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Proceedings of the Seventh Session of the Second Assam Legislative Assembly assembled under the Provisions of the Government of India Act, 1935, as adapted

The Assembly met in the Assembly Chamber, Shillong, at 10 A. M., on Tuesday, the 13th September 1949.

P R E S E N T

The Hon'ble Srijut Lakshesvar Borooah, Speaker, in the Chair, seven Hon'ble Ministers and forty one Members

Panel of Chairmen

The Hon'ble the SPEAKER : The following Members will form the Panel of Chairmen for the September Session, 1949 :—

1. Raja Ajit Narayan Deb of Sidli,
2. Mr. C. W. Morley,
3. Moulana Md. Mufazzal Hussain,
4. Mr. Maniram Marak.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

(To which oral answers were given)

Voters lists for the next general election to the Assam Legislative Assembly

Mr. BINODE KUMAR J. SARWAN asked :

- *1. Will Government be pleased to state—
- (a) Whether the preparation of the preliminary voters lists for the next general election to the Assam Legislative Assembly of the Tezpur and Mangaldai Subdivisions have been completed ?
 - (b) If so, when will the printed copies of the voters lists will be available to the public ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

- *1. (a)—No.
(b)—Does not arise.

†**Mr. BENODE KUMAR J. SARWAN :** It is now one year and a half that it was announced by the Central Government to prepare the voters' list. It is so long past ; may I expect to know why it is not ready even now ?

The Hon'ble Srijut BISHNURAM MEDHI : We got instruction to collect materials for preparation of the electoral roll and the instruction was carried in spite of the difficulties mentioned in the reply to Unstarred Question No.5 of today's list. We have not yet received instructions to finalise the list. It is one of the reasons why the list has not been completed.

†Speech not corrected.

†**Prof. P. M. SARWAN:** It is more than a year and a half and still the list is not completed ?

The Hon'ble Srijut BISHNURAM MEDHI: There is some confusion and it has been lost sight that the Constituent Assembly is discussing the draft and they are making amendments from time to time after scrutiny of different points of view.

†**Prof. P. M. SARWAN:** Will Government see that there is no unnecessary delay with regard to this ?

The Hon'ble Srijut BISHNURAM MEDHI: There will be no delay as far as this Government is concerned. We are waiting for instructions from the Constituent Assembly as to how the list is to be completed and finalised.

UNSTARRED QUESTIONS

(To which answers were laid on the table)

Revival of the ancient name of the Province of Assam

Srijut GAURI KANTA TALUKDAR asked :

1. (a) Are Government aware—

- (i) that the territories covered by the present province of Assam was known in ancient times and in the Indian history by the name *Kamarupa* ;
- (ii) that the Britishers in ignorance of the past history of the province gave its present name ;
- (iii) that the present name of the province does not remind its people about the glorious past of the land of their birth ?
- (b) Do Government propose to take necessary steps to revive the ancient name of the province and to change its present name, Assam to *Kamarupa* ?
- (c) If not, why not ?

The Hon'ble Srijut GOPINATH BARDOLOI replied :

1. (a) (i)—The boundaries of the Kingdom of Kamarupa varied from time to time and it would not be correct to say that the Kingdom at any time included all the areas which now form part of Assam.

(ii)—There is no authority for stating that the name Assam was given by the Britishers.

(iii)—It may be the view of some people ; but some men born in Assam have for generations known their land of birth as 'Assam'.

(b)—No.

(c)—Because few people want the change to-day.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to state whether they had taken steps to ascertain the views of the people of Assam regarding change of the name of "Assam" to "Kamarupa" ?

The Hon'ble Srijut GOPINATH BARDOLOI: Yes, in the same way as we have done on the view put by the hon. Member before the House.

Srijut GAURI KANTA TALUKDAR: Sir, my question was 'Do Government propose to take necessary steps to change the name of Assam to Kamarupa'. The reply is 'No', because few people want the change to-day. May we know, Sir, how Government came to this conclusion that "few people want the change"?

The Hon'ble Srijut GOPINATH BARDOLOI: I have already replied that it is the same way in which Government is assessing the view which my hon. Friend is propagating. If there is a persistent demand that way, Government will take the matter into consideration. We shall see if there is a considerable volume of opinion in favour of the change.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to take the initiative and ascertain the opinion of the people?

The Hon'ble Srijut GOPINATH BARDOLOI: No.

Memorandum on the question of suppression of opium smuggling, etc.

Srijut GAURI KANTA TALUKDAR asked :

2. Will Government be pleased to state—
 - (a) When was the Assam Government's Memorandum on the question of suppression of opium smuggling and restriction of *Poppy* cultivation submitted before the Government of India?
 - (b) Whether any action has been taken or proposed to be taken by the Central Government on the said Memorandum?
 - (c) If so, what is that?
 - (d) If not, whether Government propose to move the Central Government to take early and effective steps to help this Province in its fight against opium smuggling?

The Hon'ble Maulana MD. TAYYEBULLA replied :

2. (a)—In November 1948.
- (b) & (c)—An All-India Opium Conference was convened by Government of India on the 3rd August, 1949 on the said Memorandum. The Resolutions adopted at the Conference are being duly considered by this Government.
- (d)—Does not arise.

Srijut GAURI KANTA TALUKDAR: Besides convening the All-India Opium Conference, did the Central Government do anything else for giving effect to the Resolutions of that Conference?

The Hon'ble Maulana MD. TAYYEBULLA: The All-India Opium Prohibition Conference was convened in the first week of August 1949. The Conference came to certain decisions and passed a number of Resolutions.

Srijut GAURI KANTA TALUKDAR: Is the execution of these Resolutions meant for the Provinces only and not for the Central Government?

The Hon'ble Maulana MD. TAYYEBULLA: Both for the Central Government and the Provinces and States concerned.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to give some idea as to the Resolutions of the Opium Conference ?

The Hon'ble Maulana MD. TAYYEBULLA: These are long Resolutions. If the House desires, I may place them.

Srijut GAURI KANTA TALUKDAR: May we request the Hon'ble Minister in-charge to make a comprehensive statement as regards the nature of the Resolutions, and the steps taken by this Government with regard to these Resolutions ?

The Hon'ble the SPEAKER: In the question hour there should be no discussion.

Srijut GAURI KANTA TALUKDAR: I will request you, Sir, to allot some time so that the Hon'ble Minister may make a statement to explain the position for the information of the House. As a matter of fact not only this House but the whole province is anxious to know what the Central Government are going to do for prevention of smuggling and to restrain cultivation of Poppy.

The Hon'ble the SPEAKER: If the hon. Member wants a debate under rule 41 of the Assembly Rules, I may allow that.

Srijut GAURI KANTA TALUKDAR: We want a statement to be made by the Hon'ble Minister ; in that connection, if necessary, we would make certain suggestions.

The Hon'ble the SPEAKER: May I know from the Hon'ble Minister how long will that statement take ?

The Hon'ble Maulana MD. TAYYEBULLA: It will take about fifteen minutes, Sir.

The Hon'ble the SPEAKER: In view of the importance of the matter I am disposed to allow half an hour's time under rule 41 of the Assembly Rules after the close of today's business.

Withdrawal of Control System

Srijut GAURI KANTA TALUKDAR asked :

3. (a) Are Government aware of the public feeling that the control system is mainly responsible for profiteering, black-marketing, bribery and corruption prevailing in the country and that it is not possible to fight these evils effectively so long the control system is there ?

(b) If so, do Government propose to move the Government of India to withdraw the control system as far as and as early as possible ?

Srijut BIMOLAPROSAD CHALIHA (Parliamentary Secretary) replied :

3. (a)—Government is aware that such a feeling prevails in certain sections of the public.

(b)—The present control system is based on an Ail-India policy adopted after due deliberations and taking into consideration all relevant matters. Government do not propose to move the Government of India for decontrol.

Srijut GAURI KANTA TALUKDAR: Will Government be pleased to make a similar statement regarding this question of control? We do not know whether the Government of India proposes to continue this control system for a long time or whether they want to decontrol. It would be better if the Government makes a statement on the subject for the information of the House as well as the Province. Now we are in darkness as regards the actual state of affairs in the matter of control.

Srijut BIMOLAPROSAD CHALIHA (Parliamentary Secretary): There is a certain non-official Motion about food policy of Government. I do not exactly remember in whose name it stands, I think it stands in the name of Maulavi Muhammad Abul Kashem. So it will be a proper subject to discuss the matter there.

