Legislation is a process of social engineering. It is the exclusive concern and prerogative of the legislature and through legislation the legislature displays its supremacy. The importance of this function is seen from the fact that the bulk of the time of the House is spent on the consideration of Bills. The legislature performs two other important functions; these relate to the financial affairs and policies of the Government. In this chapter an attempt will be made to examine the development of law-making in Assam and to assess the impact of the socio-economic legislations passed by the Assam legislative Assembly during the period of our review.

Development of law-making in Assam

Under the alien regime the legislatures of India were not allowed to function as real law-making bodies, their status was that of legislative committees. Under the Morley-Minto Reforms Act, 1909 the legislature of Assam had very limited powers. Only the executive Government could initiate legislation with prior approval of the Central Government. One of the important legislations passed during this period by the legislative Council of Assam

1. Ilbert, Parliament, p. 68
was the Assam Local Self-Government Act, 1915 and it was amended twice in 1916 and 1919. Under the Government of India Act, 1919, the legislative council of Assam enjoyed the privilege of initiating a Bill on any provincial subject and could make laws for the peace and good Government of the Province. The legislative council passed some important Acts like the Assam Court Fees (Amendment) Act 1922; the Municipal Act 1923 and 1925; the Deputy Presidents' Salary (Amendment) Act 1924; The Assam Primary Education Act 1926; The Assam Rural Self-Government Act 1926; The Assam Local Self-Government Act 1926; The Assam Temporarily Settled Districts Tenancy Act 1935; The Goalpara Tenancy Act 1929; The Sylhet Tenancy Act 1936; The Land Revenue Reassessment Act 1937; The Assam Money Lenders' Act 1934 and the Debt Conciliation Act 1934.

Under the Government of India Act 1935, Assam was placed under Governor's rule for a period of eight months. During that period the Governor enacted five Governor's Acts. They were -

1. The Assam Legislative Chambers Officers Salaries Act 1937 and 1941 and the Members' Emoluments Act, 1938.


3. The Assam (Temporarily Settled Districts Tenancy (Amendment) Act 1942.


5. The Assam Motor Vehicles Taxation (Amendment) Act 1942.

2. Roy, Constitutional Government in India, p. 101
After the introduction of provincial autonomy under the Government of India Act, 1935 and with the transfer of all provincial subjects, the provincial Governments were for the first time invested with a separate legal personality. The Provincial legislature of Assam was made a bicameral one. It passed seventy-five Acts within a period of eight years, i.e., from 1937-1945.

After independence the Indian Central and State legislatures came to enjoy a wide variety of powers. The Constitution of India has provided for three lists of subjects; the Union list, the State list and the concurrent list. The Parliament of India has the power to make laws on the subjects included in the Union list, the State legislatures the power to make laws on the State subjects and over the concurrent subjects both the Central and the State legislatures can make legislation. The Governor also may promulgate Ordinances. It has been provided that an Ordinance issued under Article 213 shall have the same force and effect as an Act of the legislature of the State assented to by the Governor. Every such Ordinance shall be laid before the legislature of the State and shall cease to operate at the expiration of six weeks from the re-assembly of the legislature. An Ordinance may be withdrawn by the Governor at any time.

After independence the number of Acts passed by the Assam Assembly became increasingly greater. From 1947 to 1962 the number of Acts passed by the Assembly was 404. The Assembly during

3. Morris-Jones, Parliament in India, pp. 57-58
4. Article 213 of the Constitution of India
1962-1972 passed as many as 269 Acts. Out of them the legislations having socio-economic importance were as follows:

The Assam Gramdan Act 1962. It was further amended in 1962 and 1966; The Assam State Acquisition of Zamindaries (Amendment) Act 1962; The Assam Fixation of Ceiling on Land Holdings (Amendment) Act 1962. It was further amended in 1970 and 1972. The Goalpara Tenancy (Emergency Provisions) Act 1962; The Assam Panchayat Act 1962, it was amended twice in 1964, once in 1967 and twice in 1970; The Assam Elementary Education Act 1962; it was further amended in 1967 and 1969; The Liquor Prohibition (Amendment) Act 1963; it was further amended in 1971; The Assam Khadi and Village Industries Board (Amendment) Act 1964, it was amended in 1971; The Assam Shops and Establishment (Amendment) Act 1964; The Maternity Benefit (Assam Amendment) Act 1964 and it was amended in 1965; The Assam Official Language (Amendment) Act 1964; The Assam Consolidation of Holdings (Amendment) Act 1966; The Assam Bhoodan Act 1966. An analysis of these Acts is offered in the following sub-chapters:

