as non-recurring grant as asked by Mr. Choudhury in this House. My point is, Sir, in giving grant to an institution, I am against singling out one institution for special and favourable treatment ignoring the claims of the other institutions of our State which have been struggling for existence for the past few years for paucity of funds. My Friend, Mr. Choudhury, has said that on democratic consideration, Gurucharan College should get Rs.1,50,000.

Sir, he again said that the high percentage of failure in the competitive examinations should be taken into consideration in making the grant to the said institution. But, Sir, if the high percentage of failure is to be taken into consideration, I should say that there is no justification whatsoever for showing special and favourable treatment to the Gurucharan College, as it is common to all the colleges of Assam, and it is also against principles of democracy to show special favour to one college ignoring the claims of others. Sir, our political movement for independence marked an era of expansion in the sphere of education. People have been crying for more knowledge and more colleges everywhere and this urge for education led to the establishment of 18 new colleges out of the 21 existing colleges of Assam. Cotton College is run by Government and out of the 20 other colleges, 16 are affiliated college and 4 are non affiliated. Now, Sir, all these affiliated colleges are financially crippled, their lecture rooms are over-crowded and their libraries and laboratories are very poor and ill-equipped. There are some colleges which even cannot pay their teachers regularly. So, Sir, the most important problem before us is to safeguard the future of education in the whole of Assam and not to single out one or two colleges for special consideration. Sir, if any invidious distinction is made in the matter of giving grants, it will give rise to controversy and dissatisfaction

and this will certainly, on its turn, generate heat and gas which will cloud the very issue and will fail to throw any light for the solution of this difficult problem of our State. So, Sir, I am against making special provision for any college. My Friend is speaking about Gurucharan College—what about the Nowgong College ?

Sir, the other day a certain expert came to me and advised me to stop the science classes there because the gas plant is in a very dangerous condition. But I refused to stop it. I am nobody to stop scientific education at Nowgong—as the President of the Nowgong College. It is the Chief Minister and the Education Minister who can stop educations. Let them go to Nowgong and do whatever they like. It is none of my business to dismiss the science classes. If the grievances and demands of different colleges be taken separately, I have materials to prove conclusively that Nowgong College should receive the topmost priority in the matter of getting special grants. But I will not push this argument as in spite of our special claims, I am not going to claim any special provision for the Nowgong College. All the colleges must be given equal consideration. It is an all Assam problem and it must be solved on all Assam level.

So, Sir, my suggestion is that instead of making special arrangement for the Gurucharan College, let a Committee be formed, and let that Committee enquire into the grievances of all the affiliated colleges of Assam and after that, Sir, let there be equitable distribution of grants so that all the colleges of Assam can develop on harmonious lines.

M. MOINUL HAQUE CHOUDHURY: Let my Friend bring up an amendment.

Shri PRATAP CHANDRA SARMA: Now, Sir, Mr. Haque Choudhury has raised certain points. He has spoken about the Cotton College. Cotton College is not the college of Gauhati but it is an All Assam College. It is open to all the good and meritorious boys coming from different parts of Assam. Government spent about Rs.6½ lakhs for this institution and Government is justified in doing that and Government should spend more money for this college and raise it to the status of one of the best colleges of India. Sir, in support of my contention that there should be a Committee to revise the whole education policy of the

State, I want to speak a few words more. Here, in Assam, Sir, we have got 20 colleges excluding the Cotton College, out of which 16 colleges have been affiliated and the remaining 4 have not yet been affiliated. For the Cotton College alone Government spend about Rs. 6,50,000 annually in the shape of recurring grant. That is quite all right and Government is justified in doing so. But, Sir, there is one point which should be marked carefuly. In the Cotton College, there are only 1,400 students whereas in the other 20 colleges about 8,000 students are having their education and for these 8,000 students, Government spend only Rs. 3,84,000. The figures are eloquent and speak for themselves and make out a clear case for reviewing the whole matter of giving grants to colleges. Mr. Choudhury has spoken many things against the Government. Government of Assam are spending more than 20 per cent. of its income under the head "Education". This is the highest percentage amongst all part A States of India.

Shri HARESWAR GOSWAMI : What about Bombay?