Resumption of tea garden lands lying fallow

Srijut DALBIR SINGH LOHAR asked:

4. (a) Will the Hon'ble Revenue Minister be pleased to state what progress has so far been made in resuming tea garden lands in Dibrugarh used for purposes other than growing of tea such as letting out to tenants and started bazars for State purposes?

(b) Will the Hon'ble Revenue Minister be pleased to state whether in response to the petition of large number of landless indigenous people of Dibrugarh, Government propose to resume tea garden lands lying fallow for settlement with them?

(c) Are Government aware that tea garden lands in Dibrugarh are utilised by the garden owners for establishment of Sunday Bazars particularly at Nagaghuli, Dikom and Lahowal?

(d) Do Government propose to consider the desirability of acquiring these lands for the State and convert them into Local Board Hâts to increase the finances of the Local Board concerned?

The Hon'ble Srijut BISHNURAM MEDHI replied:

4. (a)—A sample survey of some tea grants to ascertain the probable area that may not be required for tea and other purposes ancillary to it has been started.

(b)—As the law stands at present Government have no powers to resume the lands in question. If the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949 introduced in the current Session of the Assembly is passed into an Act, it may enable Government to do something in this line after due enquiry provided the landless people themselves undertake to pay compensation in connection with such acquisition or requisition.

(c)—The hon. Member is referred to the replies given to his Starred Question No.7(a) at the last September 1948 Session of the Assembly and (b) above.

(d)—On receipt of any specific proposal for acquisition from the Local Board, the matter will be considered.

Electoral Rolls for the General Election to the Provincial Legislative Assembly

Prof. P. M. SARWAN asked :

5. Will Government be pleased to state—

- (a) If the Electoral Rolls for the general election to the Provincial Legislative Assembly are now ready in manuscript ?
- (b) If not, why ?
- (c) When the Electoral Rolls are likely to be printed ?
- (d) Whether Government are aware of the need of a very early general election in the Province of Assam ?
- (e) Whether Government propose to speed up the publication of Electoral Rolls and arrange to hold the general election early in 1950 ?
- (f) Whether Government are aware that Pandit Nehru is pressing for holding the general election for the West Bengal Legislative Assembly this year ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

5. (a)—No : but they are expected to be ready soon.

(b)—The occurrence of floods and epidemics in certain districts during the course of enumeration of eligible persons retarded progress of the work to a great extent.

(c)—Printing of the Electoral Rolls will be started as soon as the manuscript copies are ready and definite instructions are received from the Constituent Assembly. The whole matter is, in the meantime, receiving due consideration by Government who are anxious to have the Electoral Rolls printed as early as possible.

(d)—No.

(e)—Government are awaiting instructions from the Central Government.

(f)—Government have no official information—but there is likely to be a general election in West Bengal even before the Constitution is finally passed.

Prof. P. M. SARWAN : My question was “Will Government be pleased to state if the Electoral Rolls for the general election to the Provincial Legislative Assembly are now ready in manuscript”. The answer is: “No : but they are expected to be ready soon”. The supplementary question is—in case a bye-election is due in the near future, will Government hold that bye-election at the earliest possible date to make Government aware of the need of holding the general election ?

The Hon'ble the SPEAKER : How that bye-election comes in ? Your question is about general election.

Prof. P. M. SARWAN : Bye-election often time leads to general election, because it makes the Government aware of the need of general election.

(A Voice : Then you resign.)

Prof. P. M. SARWAN : I am ready to resign provided Government gives me an assurance of the general election.

The Hon'ble Srijut BISHNURAM MEDHI: In case of general election if the Government decides to hold it there is no need of resignation. But the suggestion is made that if the vacancy is created by resignation of certain gentlemen in such a case Government will always take immediate steps to fill up that vacancy as soon as possible.

Grant of record of rights to *Nisf-khiraj* Tenants

Dr. JINARAM DAS asked :

6. (a) Is it a fact that the Government of Assam have granted records of rights only to a small section of *Nisf-khiraj* tenants ?

(b) If so, do Government propose to grant record of rights to the entire *Nisf-khiraj* tenants of the province ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

6. (a)—Records of tenants rights have been prepared only in respect of lands (including *Nisf-khiraj* lands) pertaining to religious institutions in the district of Kamrup.

(b)—Such Estates in other districts are few. Uptil now neither the proprietors of any other *Nisf-khiraj* estates nor the tenants of such estates have moved the Government for preparation of the records of rights of such tenants. If however any proprietor or tenants of such estates apply for preparation of record of right and are prepared to bear the cost of the operation as required under section 84 of the Assam (Temporarily-Settled Districts) Tenancy Act, Government will consider such proposal favourably.

File regarding the murder of Police Sub-Inspector at Naliapul in Dibrugarh

Srijut BHADRA KANTA GOGOI asked :

7. (a) Is it a fact that the file regarding the murder of Police Sub-Inspector which took place on the 17th July 1949, at Naliapul in Dibrugarh is missing from the Secretariat office ?

(b) If so, what action is being taken against the persons responsible ?

The Hon'ble Srijut BISHNURAM MEDHI replied :

7. (a)—No.

(b)—Does not arise.

Improvement of water supply and light in Tezpur Municipality

Mr. BINODE KUMAR J. SARWAN asked :

8. Will Government be pleased to state—

(a) Whether the Hon'ble Local Self-Government Minister and Hon'ble the Finance Minister received two separate copies of the petitions dated the 1st of May 1949 of the tax-payers of Lalmati and Kumargaon Ward No.1, Tezpur Municipality, addressed to the Chairman, Tezpur Municipal Board, for removing their urgent grievances regarding water-supply, light, etc. ?

(b) What steps have been taken or proposed to be taken to remove their grievances ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

8. (a)—Yes.

(b)—The Tezpur Municipality is already on the move to improve the water-supply in question and to give more lights in the areas.

Mr. BINODE KUMAR J. SARWAN: Can the tax-payers of Lalmati and Kumargaon Ward No.1, Tezpur Municipality expect to have their water supply and other facilities of the Municipality during the next cold weather ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is very difficult to give an assurance of the kind, but steps are already taken to improve the water supply in the town.

Settlement of the Dibrugarh New Market

Maulavi ABDUL HALIM asked :

9. (a) Is it a fact that the Deputy Commissioner, Lakhimpur, has suspended the resolution regarding Settlement of the Dibrugarh New Market passed by the Members of the Dibrugarh Municipality at a meeting of the Board with overwhelming majority ?

(b) Are Government aware that this action of the Deputy Commissioner, Lakhimpur, was condemned by the public of Dibrugarh at an open meeting held on the 14th June 1949 ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR replied :

9. (a)—Yes.

(b)— Government have no information about this meeting.

Maulavi ABDUL HALIM: Are Government aware that the Deputy Commissioner is definitely siding with one party and acting against the interest of the general public and thereby abusing his powers has suspended the resolution ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: It is a new question.

Maulavi ABDUL HALIM: But this is a connected question.

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: Whether the Deputy Commissioner is siding with one party or whether he is neutral—unless information is called for it is very difficult to reply.

Maulavi ABDUL HALIM: Will Government enquire ?

The Hon'ble Maulavi ABDUL MATLIB MAZUMDAR: If it is thought necessary.

Allotment of time for Private Members' Business

The Hon'ble the SPEAKER: Order, order. In pursuance of Rule 18 of the Assam Legislative Assembly Rules, I hereby allot in consultation with the Hon'ble Premier the following days for private Members' Business during the present session of the Assam Legislative Assembly:—

Friday, the 16th September

Saturday, the 17th September

} Private Members' Bills, Motions,
and Resolutions.

Private Members' Bills, Motions and Resolutions will also be taken up on the 22nd September after disposal of Government Business, if any, on that day.

This order shall be subject to my revision, if necessary from time to time.

Statement regarding course of Government Business

The Hon'ble Srijut GOPINATH BARDOLOI: With your permission, Sir, I desire to make a statement about the course of Government business during this session.

2. The Government Business which is to be taken up today and day after tomorrow is shown in the agenda which has been placed on each Member's table. I need not detail it again. If the motions for taking into consideration of the Bills mentioned in the agenda are accepted by the House either today or day after tomorrow we propose that all the Bills mentioned therein be considered clause by clause and then passed on the 19th and 20th September, 1949.

3. On the 19th September we also propose to take up the motion regarding modification of Assembly Resolution on State Transport Organisation in addition to the Bills fixed for that day.