A. Socio-economic legislations: (1) Land Reform, (2) Co-operation, (3) Village Industries.


C. Legislation affecting administrative decentralisation of Power: Panchayats.

D. Reorganisation of Assam.
A. Socio-economic legislations

(1) Land Reform: The Assam Legislative Assembly passed some important land reform measures with the aim of providing security of tenure to the cultivators and protecting them from the exploitation of big land-owners. Prior to the enactment of these legislations the general character of all land settlements was commonly described as 'Rayotwari' system. Under this system the principle aimed at was direct dealings with the actual occupant and his separate holding without the intervention of any middlemen, landlord or settlement holder between the cultivators and the Government. The land settlement was governed by the Assam Land and Revenue Regulations 1886, enacted by the Governor-General-in-council of India. Under this Regulation, the land of each field was separately measured, classified and assessed. However, settlement of land was not always made with the actual cultivator. The owners of most of the Nisf-Khiraj estates in the five upper districts of the Brahmaputra valley sub-let their lands. Khiraj lands were also sub-let when the area of the land was large. In Karimganj Subdivision and in Goalpara district the settlement was called the Zamindari Settlement. In this case settlement was made with a middleman. The agricultural tenancies were governed by three Tenancy Acts, viz., the Goalpara Tenancy Act 1929; the

6. Nisf-Khiraj or half-revenue paying estates of Assam proper.
7. Khiraj or full-revenue paying estates of Assam proper and Goalpara held under periodic lease.
8. The term 'zamindar' or landlord was very often criticised on the ground that the State and not any individual was the owner of the land. Bettelheim, India Independent, pp. 20-21
Sylhet Tenancy Act 1936 and the Assam (Temporarily Settled Districts) Tenancy Act 1935. These Tenancy Acts were repealed by the Assam (Temporarily Settled Areas) Tenancy Act, 1971.

After independence land reform measures have gathered momentum. This was more so from the time of the First Five Year Plan. The Constitution has provided that "the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life." In order to secure social order for the promotion of welfare of the people as envisaged in Article 38 of the Constitution, the following Acts have been passed by the Assam Assembly.

(1) The Assam Adhilar Protection and Regulation Act, 1948: The aim of this Act was to regulate the share of crop rent to be paid to the landlord at one-fourth of the total produce where no plough-cattle are supplied by the landlord and at one-third where plough-cattle are supplied by him. This Act was amended further in 1955, 1957 and 1960, and was brought into force in all plains districts of Assam. For effective implementation of the Act, 'Adhi' Conciliation Boards have been established in each of the Anchali Panchayats with representatives from the landlords and the tenants. A large number of cases have been amicably settled by these Boards. The implementation of the Act showed that the adhiars failed to get the expected benefit from this Act due mainly to their ignorance.

10. Article 38 of the Constitution of India
11. Unstarred Question No. 124, A.L.A.D., 17.3.66, pp. 827-828
of the law. The Panohayats also could not do much in this re-
gard. The members of the ruling party and those of the Opposition were in favour of abolishing the Adhlar system and the Assam Adhlar Protection and Regulation Act 1948 was repealed by the Assam (Temporarily Settled Areas) Tenancy Act, 1971.

(2) The Assam Management of Estates Act 1949: This Act was passed as a step preliminary to the abolition of the zamindary system in Assam. It empowered the Government to take possession of any estate over 400 bighas in permanently and temporarily settled areas and to manage the same as a Court of Wards Estates. The main object of this Act was to prevent mischief of proprietors or zamindars to their estates.