Shri PRATAP CHANDRA SARMA: I refer the hon. Member to 'India 1954' published by the Government of India. It is about 18 per cent. there. In West Bengal it is only about 11 per cent. Assam Government has spent huge amounts of money for education. Why? There is a purpose. That purpose is to raise our backward State to the level of the forward States of India. Just to implement this policy, Government has done its best. Within the last 8 years our expenditure on education has shot up from Rs. 50 lakhs to three crores and fifty lakhs. This will be found nowhere in any State in India. But, Sir, the policy of giving aid to the educational institutions has become outmooded and does not help the institutions on their onward march. Increased grants must be made to the affiliated colleges of the State, otherwise they will not function properly and regularly. It is for this reason that we do not get first class human materials for our welfare schemes. The object of Government spending crores of rupees for education will be greatly frustrated if Government do not come forward to help the affiliated colleges in this critical period of their existence. So, Sir, I request the Government to give serious consideration to this matter and to appoint a Committee for the solution of this urgent problem.

Shri RANENDRA MOHAN DAS: Mr. Speaker, Sir, I like to speak a few words on the resolution which has been moved by my Friend, Mr. Moinul Haque Choudhury.

I heard Mr. Choudhury and also certain points raised by Mr. Sarma. Mr. Sarma is right when he says that all the colleges in Assam, I mean aided colleges, should receive equal treatment. The condition of all the colleges in Assam have deteriorated due to increase in their roll strength. They cannot provide with proper accommodation and maintain good professors and so on and so forth. But, like Mr. Choudhury, I would say that why the Medical College has been established in Dibrugarh, that a Technical College has been established in Jorhat (Engineering), that an Agricultural College or School is established in a particular area in Assam but not in Cachar. I have thought over the matter seriously and also discussed this matter with some of my Friends of the other side. I could not appreciate this policy of the Government in starting one big institution in one place and another in another place. To my mind, if all our big institutions like the Medical College, Technical School, Agriculture College, Universities and Government Cotton College, can be concentrated in some central place either at Gauhati or near about Nowgong, then, at least, I think the difficulties of all the people of Assam would have been solved to a great extent. I do not say that these should be dismantled and brought down here in one place. I could not appreciate the idea from the very beginning that Government started one institution of Provincial nature here and one there. For example, if the Medical College was there in Gauhati where there are higher classes of science in the University, one institution could supplement the need of the other institutions. The professors of science college could teach some subjects in the Medical College as well; and that would have saved our money to a great deal and also practical training of students could be had in other institutions as well. Another point is that in Assam there is a great dearth of good professors on science, medicines and such other technical subjects. So, that problem of scarcity of good professors would have been solved to a great extent. Coming to the subject, I do not appreciate the idea that one college should be given preference over the other. Same equal treatment should be given to all the aided colleges in the State. But there are some practical difficulties which our Government should also consider. Before Partition, under the British Government and we have seen that, during that time, a college was established in Sylhet, namely, the Murarichand College and laterly that college was converted into a Government college. due to the geographical isolation of Surma Valley from the rest of

Assam. This college had to be started for the reason that due to the geographical position and communication difficulties, the students from Surma Valley could not come to Assam Valley for their education at the Gauhati Cotton College. Sir, how many families are there in the district of Cachar who can send their children for education in the Gauhati Cotton College? There are so many difficulties on he way. But this is not the case with the people of Nowgong while Nowgong is so near to Gauhati. Shri Pratap Chandra Sarma said that there are difficulties for the students of Nowgong to come to read in the Cotton College. But I say that difficulties are still greater for the students of the district of Cachar to come—to Gauhati. Sir, as you know, the hill section remains vulnerable to rains during the rainy season and communication becomes very very difficult and also costly. Considering all these difficulties the then Government started a college in the district of Sylhet and after Partition that educational facilities to the students living in that area of our side, including Lushai Hills, have practically been stopped. Now, even after Independence, the educational facilities of the students of the district of Cachar are not there though we are spending 19 per cent. of our budget in education. So, Sir, even 19 per cent. of the budget does not touch the problem of the district of Cachar. In view of all these difficulties, Government should examine this problem to see how they can tackle it. I come from Karimganj and I am a member of the Karimganj College from its very inception and as such I am directly interested with this college. My Friend, Shri Pratap Chandra Sarma, said that his college at Nowgong is also suffering. But I say that our college at Karimganj is suffering still more for want of proper help from the Government. But I want that there should be at least one Government college there in Cachar to cater the needs of the students at the cost of the Government. I do not plead for my Karimganj College now, and I can still now forego my claim for Silchar Guru Charan College. But due to geographical position, it is urgently necessary that there should be one Government college for the poor students of the district of Cachar. I want that those students should have all the facilities for education while they cannot go elsewhere for their education. I am only pleading the case of the poor students of the district of Cachar. Considering all these factors, I think Government should give a sympathetic consideration for the Guru Charan College. I appreciate Mr. Sarma's point that some principle should be adopted in this case. But wherever there