4. Any Government Business which remains unfinished on previous days will be taken up on the 22nd September, 1949.

Committee on petitions relating to Bills

The Hon'ble the SPEAKER: Under rule 112 (1) of the Assembly Rules, I nominate the following Members to constitute a Committee on petitions relating to Bills for the current Session of the Assembly:—

1. Srijut Dandeswar Hazarika.
2. Srijut Bepin Chandra Medhi.
3. Srijut Sarat Chandra Sinha.
4. Maulavi Muhammad Abul Kashem.

Under the rules, the Deputy Speaker will be the Chairman of the Committee.

House Committee

The Hon'ble the SPEAKER: Under rule 135 of the Assembly Rules, I nominate the following Members to constitute a House Committee for the current Session of the Assembly:—

1. Srijut Haladhar Bhuyan,
2. Srijut Bejoy Chandra Saikia,

RESOLUTION *RE-EXTENSION OF DATE FOR*
 SUBMITTING REPORT OF THE SELECT
 COMMITTEE ON THE ASSAM CO-
 OPERATIVE SOCIETIES BILL, 1949

[13TH SEP.]

3. Professor Nibaran Chandra Laskar,
4. Maulavi Syed Abdur Rouf,
5. Shri Dharanidhar Basumatari,
6. Professor P. M. Sarwan.

Message regarding assent to certain Bills

The Hon'ble the SPEAKER : Information has been received from the Private Secretary to His Excellency the Governor of Assam that, under the provisions of section 75 of the Government of India Act, 1935 as adapted by India (Provisional Constitution) Order, 1947, His Excellency the Governor has assented to the following Bills which were passed by the Assam Legislative Assembly in its meeting held in March, 1949 :—

1. The Assam Finance Bill, 1949.
2. The Assam Local Board Elections (Emergency Provisions) Bill, 1949.
3. The Assam Sales Tax (Amendment) Bill, 1949.
4. The Assam Primary Education (Amendment) Bill, 1949.
5. The Gauhati University (Amendment) Bill, 1949.
6. The Assam Rural Panchayat (Amendment) Bill, 1949.
7. The Assam Motor Vehicles Taxation (Amendment) Bill, 1949.
8. The Assam Village-Chaukidari (Amendment) Bill, 1949.
9. The Assam *Kala-azar* Treatment Bill, 1949.
10. The Assam Cement Control Bill, 1949.

2. Intimation has also been received from the Private Secretary to His Excellency the Governor of Assam that His Excellency the Governor General has also assented under the provisions of sub-section (1) of section 76 of the Government of India Act, 1935 as adapted by India (Provisional Constitution) Order, 1947, to the following Bill which was passed by the Assam Legislative Assembly in its meeting held in March 1949 :—

1. The Assam Maintenance of Public Order (Amendment) Bill, 1949.

Resolution *re*: extension of date for submitting report of the Select Committee on the Assam Co-operative Societies Bill, 1949

The Hon'ble Srijit GOPINATH BARDOLOI : Mr. Speaker, Sir, I beg to move that this Assembly approves the action of the Government in extending the time to the Select Committee appointed by this Assembly on 29th March, 1949 to submit its report on the Assam Co-operative Societies Bill, 1949 to 1st July 1949.

The report was actually delayed only by a few hours, because on the next day, *i.e.*, 1st July, we finished our business in the morning. We earlier thought that we could finish our deliberations by the 30th June but it was afterwards found that a lot of details had to be worked out by the Secretary before the matter could be placed for final acceptance by the Select Committee. Therefore there was delay by a day. I hope the House will give approval to this motion.

The Hon'ble the SPEAKER : Motion moved :

“That this Assembly approves the action of the Government in extending the time to the Select Committee appointed by this Assembly on 29th March, 1949 to submit its report on the Assam Co-operative Societies Bill, 1949 to 1st July 1949”.

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

**Presentation of the Report of the Select Committee on the Assam
Co-operative Societies Bill, 1949**

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I beg to present the Report of the Select Committee on the Assam Co-operative Societies Bill, 1949, and to move that the Bill as reported by the Select Committee be taken into consideration.

Sir, I am glad to be able to give it for the information of the House that the Select Committee presented a unanimous report, and that although we had to spend long hours in discussing some of the items we ultimately came to a unanimous decision over almost all the amendments. Some substantial changes were undoubtedly made, and I propose to refer to them just now. I am mentioning clauses where this has been done.

In clauses 11(2) and 14(1) the rigid provision whereby the Registrar was compelled to enforce uniformity in bye-laws of similar societies has been relaxed and left to his discretion. In other words, it would now be possible to vary the bye-laws for different societies according to the discharge of the functions which the societies will do.

Then, in clause 14(2) the power of an affiliating society to insist on an affiliated society changing its bye-laws is relaxed, leaving it merely as a suggestion to be made by the affiliating society. Also this can be read along with clause 61(2) where the power to inspect an affiliated society is given to the affiliating society.

Then comes clause 17(3): while bye-laws may allow voting by proxy the Registrar shall allow such proxy-voting to be in the bye-laws only in case of societies with a very wide area of operation.

Then in clause 29(4), the new change that has been made is that the provision excluding the jurisdiction of the Civil Court in case of mortgages has been omitted. As regards clause 43 also the same change has been made. The amended clause now allows Government to cover past grants, loans, etc., out of the net profits of a society.

Then sub-clauses (5) and (7) of clause 65 give the right of appeal to the Provincial Government against the Registrar's order cancelling the registration of a society. Then clause 71(6) again gives a right of appeal to the Provincial Government against an order making office-bearers responsible for bad debts, etc., of a society.

Clause 77(2) makes the Registrar's sanction to prosecutions under this Act necessary instead of treating such offences as merely cognisable.

These are broadly the important changes which the Select Committee have made to the old provisions of the Bill. There have been many other changes also,—changes in drafting, changes also in the use of words and all that—but these are really the important changes which the Select Committee made.

With these few words, I present the Report of the Select Committee for consideration of the House.

The Hon'ble the SPEAKER: Motion moved:
“That the Assam Co-operative Societies Bill, 1949, as reported by the Select Committee, be taken into consideration.”

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

**The Assam Maintenance of Public Order (Second Amendment)
Bill, 1949**

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Maintenance of Public Order (Second Amendment) Bill, 1949 and to move that the Bill be taken into consideration.

The Hon'ble the SPEAKER: May I know whether the Bill has been published in the Gazette?

The Hon'ble Srijut BISHNURAM MEDHI: Yes, Sir, it was in the printed Bill itself. In exercise of the powers conferred by rule 52 of the Assam Legislative Assembly Rules as adapted, the Governor is pleased to order the publication of the following Bill, which is proposed to be introduced in the next September session of the Assam Legislative Assembly together with the Statement of Objects and Reasons. This was published on the 26th of August, 1949.

Sir, in view of certain lacuna in the old Act—the Assam Maintenance of Public Order Act, 1947, which this House was pleased to pass—as has transpired since the recent developments in Dibrugarh, this Bill is introduced to give us certain powers to fill up those lacunae. During the incidents at Dibrugarh we have seen that electric bulbs were filled in with acids and were used as weapons of offence by communists and other persons engaged in subversive activities. Their activities were such that these amendments were considered essentially necessary to fill in these gaps in the old Act. I may be permitted to mention a few points which this Bill proposes to deal with. The first item is with regard to publishing of statements of detenués or persons against whom there is a warrant for detention or an order restricting them from making public statements. New section 8B under clause 2 deals with such reports. We have seen, Sir, that a person as soon as he learns that he would be served with an order of detention, he goes underground but statements and notes in his name are published and distributed but there is no power to check such underground activities under the present Act. So, Sir, we want some power to check this publication of statements by persons who disappear underground after order of detention was passed so that such persons may not carry on their underground activities. The second item is abuse of amplifiers or similar apparatus and vehicles. We have seen that these amplifiers and vehicles were used by the communists to incite violence. They approach the Jail gates and with the help of these amplifiers they incite the prisoners including security prisoners in the Jails to disobey Jail rules and to resort to violence for the purpose. In order to curtail such dangerous activities to a certain extent, provision has been made in this amended Bill. We would like that this House should consider whether the provision in the amended Bill is essentially necessary for preservation of peace and tranquillity in the country. The third item proposed to be dealt under the Bill is to prevent making, printing, publishing and dissemination of prejudicial reports and commission of certain prejudicial acts. Sir, false reports are circulated and printed without even the name of the Press and these are distributed by persons who completely deny responsibility to the printing of such reports. It is our desire that such persons as found distributing these false reports inciting violence and committing prejudicial acts should also be brought under the scope of this amended Bill. The fourth item is, possession of corrosive liquids. After the Dibrugarh incident large number of searches were made and maunds of acids were discovered. This acid is filled inside electric bulbs for use as a weapon of offence and the miscreants use such acid for spraying over the law abiding people or

the police who go to discharge their official duty. It is proposed under the Bill to control possession of acids or other corrosive liquids. So that it may not be used for illegal purposes. The fifth item is facilities for identification of detenues and others. Sometime persons under order of internment or externment go underground and secretly leaves the area of their activities to some other places. In such cases police find great difficulty in tracing such persons without marks of identification including photos of such persons. For facility of identification of such undesirable persons, provision has been made in this Bill for taking photos as some of the detenues had refused to be photographed. Some of them use to cover their faces whenever attempt is made to take photos. It is therefore considered necessary that all undesirable persons be photographed so that they may not go underground or can be easily recognised by the police officer. The sixth item is with regard to preventive arrest. We have seen instances where internees or externees go underground as soon as an internment order is passed and the police cannot arrest them for want of facilities for identification. In such cases it is necessary to arrest such undesirable to prevent them from going underground and carrying unlawful subversive activities. The Bill provides for preventive arrest so that the person may not have a chance to go underground.