(3) The Assam Urban Areas Rent Control Act, 1961: This Act was passed with the aim of fixing rents of houses in the urban areas including cantonment areas. Under section 3 of the Act no landlord shall be entitled to charge rent for any house at a figure higher than the standard rent as defined in Section 2 of the Act.

(4) The Assam Assessment of Revenue Free Waste Land Grants Act 1948: This Act provided for assessment of revenue of the waste land which were exempted under the Assam Land and Revenue Regulation 1886. This Act was amended in 1949.

13. A.L.A.D., 22.2.66, p. 782
(5) The Assam Land (Requisition and Acquisition) Act 1948:
This Act provided for requisitioning and acquiring surplus waste lands to allot the same to the flood-affected or displaced persons or to co-operative societies. The Act was made for a period of 5 years at the first instance and then it was extended twice in 1953 and 1958 for two more terms.

(6) The Assam State Acquisition of Zamindaries Act 1951: This Act was brought into force with effect from 15 June 1954. Its object was to acquire the proprietary and intermediary rights of the zamindars and abolish zamindaries in the permanently settled areas of Goalpara district, Garo Hills district and Karimganj sub-division of Cachar district. This Act was further amended in 1953, 1954, 1955 and in 1962. The amended Act of 1962 came into force with effect from 3 September 1962. Out of 3,558 estates in the Karimganj sub-division of Cachar district, 64 estates were taken over by the Government by 1963. In 1964 the number of estates acquired in that sub-division was 3609. By September 1975 the proprietary and intermediary rights of 3628 estates covering an area of 16.74 lakhs acres were abolished. After the completion of the acquisition of the proprietary and intermediary rights vast number of tenants of the outgoing zamindars became tenants under the Government. To confer the status of landholder on such tenants, a Bill, namely the Assam Land Holding (Adoption of relationship under the Assam Land and Revenue Regulation, 1886) was passed in 1974.

(7) The Assam (Temporarily Settled Areas) Tenancy (Amendment) Act 1971: This Act was enacted in 1971 to replace the Assam (Temporarily Settled District) Tenancy Act 1935, and the Assam Adhilar Protection and Regulation Act 1948. Prior to the passing of the Act in 1971, four Tenancy Acts were in operation, namely, (1) The Goalpara Tenancy Act 1939; (2) The Sylhet Tenancy Act 1936; (3) The Assam (Temporarily Settled District) Tenancy Act 1935; and (4) The Assam Adhilar Protection and Regulation Act 1948. The first two Acts were amended to bring the share-croppers and the servants engaged in cultivation within the definition of tenants in order to enable them to enjoy the protection of the Tenancy Acts. To give maximum protection to the tenants the Assam (Temporarily Settled Areas) Tenancy Act 1971 was passed. Its main object was to treat the share-croppers as tenants. To implement this Act, a crash programme with the aim of preparing the 'record-of-rights' of the tenants, was taken up in all the districts of Assam. Till December 1974, the number of persons, who were recorded as tenants, was 2,47,119. These persons were given certificates as tenants. The following table shows the records of rights of the tenants under the Assam (Temporarily Settled Areas) Tenancy Act, 1971:
Table No. 1

<table>
<thead>
<tr>
<th>Name of the districts</th>
<th>No. of tenants (upto December 1974)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pibrugarh</td>
<td>4,927</td>
</tr>
<tr>
<td>2. Lakhimpur</td>
<td>4,790</td>
</tr>
<tr>
<td>3. Sibsagar</td>
<td>33,542</td>
</tr>
<tr>
<td>4. Darrang</td>
<td>44,111</td>
</tr>
<tr>
<td>5. Kamrup</td>
<td>72,427</td>
</tr>
<tr>
<td>6. Goalpara (Temporarily Settled Areas)</td>
<td>579</td>
</tr>
<tr>
<td>7. Cachar (Temporarily Settled Area)</td>
<td>86,743</td>
</tr>
<tr>
<td>8. Nowgong</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>2,47,119</strong></td>
</tr>
</tbody>
</table>

Source: Land Revenue, 1974, Revenue Department, p. 29

(8) The Assam Lushai Hills District (Acquisition of Chiefs Rights) Act 1954: Before the Constitution of India came into force, the Lushai Hills District was administered through the Chiefs. The Chiefs, in return for their administrative and judicial functions, enjoyed hereditary rights and privileges over lands. Under the Sixth Schedule of the Constitution, the functions of the Chiefs were abolished. Under the Assam Lushai Hills District (Acquisition of Chiefs Rights) Act 1954, the rights of the Chiefs over land were abolished.