is any principle, there is also some exception to that principle, and that exception should be applied for this college for the peculiar geographical position and other local circumstances.

I, therefore, urge upon the Government that at least one college in that area should be converted into a Government college and I would ask Mr. Goswami not to think on parochial line and owing to the peculiar geographical position and difficulties some weightage should be given not only for the Cachar District but for other Districts if there are such circumstances.

With these words, Sir, I support the Resolution of my Friend, Mr. Choudhury, and hope Government will give their due consideration in the matter.

Shri HEM CHANDRA CHAKRAVARTY: Sir, I also tabled a Resolution which is identical to this Resolution, and so I beg leave of the House to withdraw my Resolution. I want to speak in support of the Resolution which has just been moved by my Friend, Moinul Haque Choudhury. I am very much pained to hear the speech of my learned Friend, Mr. Sarma, on the matter which I think draws the consideration of all the hon. Members here. There is no denial of the fact that all the Government aided colleges and non-aided colleges in this State should be given more aid by our Government. It has been stated by Shri Pratap Chandra Sarma that our Government is spending about 21 per cent. of our income for education and that is the highest percentage ever spent on education by any Part A State in our Indian Union. Sir, I could anticipate such an argument that will be coming before the House when I tabled my Resolution—a similar one, but I had no choice over the matter in tabling a Resolution for giving grant to the Silchar college only as I knew the limitation of the Government in regard to finance. I knew that our Government is doing all that is possible to help the educational institutions and for that reason I request the Government to give a grant to this college which needs about Rs.1,50,000 immediately and this has been specifically mentioned in my Resolution. My Friend, Mr. Moinul Haque Choudhury, has stated that we had not been able to give facilities to the girl students of our college to have a common room. I have seen that the girl students there sit in the Principal's room during their recess hours. This is most unfortunate of course. This college is being run with public charity—from the people of the District as well as outside. We have not been able to get any non-recurring grant for the

development of the college from our Government. Of course we are getting recurring grant of Rs.2,500 only per month from the Government and we are thankful to the Government for that. The amount we now require is for immediate development of certain items which cannot be deferred any further and from the list of items given, the hon. Members will well realise that these are items which require immediate attention. Of course, I quite appreciate what my Friend, Mr. Sarma, says about the Nowgong College that the gas plant there is in a very dangerous condition which may burst at any moment. Certainly, Sir, if a demand for repair or replacement of the gas plant, which is endangering the safety of the students and the public around, I shall support that demand.

Shri PRATAP CHANDRA SARMA: I said that was no reason for a special grant to the Nowgong College.

Shri HEM CHANDRA CHAKRAVARTY: I am not going to waste the valuable time of the House any more. I will only try to impress upon the House to lend their support to this Resolution for granting this small amount of Rs,1,50,000 to the Guru Charan College, Silchar. Sir, if this money or the money available for distribution is distributed piecemeal, work will also be done piecemeal and it will take a long time to develop different colleges. So, it is better for us to agree to a policy of developing one college at a time and I hope my Friends will not grudge to develop Guru Charan College this time, the proposal for which has come before the House. With these few words, I support the Resolution.