These are the reasons, Sir, for which this Bill is introduced and I feel certain that this House will authorise the Government to have these powers under this Assam Maintenance of Public Order (Second Amendment) Bill, 1949.

With these few remarks, Sir, I commend my motion for the acceptance of the House.

Prof. P. M. SARWAN: Mr. Speaker, Sir, I am sure every one in this House would help the Government in their attempt to stop violence of any kind. But, Sir, I am not happy when I think that such powers might be misused. A police officer might harrass any and every person and later on plead that he was acting under such powers. There has not been good administration in the Province. Unless there is a change of Government—I do not believe in this Government—these sorts of things cannot be stopped. Throughout India administration has not been good and any person who is opposed to the administration might be harrassed by the police officers. These are the dangers, Sir, which I am apprehensive of. I will just point out to the House that in the interest of all, in the interest of the province I would say that misuse of powers is to be guarded against.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, there is no apprehension at all as the police will deal only in the manner that I have proposed. Section 12 of the main Act says—"Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act." When a person is suspected of having committed an offence and goes underground before the warrant of arrest is actually with the police officer who finds great difficulty in tracing such persons, and in order to prevent such persons going underground that provision has been made to authorise police to arrest such persons who are about to commit an offence. Police is bound to produce such persons before a Magistrate within twenty-four hours of arrest and they give sufficient opportunity to complain against such action to the Magistrate. As I have said the police can only arrest a certain person and then will have to produce him before the Magistrate who would then judge the justification of such arrest and will pass necessary orders.

My hon. friend Prof. Sarwan has said that there is harrassment by police now-a days. May I ask him whether he can cite a single instance wherein a man has been arrested under this Act who is not a communist? I am sure he cannot.

In view of what I have said I hope the hon. Members will accept my Motion.

The Hon'ble the SPEAKER: The question is:

“That the Assam Maintenance of Public Order (Second Amendment) Bill, 1949, be taken into consideration.”

The question was adopted.

The Assam Local Rates (Amendment) Bill, 1949.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I beg to introduce the Assam Local Rates (Amendment) Bill, 1949, and to move that the Bill be taken into consideration.

This Bill was published in the Gazette in exercise of the powers conferred by rule 52 of the Assam Legislative Assembly Rules and the Governor was pleased to order its publication and introduction in this Session of the Assam Legislative Assembly together with the Statement of Objects and Reasons. This Bill was published in the Gazette on the 24th August, 1949 and His Excellency the Governor under Section 82(1) (a), has recommended this Bill for consideration by this House and previous sanction of His Excellency the Governor was obtained, under Section 299, sub-section (3), for introducing and moving this Bill for consideration.

On the last occasion when the Assam Local Rates (Amendment) Bill, 1948 was moved the aim and object was to raise the rate of local rate to Re.1 per acre in the case of revenue-free tea lands. After the passing of the Assam Assessment of Revenue Free Waste Land Grants Act, 1948 there are practically no revenue-free tea lands and as such the local rate of Re.1 per acre cannot be levied and the Act IX of 1948 no longer serves any useful purpose. Certain classes of tea land grants however enjoy a concessional rate of land revenue for the first two years, *i.e.*, 1948-49 and 1949-50 under sub-sections (a) and (b) of section 3 of the Assam Assessment of Revenue Free Waste Land Grants Act, 1948. It is just and reasonable that so long as these lands continue to enjoy a concessional rate of land revenue they should pay local rate at the rate of Re.1 per acre.

There are certain tea lands which pay at the rate of Rs.4 per acre. In such case the local rate cannot be made more than eight annas; whereas the ordinary cultivator who pays Rs.4 per acre, has to pay more than eight annas after the amendment was made on the last occasion to raise the rate from one anna four pies to two annas eight pies.

In order to do away with this anomaly, the amendments are proposed in this Bill.

In view of what I have said, I hope the hon. Members will please accept my Motion.

The Hon'ble the SPEAKER: Motion moved:

“That the Assam Local Rates (Amendment) Bill, 1949 be taken into consideration.”

As no hon. Member is taking part, I am putting the question.

The question is:

“That the Assam Local Rates (Amendment) Bill, 1949 be taken into consideration.”

The question was adopted.

**The Assam Assessment of Revenue Free Waste Land Grants
(Amendment) Bill, 1949.**

The Hon'ble Srijut BISHNURAM MEDHI: Sir, I beg to introduce the Assam Assessment of Revenue Free Waste Land Grants (Amendment) Bill, 1949 and to move that the Bill be taken into consideration.

On the 18th of August, 1949 His Excellency the Governor recommended this Bill also for consideration under section 82, sub-section (3), of the Government of India Act, and previous sanction of His Excellency the Governor for introduction of this Bill was obtained, under section 299, sub-section (3) of the same Act.

This is a simple Bill and only a technical nature of amendment is proposed to be introduced by this Bill. Only one word in section 3 of the principal Act, in the 5th line the word "or" occurring between the word "Land" and the "Grant" is proposed to be deleted. I hope the hon. Member will please accept the Motion.

The Hon'ble the SPEAKER: Motion moved:

"That the Assam Assessment of Revenue Free Waste Land Grants (Amendment) Bill, 1949 be taken into consideration."

As no hon. Member is taking part in the debate I am putting the question. The question is:

"That the Assam Assessment of Revenue Free Waste Land Grants (Amendment) Bill, 1949 be taken into consideration."

The question was adopted.

**The Assam Land (Requisition and Acquisition) (Amendment)
Bill, 1949**

The Hon'ble Srijut BISHNURAM MEDHI: Sir I beg to introduce the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949 and to move that the Bill be taken into consideration.

This amended Bill was published in the Gazette on the 24th August, 1949 and, as usual, His Excellency the Governor recommended this Bill, under section 82, sub-section (3) of the Government of India Act, for consideration. Previous sanction of His Excellency the Governor was obtained as well, under section 299, sub-section (3), for introduction of the Bill.

The original Act, *viz.*, the Assam Land (Requisition and Acquisition) Act only provided requisition and acquisition for specific and limited purposes. In view of the urgent necessity of providing land to a large number of flood affected people and landless cultivators and refugees in distress it is proposed to widen the scope and operation of the old Act, by this amending Bill.

The aims of this amending Bill is to make clear provisions for providing land for rehabilitation on the certain class of deserving persons with a view to make clear provision for providing land to flood-affected people and landless cultivators and refugees in distress who identify their interests with those of this Province and persons displaced in connection with various land acquisition proceedings since 1943, and in order to afford them facility for rehabilitation and with a view to speed up Grow-More-Food Campaign, it is considered necessary to amend sections 2 and 3 (1) of the Assam Land (Requisition and Acquisition) Act, 1948. To avoid payment of compensation at a speculative and inflationary rate, a reasonable standard has been fixed in the proposed amendment to section 7 (1).

With these views this amending Bill is introduced. An addition has been proposed to be made in regard to displaced persons, who are proposed to be defined in this Act as—"any persons, who on account of the setting up of the two Dominions of India and Pakistan or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been compelled to leave his place of residence in such area after the 1st day of March 1947 and who has subsequently been residing in India, or a person who has been displaced due to various acquisition proceedings relating to land in Assam since 1943". In order to meet the changed circumstances the proposed amendment to section 3 is proposed to be enacted in the Bill. The original section was—"If in the opinion of the Provincial Government or any person authorised in this behalf by the Provincial Government it is necessary so to do for maintaining supplies and services essential to the life of the community or for providing proper facilities for accommodation transport, communication, irrigation or drainage..." after these words and before the words, "the Provincial Government....." it is proposed to add the following words:—"or for providing land individually or in groups to landless, flood-affected or displaced persons, or to a society registered under the Indian Co-operative Societies Act, 1912, (with such statutory re-enactment or modification thereof as shall from time to time be made) or a company incorporated under the Indian Companies Act, 1913, formed for the benefit and rehabilitation of landless, flood-affected or displaced persons".