(9) The Assam Non-Agricultural Urban Areas Tenancy Act, 1955, was passed to regulate the obligation to pay rent, to give protection to the tenants from eviction, compensation for improvement of
the rented house and lands, enhancement of rent by the landlord and the relationship between the landlord and the tenant in respect of non-agricultural land in the urban areas of the State. The amendment of the Act in 1958 defined precisely the terms of permanent structure.

(10) The Assam Fixation of Ceiling on Land Holdings Act 1956: This Act aimed at fixing ceiling on agricultural holdings of a person at 150 bighas. It empowered the State to acquire surplus land and distribute the same to the landless and the actual cultivators. This Act provided for removal of the intermediaries. It was amended in 1957 under the directions of the President of India. The amended Act aimed at providing certain exemptions to the industrial undertakings. During 1962-72, this Act was amended thrice, in 1962, 1970 and in 1972. The amendment of 1962 was designed to put restriction on the industrialists in their possession of more land for purposes other than purely industrial. It sought to define the exact purposes for which land could be allotted for factory, mill or workshop. The ceiling area was reduced to 75 bighas by an amendment of the Act in 1970. The Act was further amended in June 1972. It aimed at reducing the ceiling from 75 bighas to 50 bighas with retrospective effect from 24 January 1970. The following table shows the area acquired under the Assam Fixation of Ceiling on Land Holdings Act 1956, 1957, 1962, 1970 and 1972.

16. A.L.A.D., 1.4.70, p. 22
Table No. 2

<table>
<thead>
<tr>
<th>1. Total area acquired under the ceiling Act of 1956 (till amendment in 1970)</th>
<th>From tea-estates - 72,412 Bighas</th>
<th>From individuals - 1,97,724 &quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>2,70,134 Bighas</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Total area acquired under the amended Act of 1970</th>
<th>From tea-estates - 82,630 Bighas</th>
<th>From individuals - 2,099 &quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>84,729 Bighas</td>
<td></td>
</tr>
</tbody>
</table>

(Grand Total: 3,54,865 Bighas)

| 3. Total compensation paid - | Rs 45 lakhs |

Source: Land Revenue, 1974, Revenue Department, p. 29

Out of the acquired land an area of 32,125 Bighas were settled with 4,800 landless persons.

(11) The Assam State Acquisition of Lands belonging to Religious or Charitable Institutions of Public Nature Act 1959: This Act was brought into force with effect from 18 March 1963 in all plains districts of Assam. The object of the Act was to empower the Government to acquire the intermediary interests held by the Satras, Maths, public temples, public wakfs and similar other institutions or endowments of public nature. Under this Act the institutions continued to receive perpetual annuity for maintenance of such institution in place of compensation. The tenants of the lands of the religious institutions continued to hold land with the status of landholders but they were exempted from rendering personal service to such institutions. This Act was not amended during the period of our review. The following table shows the
acquisition of land belonging to 149 religious institutions under the Act, till December 1974.

Table No. 3

| 1. No. of institutions | .. | 200 approximately |
| 2. Estimated area of acquisition | .. | 3,71,197 Bighas |
| 3. Area acquired/ notified | .. | 3,26,178 " |
| 4. Estimated annuity payable | .. | Rs 7.50 lakhs |
| 5. Annuity finalised | .. | 72 institutions |
| 6. Amount paid upto 3 December 1974 | Rs 2,34,563 |