Maulana ABDUL JALIL: মাননীয় অধ্যক্ষ মহোদয়, (*Voices* in Hindi—আপ কৃপয়া হিন্দীমেঁ বোলিয়ে) আমার বন্ধু মইনুলহক চৌধুরী সাহেব শিলচর গুরুচরণ কলেজ উন্নয়নের জন্য যেটা সংকল্পিত প্রস্তাব সদনে পেশ করিয়াছেন তার আলোচনা প্রসঙ্গে আমাদের বন্ধু সদস্যগণের অনেকেরই বক্তৃতা শুনিলাম এবং শুনিয়া আমার মনে হইতেছে যেমন এক নদীর স্রোত যায় একদিকে আর বাঁধা দেওয়ার চেষ্টা চলিয়াছে অন্যদিকে। (হাসি) এক্ষেত্রে এরকম বাঁধার দ্বারা যেমন কোন ফল হয়না বরং স্রোতের দিকটা ধ্বংশোন্মুখ হয় ওরকম আমাদের বন্ধুসদস্যগণের বক্তৃতার ফলও তদ্রূপ।

আমার বন্ধু চৌধুরী সাহেবের প্রস্তাবের মূল উদ্দেশ্য ছিল যে শিলচর জেলার রাজ্যের প্রধান অংশ হইতে ভৌগলিক ব্যবধান থাকার দরুন, স্থানীয় ছাত্রদের উচ্চশিক্ষা লাভকরা ক্ষতিকর ও অনেকের পক্ষে দুঃসাধ্য; অতএব ইহাতে গভর্ণমেণ্ট একটা এককালিন অনুদান মঞ্জুর করিয়া কলেজটিকে কতকটা অপেক্ষাকৃত সংস্কার করা দরকার। ইহাতে আমারও একমত। গভর্ণমেণ্টের সাধ্যানুসারে প্রত্যেক কলেজের জন্য সাহায্য দিয়া সকলকে ক্রমে উন্নত করার চেষ্টা চালান যে একটি উদ্দেশ্য, আমি বলি সে একটি মহৎ উদ্দেশ্য। কিন্তু যে ভাবে গভর্ণমেণ্ট অন্য বিষয়ের উন্নয়নমূলক কার্য্যে সম্পাদনের জন্য এক একটি পরিকল্পনা প্রস্তুত করার পরে সেই উন্নয়ন কার্য্যে সাহায্য দান করিতে মনোনিবেশ করেন ঠিক সে ভাবে রাজ্যের কলেজগুলির উন্নয়নের জন্য একটি পরিকল্পনা গ্রহণ করিয়া

সেই পরিকল্পনাতে প্রতেক কলেজকে সংস্কার করিতে গেলে আমাদের কোনও আপত্তির কারন নাই ; বরং ইহা অতি আনন্দের বিষয়। সমগ্র আসামের উণ্নতির সঙ্গে কাছার জেলাকে উণ্নত করাও এই ব্যবস্থা পরিষদের প্রতেক সদশ্যেরই কর্ত্তব্য নয় কি ? কাযেই আমি কাছারের সদস্য বলে এই প্রস্তাব সমথন করি নাই। এই পরিষদের কোন একজন সদশ্য বলেই এবং ইহা সমর্থনযোগ্য বলেই সমর্থন করিয়াছি।

(*Voice*—জী হাঁ ঠিক কহ রহে হেঁয় আপ)।

বর্ত্তমান অন্য কোন কলেজের সাহায্যদানের জন্য সদনে কোন প্রস্তাব কোন মাণনীয় সদশ্য পেশ করেন নাই তাহলে আমি তাহাও সমর্থন করিতাম। এখন দেখিয়াছি কেবল শিলচরের গুরুচরণ কলেজের বিষয় একটি প্রস্তাব আছে। সেজন্য বলিতে বাধ্য হইয়াছি যে সর্ব্বপ্রথম এই কলেজকেই সাহায্য দান করা গভর্ণমেণ্টের দরকার ; এবং আমিও এই কল্পে অনুরোধ জানাইতেছি (হাসি) এতদ্বারা আমি বলিতেছি না যে অন্যান্য স্থানের কলেজগুলির উণ্নতিসাধন করা অনাবশ্যক। অন্যান্য কলেজ-গুলিরও যাহাতে উণ্নতিসাধন হয় সঙ্গে সঙ্গে তাহারও বিহিত ব্যবস্থা করা উচিত ; এবং ইহাতেও আমার আন্তরিকতা আছে। কিন্তু এইপর্যন্ত সেরকম কোনও প্রস্তাব নাই ; যখন সেরকম প্রস্তব আসবে তখন নিশ্চয় আমিও সমর্থন করবো। (হাসি) বর্ত্তমান গুরুচরণ কলেজকেই ১ম স্থান দিতে বাধ্য হইয়াছি।