And another amendment is proposed to authorise Government for making rules regarding—"the manner and conditions and terms on which land will be settled or disposed of by Government," for the purpose of rehabilitation of flood-affected landless persons and refugees

With these objects in view, I have proposed this motion for the consideration of this Amended Assam Land (Acquisition and Requisition) Bill, 1949, and, I hope, hon. Members of this House will accept my Motion.

The Hon'ble the SPEAKER : Motion moved :

That the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949 be taken into consideration.

Mr. C. W. MORLEY : Mr. Speaker, Sir, in view of Government's answer to unstarred question No.4 B today I am constrained to make a few remarks at this stage of the Bill. We feel that while Government have, by introducing this Bill, fully evinced their sympathy in the cause of the landless, flood-affected and the refugees, it is necessary to impress upon hon. Members that indiscriminate use of the powers conferred by this Bill will bring more harm than good to the Province. The story is told of the Boy Scout, who, having forgotten to do his good deed for the day, climbed out of bed and gave the canary to the cat. Such philanthropy, though well meaning, is misplaced. By indiscriminate requisition or acquisition of land the Tea Industry can be severely damaged. Waste lands are required for the expansion of tea cultivation and if in future years Assam is to retain its proud position as a world tea producer, these lands cannot be permanently alienated.

Tea production, moreover, requires a high degree of organisation and the introduction of alien elements within the boundaries of tea gardens will interfere with internal management, resulting in loss of crop and for the country at large, loss of important foreign exchange and loss of income from taxation.

Unless, therefore, Government are prepared to consult the Industry freely before taking action, we believe that this measure will bring disaster to the major industry of the Province, which will in turn have unfortunate consequences for the Province and for Government revenues. We need hardly assure Government that the Industry will be prepared to give careful and sympathetic consideration to schemes for food production on tea gardens.

Srijut NILMANI PHOOKAN: Mr. Speaker, Sir, I differ from my hon. friend, Mr. Morley, in this matter that if this Land Acquisition and Requisition Amendment Bill is passed the different tea gardens might be affected of their land lying fallow in the tea gardens for a long time.

In the last Majuli flood, when the people went to see reserve lands in Mariani they wistfully looked to the other side of the reserve and they asked why they should not be given those lands which would be very suitable for cultivation purpose. I said that those lands were tea garden lands and that it was not time when they should look for those lands. There are lakhs of acres of lands in the different tea gardens lying fallow, which are not fit for tea cultivation and are fit for growing paddy and other crops. Surely, these lands which are unfit for tea cultivation can be given to the needy and hungry people. I think, the tea industry for the sake of justice and equity should not object to part with such lands. They should remember under what conditions they took these lands as fee-simple lands. On these fee-simple lands they have not done any cultivation for over a century and they have managed to keep them free from laws and regulations. But this is an history with which we do not want to rake up our memory. They got these lands granted under an alien Government which were their kith and kin. I think, it is time when the tea industry should make up their minds to part their fallow lands to the needy flood-affected people, who should be allowed to make their cultivation there and thus help the tea industry and the people themselves.

The Hon'ble Srijut BISHNURAM MEDHI: Sir, it appears that the speech of Mr. Phookan will create panic in the minds of tea industry. (*Laughter*). Indiscriminate acquisition and requisition will not be conducive to the development of tea industry. I assure the tea industry that they will not be interfered with unnecessarily. But, I would tell the Industry also that they have no right to keep their lands fallow which is not considered necessary for the growth of tea industry itself. I assure on the floor of this House that whenever any useful suggestion is given by the tea industry it will be taken into consideration. We do not want to make indiscriminate requisition and acquisition of land where such measures may likely to interfere with the development of the tea industry in the least and frustrate the very purpose for which land at concession rate was granted. I hope the Tea industry will offer their co-operation in this matter and will solve this great problem of finding land to the needy cultivator of such land as may not be necessary for development of tea. As I had already stated on different occasions that there are a large number of tea gardens which are keeping certain portion of their tea garden land isolated from the main cultivated area under tea and are keeping them under jungles and thus make them abode of wild animals. Instances of killing people by tiger from the jungles of tea garden lands are very frequent. I hope the tea industry will see that there is no justification for keeping land under such deep jungles so that wild animals can take shelter and kill people. The tea industry should take into consideration all these aspects in the matter and see their way to surrender the land surplus to requirement.

There are some tenants already in the tea garden areas in the district of Cachar. They have been living there for more than 20 to 30 years and sometimes for generations. Complaints have been brought to my notice that these people are being driven out of the tea garden areas by some of the tea planters in order to offer this land to others for speculation. I think there is no justification for the tea industry to turn them out from the tea garden areas after they have been there for more than 20 to 30 years. These are some of the factors which would be taken into consideration before any action is taken under this Bill. I propose to consult all interests as far as possible before taking any action under the Assam Land (Requisition and Acquisition) Act.

I also request my hon. Friend, Mr. Phookan, not to be very impatient in demanding wholesale acquisition of waste land settled for tea cultivation. Such impatience may likely injure the cause of the Province as well as the interest of the tea industry. We however expect that the tea industry would give up the land which would not be required by them for the purpose of development of tea and the land which is surplus to their requirement. I appealed to them on the last occasion also to surrender the land which is surplus to their requirement voluntarily. As a matter of fact, soon after this Act was passed, I issued circulars to all the Deputy Commissioners to the effect that the tea industry should be explained to give up the surplus land which is not necessary for the development of tea industry, or even incidentally for the purpose of such development. But I am sorry to say that I have not received very favourable response from those who are interested in tea industry. Even where land is lying isolated from the main cultivated area under tea in different places in the Province, the planters have not come forward to surrender such isolated areas lying under deep jungle. On the other hand, some are trying to sell the grants at their disposal for speculative prices. I would like to impress that the tea industry by following such a policy will harm the interest of the tea industry as well as the cause of the Province and I would request the tea industry to see that individual persons do not sell land at speculative price or set up a Zamindary. I would request them to exert their influence on those individuals so that they may not dispose of such lands on speculative prices to speculators. In certain tea gardens some tea planters are settling land on a premium of Rs 50 to Rs.100 per bigha. I know of instances in certain tea gardens where tea planters are letting out land to tenants at rent varying from Rs.50 to Rs.100 per bigha. I see there is no justification for these persons to set up Zamindary by realising such high rate of premium and rent. In view of these conflicting interest between the tea industry and the people, I hope all sections of the House will offer their co-operation to Government and help them in solving the problem of providing land to landless and other diserving persons.

Srijut NILMONI PHOOKAN: Sir, by way of explanation, I would say, I never meant to destroy the tea industry where at least I have got many of my relations. I neither wish to destroy any industry or any other community. But my point of view is that on their own admission it is clear that there are various grants where lands have not been at all useful for the tea gardens. As regards Cachar tea land, I have got my own personal experience and I went with the deputation to the Hon'ble Revenue Minister, Premier and the Cabinet Members. In Tarapore side in the district of Cachar, the people were used to give cow-dung to the tea gardens. In lieu of this they were allotted a certain piece of land in the tea garden for paddy cultivation, etc. The people have been living there for more than 20 to 30 years and after that they have been asked to pay a rent and then again to give up these lands to the tea gardens on the plea that those lands were needed again for garden purposes.

I have raised these points in the deputation before the Hon'ble Ministers. To corroborate the statement of the Hon'ble Revenue Minister I had knowledge that the orders were passed to evict certain people from tea gardens.

The Hon'ble the SPEAKER: Order, Order, Mr. Phookan is making a statement which I cannot allow.

Srijut NILMONI PHOOKAN: Even there are cases where things are not at all happy.

The Hon'ble the SPEAKER: Order, Order.

The Hon'ble the SPEAKER: The question is:

"That the Assam Land (Requisition and Acquisition) (Amendment) Bill, 1949, be taken into consideration."

The question was adopted.

The Assam Urban Areas Rent Control Bill, 1949

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I beg to introduce the Assam Urban Areas Rent Control Bill, 1949, and to move that the Bill be taken into consideration.