Source: Land Revenue, 1974, Revenue Department, pp. 3-4

(12) The Sylhet Tenancy (Amendment) Act 1961: The first Act in this regard was passed in 1936. The Act gave the status of tenants to those people who held land of other people on condition of rendering service to them. The status of tenants was given in respect of agricultural lands. The Assam (Temporarily Settled Areas) Tenancy Act, 1971, replaced the Sylhet Tenancy Act of 1936, the Assam (Temporarily Settled District) Tenancy Act of 1935, the Goalpara Tenancy Act of 1929 and the Assam Adhilar Protection and Regulation Act of 1948. 16

(13) The Assam Gramdan Act 1961: The object of this Act was to envisage voluntary relinquishment by land owners of a portion of their land or of their entire land in favour of the landless

16. Table No. 1 shows the record-of-right of the tenants under the Assam (Temporarily Settled Areas) Act 1971
families or in favour of the village community. The Act was amended in 1962 with the aim of facilitating donation of land. By the amended Act the Gaonsabhas were empowered to recover the arrears of land revenue from the donated land. By December 1974 the number of gramdan villages rose to 227. Gramsabhas were constituted in those villages. To facilitate donation of land by way of Bhoodan, the Assam Bhoodan Act 1965 was enacted. This Act came into force from 22 August 1966. A State Bhoodan Board was constituted to facilitate the distribution and settlement of such land. Till December 1974 the Board received donation of 1309 Bighas and 13½ lecha of land and out of it 238 Bighas 3 Katha 13 lecha were distributed among the landless people.

(14) The Assam Consolidation of Land Holdings (Amendment) Act 1960: This Act provided for consolidation and prevention of fragmentation of agricultural holdings below 5 bighas. It also provided for consolidation of landholdings on the principle of voluntary exchange or amalgamation as far as possible. For want of sufficient money the implementation of the Act was kept in abeyance till 1966. In 1966 the Act was further amended. Under the amended Act, a scheme for consolidation of 10,000 Bighas in the district of Kamrup was taken up. During the fourth plan period a scheme was undertaken for consolidating 50,000 Bighas of land in various districts of Assam.

17. A.L.A.D., 6.10.64, pp. 621-622
18. Bhoodan movement was initiated by Aoharya Vinoba Bhave. The movement provided for accepting individual donation of land to the landless people.
19. Land Revenue, 1974, Revenue Department, pp. 16-17
20. Ibid., p. 19
Besides these land reform legislations, in July 1972, the Government adopted a scheme for the economic improvement of the cultivators. The scheme aimed at settling Government agricultural lands with the Agricultural Farming Corporation formed with eligible landless cultivators. Another scheme to provide suitable homestead lands to landless families in rural areas varying from $\frac{1}{4}$ to 1 nigáha of land per family was taken up. The following table shows the number of Agricultural Farming Corporations (A.F.C.) and the number of persons with whom land was settled or intended to be settled up to December 1974.