দ্বিতীয় কথা এই যে, আমাদের শ্রীযুত শর্ম্মা উল্লেখ করিয়াছেন যে নগাও কলেজেরও এরকম অভাব অভিযোগ আছে অতএব গুরুচরণ কলেজকে সাহায্য করলে নগাও কলেজকেও সাহায্য দিতে হইবে।

আমি বলি যে একটি দেশের ছেলে মেয়েরা সেইদেশের ভবিষ্যতের প্রতিভূ স্বরূপ। দেশের ভবিষ্যৎ উজ্জ্বল করিতে হইলে প্রথম ছেলে মেয়েদের শারীরিক ও মানসীক উৎকর্ষ সাধন করাই হল প্রধান কর্ত্তব্য। বিশেষ করিয়া আমাদের দেশের স্বাধীনতার পরে যাহাতে আমাদের ছেলেমেয়েরা আমাদের দেশের আদশে আদর্শবাদী হইয়া দেশের সমৃদ্ধি সাধন করিতে পারে তাহাই হওয়া উচিত আমাদের একমাত্র লক্ষ্য। ইহাও সত্য যে দেশকে সমৃদ্ধিশালী করিতে হইলে অন্য প্রগতিশীল দেশের সঙ্গে তুলনা করিতে গেলে আমাদের বিশেষ করিয়া বর্ত্তমান গভর্নমেণ্টের আদর্শ বাদের কোন শিক্ষারই বিকাশ ঘটিবেনা। ইহাতেও গভর্নমেণ্টের দৃষ্টি রাখা দরকার। তারপর ইহার দায়িত্ব একমাত্র আমাদের শিক্ষাবিভাগের উপর ন্যস্ত আছে। সুতরাং আমাদের শিক্ষাবিভাগের লক্ষ্য করা উচিত যে কোন একটি ছেলে যদি অভাব অভিযোগে পীড়িত হইয়া যোগ্য শিক্ষালাভের অক্ষমতা বশতঃ কষ্ট পাইতেছে, তাহা হইলে তাহাকে উপযুক্ত সাহায্য দিয়া তাহার মানস পূর্ণ করা হয়। বাস্তবিক আমার এই আশা ছিল যে এই প্রস্তাব সকলেরই সহানুভূতি পাইবে, আমি এখনও আশাকরি যেন মাননীয় সদস্যগণ এই প্রস্তাবটি সহানুভূতিতে দৃষ্টিপাত করেন। ইহার সঙ্গে শুধু নগাও কেন, ধুবুড়ী, গোয়ালপাড়া, বরপেটা, তেজপুর ইত্যাদি যত কলেজ আছে সেগুলির সাহায্য দানের জন্যও এক একটি প্রস্তাব আনুন ; তাহাতে আমাদের Grudge করার কোন কারণ নাই। বরং সমবেদনা প্রকাশ করবো। এখন সর্ব্বপ্রথমে শিলচরের গুরুচরণ কলেজের বিষয়েই অগ্রগন্য এবং ইহার জন্য প্রথম সাহায্য লাভ কৃতকার্য্য করুন তার পরে আমি প্রতিশ্রুতি দিলাম যে অন্যান্য ক্ষেত্রেও আবশ্যক অনুযায়ী সমর্থন করব। (হাসি) আলোচনা প্রসঙ্গে আরও Technical School আদির কথা উঠিয়াছে আমি তাহা বলিনা। অন্যান্য কলেজ উন্নয়নের দিকে কোন আক্ষেপ নারাখিয়াই আমি চৌধুরী সাহেবের প্রস্তাব সমর্থন করিয়াছি। কিন্তু উদ্দেশ্যের প্রতিকূল উক্তি শুনিয়া মনে দুঃখ পাইয়াছি। আমার মনে হয় ময়নুল হক চৌধুরী সাহেবও প্রস্তাব পেশ করার সময় ওরকম কোনপ্রকার আক্ষেপ বা দুঃখ প্রকাশ করেন নাই। আলোচনায় মাননীয় সদস্যগণের অনেকেই কেন ওরকম দুঃখ প্রকাশ করেছেন ?