This Bill was published in the Gazette on the 24th August, 1949, and His Excellency the Governor of Assam has recommended that this Bill be taken into consideration by the Assembly under Section 82 (3) of the Government of India Act. The previous sanction of His Excellency the Governor of Assam was also obtained in introducing the Bill under Section 299 (3) of the Government of India Act. I have come to the House to introduce this new Bill as the old Assam Urban Areas Rent Control Act will expire on the 30th September, 1949. In view of the difficulties of house accommodation felt by the hon. Members and the public in general, it is necessary to bring this Bill; instead of amending the other Bill with certain changes I have brought in a new Bill so that the Bill will come into force on the 1st October 1949, immediately after the old Act expires, by the midnight of 30th September 1949. I have been receiving complaints not only from the Urban Areas but also from Bazar and other areas, where rent is increased at fabulous rate. Landlords have taken advantage of the facts that the Bill is not applicable to Bazar areas and they have been realising very exorbitant rates of rent from the tenants. In view of that I have added a clause "The Provincial Government may from time to time by notification in the official Gazette extend it also to such other areas as are declared town land under rule 64 (a) of Settlement Rules under the Assam Land and Revenue Regulations, 1886 or the Land Revenue Re-assessment Act, 1936". Some other modifications are also proposed. We have also given powers to court in case of hardship to increase the rent to the extent of about 20 per cent. if the Court think that the rent should be increased. There was a complaint that purpose of this Bill was frustrated by persons who used to secure a house on rent from a landlord and to let out a portion or an out houses at exorbitant rent. It is, therefore provided in Clause 6 (d) restricting letting out by tenants without permission of landlord. The provision runs as follows:—"Where the tenant sublets the house or any part thereof or otherwise transfers his interest in the house or any part thereof without permission from the landlord, he will be liable to eviction. With this end in view this Bill is introduced and I hope that the Hon. Members will accept the motion.

The Hon'ble the SPEAKER: Motion moved:
"That the Assam Urban Areas Rent Control Bill, 1949, be taken into consideration."

The Hon'ble the SPEAKER: As no hon. Member is taking part, I put the question.

The question is:
"That the Assam Urban Areas Rent Control Bill, 1949 be taken into consideration."

The question was adopted.

The Cachar Non-Agricultural Urban Areas Tenancy Bill, 1949

The Hon'ble Srijut BISHNURAM MEDHI: I beg to introduce the Cachar Non-Agricultural Urban Areas Tenancy Bill, 1949, and to move that the Bill be circulated for eliciting public opinion thereon by the 31st December, 1949.

This Bill was published in the Gazette on the 24th August 1949, and as a matter of fact His Excellency the Governor recommended this Bill for consideration under section 82 (3). Previous sanction of His Excellency was obtained for introduction of this Bill under section 299(3) of the Government of India Act.

There has been a persistent demand from the district of Cachar to have a legislation on this account. There was difference between landlord and tenant and the landlord was raising the rent at an exorbitant rate and there is no protection for the tenant against unreasonable ejection. The landlords have in some places instituted ejection suits without sufficient reason. So the purpose of this Bill is to extend its operation not only to the permanently-settled portion of Karimganj but also to temporarily settled portion of Cachar. There is thus the need for providing uniform rights to tenants in Urban Areas of all the Subdivisions of the district except North Cachar Hills. In view of the separation of the district of Sylhet from Assam, it is also necessary to repeal the Sylhet Non-Agricultural Urban Areas Tenancy Act, 1949, now in force in the Subdivision of Karimganj.

The principal modification is that the transfer fee imposed under the Sylhet Non-Agricultural Urban Areas Tenancy Act is deemed to be inequitable and requires to be abolished too. The right of pre-emption has also been omitted from the purview of this Bill.

There is provision in this Bill by which the Provincial Government may from time to time by notification in the Official Gazette extend it also to such other areas in the district of Cachar (including Karimganj and excluding North Cachar Hills Subdivision) as are declared town land under rule 64(a) of the Settlement Rules under the Assam Land and Revenue Regulation, 1886, or the Assam Land Revenue Re-Assessment Act, 1936. The scope of the Bill is proposed to be extended wherever considered necessary and where it is found necessary to bring about an adjustment and improvement of the relation between the landlord and tenant.

This is a new Bill which attempts to adjust relationship between the landlord and tenant in temporarily-settled areas in Cachar, but it may have effect in the plains districts of Brahmaputra valley. In fact I have received certain requests to examine the desirability of extending the operation of this Bill to the plains districts of this valley. Instead of rushing this Bill through I desire that this Bill be circulated for eliciting public opinion. In the meantime if we receive similar requests and if after examination it is considered that the operation of this Bill should also be extended to the plains areas of the Brahmaputra valley, Government may take such steps to amend this Bill as may be considered justified and present the Bill in the Budget Sessions in a form that may be accepted by all. In view of this I hope that the hon. Members will accept my motion.

The Hon'ble the SPEAKER : Motion moved :

"That the Cachar Non-Agricultural Urban Areas Tenancy Bill, 1949, be circulated for eliciting public opinion thereon by the 31st December, 1949".

Maulavi MAKABBIR ALI MAZUMDAR : Mr. Speaker, Sir, we are thankful to the Government for bringing forward this Bill, but we are afraid that delay might defeat the very intention of the Bill. It has been admitted by Government that there is a persistent demand from the Cachar people for such a legislation, and if we circulate this Bill for eliciting public opinion we are afraid that the delay caused will do more mischief than good to the people of Cachar, who are persistently agitating for such a legislation. It has been said that Government should be aware of the opinions of both sides, *i.e.*, landlords and tenants. Sir, Government are fully aware of the opinion of the tenants, but Zemindars are Zemindars. Knowing that such a legislation is coming up before the House they are trying their utmost to defeat the purpose of this Bill. I can say on the floor of this House that the Zemindars are moving from door to door and collecting funds to defeat the intention of this Bill. So, I say that delay will do more mischief than good. I therefore request the Hon'ble Revenue Minister to send the Bill to a Select Committee straightaway so that it may be taken up during this Session, instead of sending it to circulation for eliciting public opinion.

Babu BIDYAPATI SINGHA : Mr. Speaker, Sir, I congratulate the Hon'ble Revenue Minister for introducing this Cachar Non-Agricultural Urban Areas Tenancy Bill. I would have congratulated him heartily if he had introduced the Bill and moved for its consideration straightaway. But instead he is sending it to circulation for eliciting public opinion and the argument advanced in favour of this course is that the landlords have not yet been heard. But, I submit, Sir, that so long as this Bill was not introduced in the Assembly the landlords were given enough opportunity to exploit the tenants, and the Government have also admitted in the Statement of Objects and Reasons that there is a persistent demand from the public for such a legislation now. I feel, Sir, that there is no necessity for circulating the Bill for eliciting public opinion because sufficient public opinion has been focussed on this. I personally had the bitter experience of seeing how due to the uncanny influence of wily landlords public opinion in the towns of Hailakandi and Silchar has been stifled.

The Hon'ble the SPEAKER : Order, order. I would ask the hon. Member not to use the word "wily", which is not Parliamentary. Will he please withdraw it ?

Babu BIDYAPATI SINGHA : Alright, Sir, I withdraw the word. Now, Sir, it is a fact that there is no well-defined legal relationship between landlords and tenants in the towns, especially in the temporarily settled areas of Cachar. The Cachar people will sincerely congratulate the Hon'ble Revenue Minister for introducing this Bill in response to the insistent public demand for mitigating the sufferings of the poor unfortunate tenants in the towns. However, when it is the intention of the Government to hear both sides and to give a chance to the landlords to present their case before the Government, I also accept the position as it is and again congratulate the Hon'ble Revenue Minister for introducing this Bill.

Prof. P. M. SARWAN : Mr. Speaker, Sir, I do not belong to Cachar, but I am happy to find that such a Bill has been introduced to protect the tenants. The tenants have all along been neglected. During the British regime they were neglected though every now and then the rulers were thinking of doing for them

what they had been trying to do in England. They wanted to do justice to the raiyats, but could not do it. But the Congress Party had all along declared that they would protect the tenants and this is a very good move. But there should be no delay. Delay is always bad. Even if the Bill is circulated, I would suggest that something should immediately be done to protect the rights of the tenants. It should not be difficult also. They are issuing so many Ordinances; they may issue one more to protect the tenants in case the landlords taking advantage of the delay in enacting this legislation make hay while the sun shines.

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, I think Prof. Sarwan has just now forgotten that no Ordinance can be issued during the Session of the Assembly. It will be an affront to the hon. Members if an Ordinance is issued while they are sitting in this House. But I hope it is not his intention to insult this House by proposing the issue of an Ordinance while the House is in Session.