Table No. 4

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Agricultural Farming corporations</th>
<th>No. of persons</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>To be settled</td>
<td>Already settled</td>
</tr>
<tr>
<td>1.</td>
<td>Jamuna Mondonga A.F.C. Nowgong</td>
<td>184</td>
<td>17</td>
</tr>
<tr>
<td>2.</td>
<td>Champaboti A.F.C. Dhubri</td>
<td>96</td>
<td>50</td>
</tr>
<tr>
<td>3.</td>
<td>Panbari A.F.C. Mangaldoi</td>
<td>175</td>
<td>128</td>
</tr>
<tr>
<td>4.</td>
<td>Morigaon A.F.C. Marigaon</td>
<td>148</td>
<td>Nil</td>
</tr>
<tr>
<td>5.</td>
<td>Bogindadi A.F.C. North-Lakhimpur</td>
<td>118</td>
<td>29</td>
</tr>
<tr>
<td>6.</td>
<td>Sidhabari Bacoitari A.F.C. Goalpara</td>
<td>300</td>
<td>30</td>
</tr>
<tr>
<td>7.</td>
<td>Bhardhara A.F.C. Sibsagar</td>
<td>230</td>
<td>189</td>
</tr>
<tr>
<td>8.</td>
<td>Puberun A.F.C. Dibrugarh</td>
<td>155</td>
<td>75</td>
</tr>
<tr>
<td>9.</td>
<td>Purbajyoti (Gohpur) A.F.C.</td>
<td>400</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>Source: Land Revenue, 1974, Revenue Department, pp. 16-17</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the years 1962-72 land settlement policy seemed to be a major preoccupation of the Government. Amendments to different land reform legislations justify this observation. With a view to
educating the people and making them conscious about the substance of land reform measures, book-lets in local languages were printed and distributed in the rural areas. Besides this, meetings and group discussions were held in different places of the State. Agriculture being the primary occupation of the rural people, the ruling party made land reform one of the election issues. It emphasized the necessity of co-operation from all quarters to solve the colossal problem of land reform, and recognised the necessity of surveying the landless people. It also pointed out some cases where land reform measures resulted in giving land to encroachers in the name of Settlers' Association. During the discussion of a Government motion on land settlement policy and its implementation, the Government sought advice and suggestions of the members of the House on the implementation of the land policies. A Land Settlement Implementation Advisory Committee was constituted by the Speaker for the first time in 1969 with six members from both sides of the House to advise the Government on the implementation of the land settlement policy and allied matters. Mahendra Mohan Choudhury (Minister, Revenue) was its Chairman. The Committee felt that the members of the Committee should have an opportunity to examine the following Bills, namely, (a) the Assam (Temporarily Settled Districts) Tenancy (Amendment) Bill, 1969; (b) the Sylhet Tenancy (Amendment) Bill, 1969; (c) the Goalpara Tenancy (Amendment) Bill, 1969; and (d) the Assam Fixation of Ceiling on Land Holdings

22. A.L.A.D., 22.3.65, p. 343
23. A.L.A.D., 22.2.66, pp. 99-100
24. A.L.A.D., 3.4.69, pp. 35-52
(Amendment) Bill, 1969, which were under consideration of the Government and so it suggested that the introduction of the Bills be deferred. The Committee also felt that the provisions of the Fixation of Ceiling on Land Holdings (Amendment) Bill, 1969, should be examined in the light of a similar provision in the State of Kerala, where a ceiling of 20 per cent was reportedly in operation. The suggestions of the Committee were accepted by its Chairman.25

In 1972 the Government decided to reduce the ceiling on land holdings from 75 Bighas to 50 Bighas26 on the basis of socio-economic condition of the people. Accordingly, the Assam Fixation of Ceiling on Land Holdings Act 1972 was passed. Under this Act 4,800 persons secured land up to December 1974.

During the period of our review the Opposition members of the Assembly took every opportunity to criticise the land policies of the Government of Assam. Their view on the problem was that though Assam was one of the pioneer States in India to pass land reform legislations, she was very slow in implementing them. They did not fail to point out the loopholes of various land reform Acts. For instance, during the discussion of the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill 1962 the Opposition criticised the Bill on the ground that it was not free from vagueness. The amendment Bill was designed to put restriction on the industrialists in their possession of additional land for purposes other than industrial. It sought to define the exact purposes for which land could be allotted for factory, mill or workshop. The


26. Starred Question No. 22, 6.6.72, p. 11
Opposition held that the amendment was redundant as it would give scope to the industrialists to keep more land in the name of industries on some plea or the other. Their contention was that the definition of the word 'ancillary' was not exclusive and exhaustive. Khagendra Nath Barbaruah (R.C.P.I.) suggested that cultivable lands within a tea garden should be settled directly with the cultivators instead of allowing the garden authorities to retain possession thereof, because, the tea garden owners usually utilised land for their own benefit. However, the Bill was passed and was given effect to from 4 September 1962. But the Act could not be implemented successfully as 'benami' transfer of land continued to pose a threat to it. Moreover, no survey was made of the landless, flood and erosion affected people. Rathindra Nath Sen (Ind) suggested the formation of a secret committee to investigate into the benami transaction. However no such committee was formed.