M. MOINUL HAQUE CHOUDHURY: I never said that. I said that by doing this, *i.e.*, starting Technical Institutions, Government has diverted the boys from general education, but what about Cachar? That was my question. I wanted an answer to that question and in doing so, if anybody misunderstood me that was his own limitation, and not mine.

Maulana ABDUL JALIL: আমি এখন বলতে পারি তিনি দুঃখ প্রকাশ করেন নাই। এই রাজ্যের প্রত্যেক লোকের পূর্ণ নাগরীকত্বের স্বত্ত অক্ষুন্ন রাখার সম্পূর্ণ দায়ীত্ব এই পরিষদের প্রত্যেক সদস্যের উপরে আছে। ইহাতে কোন জেলার বা মহকুমার বা থানার উৎকর্ষতা সাধনে নানা কারণ বশতঃ পশ্চাৎপদ হইতে পারে। ইহা আমাদের প্রত্যেক সদস্যেরই একান্ত কর্ত্তব্য যে ইহাকেও একযোগে সমৃদ্ধিশালী করিয়া তোলা। অতএব এরকম যদি কোন জেলার অথবা কোন মহকুমার বা থানার নাম নেওয়া হয়, সেই উদ্দেশ্য বাতিল করার জন্য অন্য কোন অপেক্ষাকৃত উন্নত জেলার অথবা মহকুমার বা থানার নাম করে সে রকম কোন মনোভাবের উদ্বেগ হওয়া উচিত নহে। আমি ভাবি সেই রকম কোন চাঞ্চল্যের সৃষ্টি না করিয়া আমাদের নিজের জিলা, মহকুমা অথবা থানার জন্য যেটুকু চিন্তা করি, প্রত্যেক নাগরিকের জন্য ঠিক সেই চিন্তাই করা উচিত। আপনাদেরও কোন প্রস্তাবে যদি আপনাদের জেলা, মহকুমা অথবা থানার কথা থাকে যদি আপনাদেরও অন্তরের অন্তরালের কথা আছে তাহাও ব্যক্ত করা উচিত। আপনারা ভাবিতে পারেন যে একটি কলেজকে আমরা বিশেষ সুবিধা দিবো কেন—? বর্ত্তমান একটিই গভর্নমেণ্টের সম্পূর্ণ সমর্থন চায়—পরে অন্যান্য কলেজের জন্য ও সম্পূর্ণ সরকারী মঞ্জুরীর আবেদন করুন (হাঁসি)।

Mr. SPEAKER: The House stands adjourned till 10 A.M. on Thursday, the 4th November 1954.

Adjournment

The House was then adjourned till 10 A. M. on Thursday, the 4th November 1954.

Shillong:

The 15th July 1955.

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

A. G. P. (L.A.) No.163/55—126—18-7 1955.

AGENTS IN INDIA

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4. Messrs. R. Cambray & Co., 6 and 8/2, Hastings Street, Calcutta.
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6. The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
7. The City Book Company, Post Box No. 283, Madras.
8. The Director, The Book Company, Limited, Book Sellers and Stationers, 4/4A, College Square, Calcutta.
9. The Manager, The Imperial Publishing Co., 99, Ry. Road, Lahore.
10. Messrs. Chapala Book Stall, Shillong.
11. Messrs. Sirbhumi Publishing Co., Calcutta.
12. The Proprietor, 'Graduates Union', Gauhati.
13. Mr. Banwarilal Jain (Book Seller), 1719/2002, Mati Katra, Agra (India).
14. Messrs. Low Book Society, 65/3, Harrison Road, Calcutta.
15. The Director, Benares Corporation, University Road, P.O. Lanka.
16. Messrs. Law Book Society, 4A, Wellington Square, Calcutta.
17. Messrs. Bodh Raj Marwah, Booksellers, Shop No. 63, Pusa Colony Market, Delhi-Karol Bagh, New Delhi.