The Bill has been approved by my hon. Friends who spoke from this as well as the other side of the House; their only concern is the delay. But, Sir, we have not yet heard the other side. This Bill will affect past relationships between land-lord and tenant extending over the entire province. This is why it is a vital measure which needs consideration from all angle of view. We should not pass such a Bill in hurry and excitement. We propose dispassionately to consider all the aspects after we receive the views of different associations, interests and groups of persons from different places. Although the present Bill is meant for the district of Cachar, it may be necessary to extend its operation to other urban areas, bazars, important areas nearabout railway stations and other places. The relationship between the Government and the settlement-holders, and between the settlement-holders and tenants will have to be examined. That is why this Bill is proposed to be circulated for eliciting public opinion. As a matter of fact, Sir, even if this Bill is now referred to a Select Committee it cannot be ready for consideration during this Session because the Select Committee will need a week's time to sit and the printing will also take some time. There is therefore no justification for hurrying a Bill of this nature vitally affecting all parties. It is liable to have very serious effect to the rural as well as the urban economy of the province wherever this Bill is extended. I hope this Bill or a Bill of this kind, after examination of the views of all parties will be introduced in the next Budget Session of the Assembly and in that Session I hope to get this Bill passed so that it may be in force from April, 1950. In view of that, I hope the hon. Members will accept my motion for circulation of the Bill to elicit public opinion thereon.

The Hon'ble the SPEAKER: The question is :

"That the Cachar Non-Agricultural Urban Areas Tenancy Bill, 1949, be circulated for eliciting public opinion thereon by the 31st December, 1949."

The question was adopted.

Re-allotment of time for Private Members' Business

Srijut PURNA CHANDRA SARMA: Mr. Speaker, Sir, as we have finished in less than two hours the business fixed for two days, there will not be any business left for Thursday. In view of this I would suggest that Private Members' Business allotted for 22nd May be taken up next Thursday so that we may finish up the entire business of the Session by the 20th.

The Hon'ble the SPEAKER: We shall see to it.

Now, in consultation with the Hon'ble Leader of the House I allotted the 13th and 15th for Government business, but we have finished all these today and there will be no Government business left for consideration on the 15th. Therefore the 15th may be available for Private Members business. So I request the hon. Members to be prepared with their Resolutions and Motions on the 15th. Hon. Members will remember that I allowed Srijut Talukdar to raise a discussion about his Question No.2, I allot half an hour for this. I think we may take it up now.

Discussion under Assembly Rule 41 of unstarred question No.2
re: suppression of Opium Smuggling, etc.

Srijut GAURI KANTA TALUKDAR: Mr. Speaker, Sir, what mischief opium has done to this Province is well known to every hon. Member of this House. Our Government, I mean the Congress Government—as soon as they had come to power undertook the huge task of fighting this evil and they have succeeded to a great extent in their fight against this opium menace. But in spite of all our earnest endeavours our efforts have not achieved complete success for reasons over which this Government have no control. The reason is that opium comes from outside and smuggling goes on and is carried on by people who are mostly people from outside. So to combat this evil at its roots our Government sent a memorandum to the Government of India for taking effective steps to fight smuggling and also to restrain cultivation of poppy. We have seen the memorandum which this Government sent to the Government of India, but we have not been acquainted with the steps which the Central Government have taken. We have heard from the Hon'ble Minister to-day that an All-India Opium Conference was held recently at the instance of the Central Government and that certain resolutions were passed and that those resolutions have been sent to the Provincial Governments for their consideration. We have also been given to understand that our Government are taking those resolutions into consideration, but we the Members of this House are quite in the dark as to the nature of those resolutions. We do not know what suggestions were made in those resolutions and when they are going to be given effect to. All this is required to be known by the Members of this House.

Sir, we are very anxious to see that the Government of India do take very early steps in this respect to help Government of Assam in fighting smuggling of opium and also for restraining cultivation of poppy. I put this question in this House with the idea that we may get some comprehensive information as to what steps the Government of India are going to take and how the Central Government is going to help our Government. My request to the Government is that they will kindly come forward and give us some idea as to the nature of those resolutions passed in the All-India Opium Conference and as to how they propose to give effect to those resolutions. These are things, Sir, in which our people are very much interested. For the information of the House as well as the Province, I would request the Government to make a comprehensive statement on this very important subject.

The Hon'ble Maulana MAHOMED TAYYEBULLA: Mr. Speaker, Sir, this time last year at the September Session, as the hon. Members might recall, a Resolution on Opium Prohibition, moved by Shri Bijoy Chandra Bhagavati (Tezpur) was accepted by me on behalf of the Government. The Resolution runs as follows:—

“That this Assembly is of opinion that the Government of Assam do move the Government of India to help for making the Opium Prohibition Campaign in Assam a success by making Poppy cultivation and traffic in opium illegal and punishable in law all over India including the States and to take such effective steps as to stop smuggling of Opium into Assam from other Provinces or countries”.

On behalf of the Government of Assam, a Memorandum on control and restriction of poppy cultivation and suppression of opium smuggling was submitted to the Government of India in November 1948, wherein the following recommendations were made :

“1. To accept the Resolution and take effective steps in that direction, including legislation, totally prohibiting the use and production of Opium, except for medicinal and scientific requirements of India, in accordance with the League of Nations Formula of 6 seers per 10,000 population per year.

2. To convene an All-India Conference to which the States and Provinces concerned may be invited to discuss the whole question and make necessary recommendations to the Government of India with a view to evolve a uniform policy of eradicating the evil at its sources and prohibiting its use except for medicinal and scientific purposes.

An Expert Committee, as contemplated by India, may then, if deemed necessary, be appointed to examine the recommendations of the Conference, legislative and otherwise, to be undertaken in this behalf.

3. To restrict the production and indent of Opium in the Government Ghazipur Factory to the minimum scientific and medicinal requirements, that is to say, 6 seers per 10,000 population per annum according to the League of Nations Formula.

4. To accept His Excellency Dr. K. N. Katju's proposal suggesting that cultivation of Opium for purpose of oral consumption should be stopped within a period of two years.

5. To take such other steps in this behalf as may be deemed necessary”.

In December last, on invitation from the Hon'ble Dr. John Matthai, the Finance Minister of India, I proceeded to New Delhi for a talk on the subject of total prohibition of opium throughout India, as recommended in the Memorandum. At the talk it was made known that the Government of India had declared earlier a policy of total prohibition of opium in India except for medicinal and scientific purposes ; and that “the Government of India have had under consideration the question of measures to be taken for implementing the policy, which has been declared by them, both in international circles as well as in the Indian Parliament, that the cultivation of opium will be confined to medicinal and scientific requirements, in so far as this may be compatible with effectiveness”. As an earnest of their endeavour, the Government of India decided that with effect from April 1, 1949, “supplies of excise opium from the Ghazipur Factory should henceforward be reduced by 10 per cent. in case of indents placed with that factory by the Provinces and States in the Indian Dominion”.

Accepting the Assam recommendations, as embodied in the November Memorandum, the Government of India in the Ministry of Finance (Revenue Division), convened an All-India opium Prohibition Conference in the first week of August 1949 at New Delhi. All the Provinces and States concerned, including Rajasthan and Himachal Pradesh (poppy cultivating States), attended the Conference, presided over by Hon'ble Dr. John Matthai.

In view of the initiative taken by Assam and her experience in the matter of Opium Prohibition, the Hon'ble Finance Minister of India, after finishing his opening speech, called upon me to address the Conference and submit proposals for discussion. Accordingly, I submitted, in course of my speech, the following proposals :—

Proposals

“(1) The Government of India should adopt measures to State-control, centrally, the cultivation of opium poppy in such areas, as may be decided upon, and should control, restrict and regulate the production, which must be limited to the (i) exact minimum scientific and medicinal requirements of India (Internal), and (ii) Government of India's requirement for export to foreign countries specifically for medicinal and scientific purposes, and not for consumption by addicts in those countries.

(2) The Government of India should produce, under Central control, excise opium in the State factory or factories, to be distributed to the different 'States' in quantity that is exactly required by them, for the time being for consumption by existing addicts.

(3) The Government of India should direct every Province and State concerned to immediately undertake a complete Survey and Census of addicts, together with their actual total consumption, and, accordingly, to issue permits to these addicts ; and no permits to be issued to any non-addicts under any circumstances.

(4) The Government of India should direct the 'States' concerned to introduce a reduction policy on a sliding scale, with a view to total prohibition within a fixed period, as may be determined.