In 1969 Gobinda Kalita (C.P.I.) brought a motion to introduce a Bill, namely the Assam Fixation of Ceiling on Land Holdings (Amendment) Bill 1969. The Bill sought to limit landholding at 60 bighas in place of the existing 150 Bighas with retrospective effect. The Assembly went into division on the motion and the Opposition lost it by 23 to 48 votes. It however marked a tremendous initiative on the part of the Opposition since it paved the path for the passing of the Assam Fixation of Ceiling on

27. A.L.A.D., 5.3.65, p. 445
28. A.L.A.D., 12.8.69, p. 25
29. A.L.A.D., 1.4.70, p. 22
Landholdings Act in 1972, fixing land ceiling at 50 Bighas.

The Opposition criticised the Assam Fixation of Ceiling on Landholding (Amendment) Bill 1970, brought by the Government on the ground that it left enough room for evasion. This Bill sought to limit land holding at 75 bighas in place of existing 150 Bighas. At the consideration stage of the Bill Gauri Sankar Bhattacharyya (Ind) suggested that immediate retrospective effect be given to it. The Bill was passed and it was further amended in 1972. It aimed at reducing land ceiling from 75 Bighas to 50 Bighas and sought to give retrospective effect from 24 January 1970. The Opposition opposed this Bill on the ground that the gradual process of reducing the ceiling to 50 Bighas would give enough scope for 'benami' transfer of land by the landlords and would indirectly encourage the establishment of a capitalist class. They also criticised the exemptions and supplementary provisions of the Bill since they would provide basis for evasion. However, the Act was passed.

The Opposition held that the Adhikar Protection Act was an Act only in name and it protected the interest of the landlords and not that of the tenants and expressed the apprehension that peasant revolts might take place if the defects of the land acts were not removed. They offered to co-operate with the Government on the implementation of the land reform measures during the

30. A.L.A.D., 1.4.70, p. 22
31. A.L.A.D., 10.11.70, p. 44
32. A.L.A.D., 6.6.72, pp. 32-35
33. A.L.A.D., 26.2.67, pp. 40-45
discussion on the Assam (Temporarily Settled Areas) Bill 1971 which replaced the Adhiar Protection and Regulation Act of 1948. They wanted the landlords to be put down with an iron hand and suggested the constitution of a special type of machinery to implement the Acts.

During the Budget session of 1971 Gobinda Kalita (C.P.I.) while speaking on a cut motion on grants relating to Land Revenue, brought before the Assembly a few specific cases of alleged anomalies and malpractices in the matter of settlement of lands in and around Gauhati. At the request of the House, the Speaker referred the cases to the Land Settlement Implementation Advisory Committee for enquiry and report to the House. The Committee was reconstituted with seven members three of them representing the Opposition. The terms of reference to the Committee were as follows:

(1) Non-implementation of the Assam Fixation of Ceiling on Land Holdings Act 1957; (2) Land was acquired under the Land Acquisition Act in and around Gauhati at higher price; (3) Land was settled in the name of undeserving persons; (4) Certain land settlements in and around Gauhati were irregular and illegal and were done in contravention of the settlement rules and orders; (5) Abolition of Beltola Tribal Belt; (6) Irregularity in transaction of purchase of land by a priest of Kamakhya temple; (7) Allotment of Government land in favour of the District Commissioner of Kamrup; and (8) Transfer of a Sub-Deputy Collector to Sonapur circle.34

34. Land Settlement Implementation Advisory Committee Enquiry Report, 1971, pp. 1-50
The Committee examined a few cases of land acquisition under the Assam Fixation of Ceiling on Land Holdings Act, 1956, referred to it by Gobinda Kalita (C.P.I.). The cases investigated by the Committee, in short, were as follows:

(1) Ceiling case of Fakhruddin Ali Ahmed: On 20 February 1971, the Additional District Commissioner of Kamrup reported to the Government by letter No. LR VI. 219/66/48 that the total land holdings of F.A. Ahmed and his brothers and sisters in 1957 were as follows:

Gauhati sub-division (in 1957)

<table>
<thead>
<tr>
<th>Circle</th>
<th>1957</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sonapur Circle</td>
<td>609-2-14</td>
</tr>
<tr>
<td>Rangia Circle</td>
<td>1599-4-10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2209-2-4</strong></td>
</tr>
</tbody>
</table>