(5) The Government of India should immediately appoint an Expert Committee, as contemplated, to advise the All-India Narcotic Board, and through it the Government of India, on technical questions arising in this behalf”.

Addressing the Conference on the issues raised in my proposals, the Hon'ble Dr. John Matthai commended them for consideration and acceptance by the conference. It is gratifying to note that the conference generally accepted all the proposals placed before it by me. The following Resolutions were passed :

Resolutions

“1. The Conference recommends that, within a maximum period of ten years, the use of opium for other than scientific and medical purposes should be totally prohibited. It will, however, be open to each Province or State or Union of States to achieve this objective within a shorter period.

2. Recognising that the quasi-medical uses of opium are not desirable, and should be stopped as early as possible, the Conference resolves that, so far as such quasi-medical uses are concerned, even within the foregoing period, they should be subject to such restrictions as a Province or State considers reasonable and practicable. For reducing consumption of opium, such restrictions may provide (a) that the quantity issued even to registered addicts should be severally restricted, and reduced, and allowed under a strict permit system after obtaining a medical certificate ; (b) that it would be open to the Provinces, the States and Unions of States to prohibit in any selected area the use of opium by individuals except on medical prescriptions ; (c) that it would be open to the Provinces, the States and Unions of States to progressively reduce the quantity issued even for quasi-medical uses. In particular, they recommend to the

maritime Provinces, States and Unions of States the prohibition of the sale of opium for non-medical purposes in the port towns and cities, at the earliest opportunity, compatible with effectiveness.

3. The Conference recommends that each Province, State and Union of States in the Indian Union which already allows excessive consumption should within the shortest possible period, and in any case before four years, take effective steps to bring down the per-capita consumption of opium to a level not exceeding the League of Nations limit which works up to 6 seers to every 10,000 population.

4. The Conference recommends that, having regard to the possibilities of misuse of unauthorised consumption of opium, the Provinces, States and Unions of States should carefully regulate the grant of quotas to even registered medical practitioners and pharmacists.

5. The Conference recommends that exports for oral consumption and non-medical uses should be eliminated, subject only to existing commitments being honoured. But so far as exports are for medical and scientific purposes, although it should be the aim to expand the domestic alkaloid industry, there should be no objection to growing raw opium for export.

6. The Conference considers that the Government of India, as advised by the All-India Narcotic Board, will be in the best position to determine the extent of poppy cultivation, having due regard to the factors governing efficient production, and the annual requirements for domestic use as well as for export. It, however, urges that the feasibility of concentrated cultivation should be examined, both from the point of view of economics, as well as of greater efficiency of control. It also considers the desirability of having unified legislative and administrative control over cultivation and manufacture of opium in the Provinces, the States and Unions of States, and closure of factories, which are not essential, and where direct co-ordinated control by the Government of India is not possible.

7. The Conference recommends that, in principle, there should be uniformity in prices throughout the Provinces, the States and Unions of States, and consider this will remove an incentive to smuggling, and at the same time encourage the pharmaceutical industry. The All-India Narcotic Board may be directed to advise the Government of India in the matter after consulting the Provinces, the States and Unions of States concerned.

8. The Conference recommends that offences against the opium prohibition laws should be regarded as penal offences and not merely revenue-offences.

9. Having regard to international restrictions and prohibitions, the Conference urges that the Provinces, the States and Unions of States should consider applying the recommendations made in the case of opium *mutatis mutandis* to other narcotic drugs. Regarding *Bhang*, in view of the administrative difficulties, caused by its wild growth, the Conference suggests that steps for achieving a similar prohibition should be evolved in consultation with the All-India Narcotic Board or an Expert Committee.

10. The Conference affirms the desirability of having uniform legislation regarding internal import, export, sale, etc., and recommend that the Government of India should in consultation with the Provinces, the States and Union of States evolve a uniform code.

11. The Conference recommends that, in regard to the uniform code, and any control necessary to enforce prohibition of *Bhang*, an Expert Committee should be set up to report to the Government of India. The Government of India should settle the terms of reference and composition of the Committee."

On the second day of the Conference (August 4), having been called upon by the President, I addressed the Conference on the clinical treatment of opium addicts, and Assam's experience of 1938-1939, when more than 8,000 opium addicts were brought under treatment in camp hospitals in the two Upper Assam districts.

Congratulating the Conference, particularly the opium producing States, on the decisions taken on the previous day, as embodied in the Resolutions, I pointed out that the clinical treatment plan would give a great speed to the Prohibition plan adopted at the Conference. The representatives of States and Provinces urged that the Assam Government would do well to acquaint them with the treatment plan. I propose to issue presently a Note on the subject to all the Provinces and States concerned.

From 1878-79 consumption of opium in Assam was Sir, in the neighbourhood of 1,700 maunds per year (341.6 seers per 10,000 population per year against the legitimate 6 seers as laid down by the League of Nations). This Himalayan proportion of consumption, as the hon. Members are aware, was maintained, with certain variations, until 1923-24. As a result, primarily of non-official effort at the instance of the Congress during the Non-Co-operation Movement, the consumption in 1923-24 came down to 816 maunds and 35 seers from 1,689 maunds 28 seers of 1919-20. In 1927, when the opium addicts were registered, the number of addicts in the whole Province was in the neighbourhood of one lakh, with an annual ration of about 792 maunds. In 1938, as a result of the 10 year policy of Government, backed by organised public opinion led by the Congress, the total number of opium addicts came down to 30,366 with an annual ration of 180 maunds.

As a first step in the programme of total Prohibition of opium, introduced by the Congress Government in 1938, a large number of camp clinics in rural parts of two Upper Assam districts were set up for the treatment of addicts, and measures for prevention and clandestine use of opium and suppression of illegal traffic were taken side by side. By the time the Congress Ministry was withdrawn in November 1939, over 8,000 addicts were treated in those clinics.

With the progress of the World War, Assam became a theatre of war and the prohibition practically lapsed. Wily gangs of inter-provincial smugglers took the field.

Early this year, at the joint instance of the non-official organisation under the Honorary Prohibition Commissioner and the Excise Department, a survey of the opium addicts in the Province was begun. On conclusion of the survey the number listed was in the neighbourhood of 12,000. Stretching the number even to a maximum of 15,000, it may be presumed that the consumption will be near about 60 maunds in the year just at present.

In view of the August decisions of the All-India Opium Prohibition Conference, and regard being had to our experiences of the last one year, and taking into consideration the hard financial position of the Government, it is felt that Government should concentrate their whole attention to clinical treatment of opium addicts, as surveyed, in the succeeding years under a 3 year plan; that the non-official organisation under the Honorary Prohibition Commissioner should, among other functions, remain primarily responsible for this treatment programme with the help of the Prohibition Officers, Prohibition Committees and other non-official institutions, in co-ordination with the Excise Department; and that the Excise Department, in co-ordination with the non-official organisation, will increasingly concentrate on suppression of smuggling and detection of opium crimes. The question of retrenching the non-official organisation a little, specially in view of the financial difficulties, consistent with the treatment plan, is now engaging the attention of Government.

It may be noted that already camp hospitals have been established in certain areas of the Mishmi Hills (Excluded) and the Khasi and Jaintia Hills (non-State) areas. The Assam Opium Prohibition Act as contemplated may soon be extended to the Khasi States, the Excluded Area of the Abor Hills and other Excluded Areas. It is in our contemplation also to take up presently the treatment of addicts in the Mikir Hills District (over 2,000 already surveyed) after the rains, as well as in the Excluded Areas and the Khasi States.

Towards implementation of the decisions taken at the All-India Opium Prohibition Conference, the All India Narcotic Board (with the help of experts), has now been called up to recommend measures to be taken by the Government of India. It is gratifying to note that Assam is represented on the Board along with Rajasthan, the United Provinces with the Government of India.

I may add that, in view of the India decisions and our own efforts and contemplated measures, we hope to solve the opium questions in Assam, nay in India, before long.

I am thankful Sir, for allowing me this opportunity at the instance of my hon. Friend, Mr. Talukdar.

The Hon'ble the SPEAKER: We have finished our business for the day.

Hon. Members will please remember that we will take up Private Members' Motions and Resolutions on the 15th September, 1949. I hope, the hon. Members who will move Motions and Resolutions should be prepared to do so.

Adjournment

The Assembly was then adjourned till 10 A.M. on Thursday, the 15th September, 1949.

SHILLONG

The 14th October, 1949.

R.N. BARUA,

Secretary, Legislative Assembly, Assam