Gauhati sub-division (in 1970) 1222-2-5

It excluded the area of 956 Bighas 1 Katha 9 Lechas, acquired for defence purposes, under ceiling legislation, for embankment, drainage and Bhoodan purposes. To enquire into the matter, the Chairman of the Land Settlement Implementation Advisory Committee wrote a letter to F.A. Ahmed, a member of the then Cabinet, to which he did not reply, even though he was specifically requested to give an early reply. The Committee observed that the original return submitted by F.A. Ahmed in 1958 was not factually correct and there was an unusual delay in verifying the return. The Committee recommended that this aspect of delay be looked into in details by the Government. It also appeared to the Committee, that the interpretation of the term 'joint family' as defined in the Act was not properly applied by the Collector and that the submission made by F.A. Ahmed for shares for each of his brothers and
sisters had been accepted in toto although no step had been taken by Ahmed for partition of the land as per the law of inheritance. The Committee recommended that the Government should examine the matter thoroughly and the definition of the term 'joint family' be applied strictly. The Committee found the exclusion of 220 bighas 10 Kathas of land falling between the embankment and the river in the Rangia circle to be highly improper even though submissions to that effect had been made by Ahmed. It recommended that apart from setting right the impropriety in acquisition, action should be taken against the officers at fault for misinterpretation of the Act. The Committee concluded its observation thus: "Shri F.A. Ahmed who was a member of the Cabinet at that time and therefore had overall responsibility for implementation of Government policies, does not seem to have been helpful in the quick and proper implementation of the Ceiling Law, particularly in his own case."

(2) Ceiling case of Thir Narayan Singh: The Committee found from record that in 1961, a ceiling case bearing No. 355/60-61 was initiated by the Government against Thir Narayan Singh of Gauhati for an excess land of 775 Bighas 1 Katha 9 Lechas. But the case was dropped on 22 June 1961, by an order of Anil Kumar Choudhury, Additional District Commissioner. The Committee therefore felt that proper action should be taken against the officers responsible for dropping the matter.

(3) Ceiling case of Radha Mohan Goenka and others, Gauhati: Radha Mohan Goenka as attorney submitted the return on 13 November 1958 for holdings in which an area of 1,319 Bighas 3 Kathas 10

35. Ibid., pp. 7-8
Lechas were shown as the total area of land and 24 persons were shown as co-shares of this land. The Committee was of the view that the Ceiling Act was not properly applied in this case. It recommended the reopening of the case immediately so that proper action could be taken.

(4) Ceiling case of Pulin Ram Phukan: On 19 November 1958, Pulin Ram Phukan of Gauhati submitted a return for 1,597 Bighas 2 Kathas 8 Lechas. In the meantime he sold 80 Bighas 1 Katha 17 Lechas. On 6 October 1960, a draft statement was prepared showing 1,367 Bighas 15 Lechas as excess land. Pulin Ram Phukan filed objection on 12 November 1960 stating that he sold out or gifted away 1,106 Bighas of land. The Committee wanted the officer, responsible for mutation, to be taken to task. It also wanted the Government to examine whether it would be legally permissible to reopen the case to take into consideration the areas allegedly transferred after the Act came into force.

(5) Ceiling case of Sailen Phukan of Gauhati: In this case the Collector, Kamrup, after verification found a total area of 150 Bighas selected for retention. The total area shown as excess consisted of 422 Bighas 3 Kathas 4 Lechas. The Committee in this Case found that in order to frustrate the provisions of the Ceiling Act, the lands were sold out or transferred to persons. This could happen as the then existing law did not provide for any method to deal with such transfer or sale.

(6) Ceiling case of Amchung Tea Estate: The Ceiling case No. 280/65 was started on 22 January 1965 by the Collector, Kamrup.
On 19 March 1965 the estate filed an objection petition stating that it did not possess any excess land, as most of the lands were utilised for staff quarters, labour quarters and hospital. The Committee observed that appropriate provisions of the Ceiling Act, was not applied in this case. It felt that the matter be examined by the Government so as to fix the responsibility on the officers concerned for whose laxity proper and timely action could not be taken. It recommended initiation of action under the amended Ceiling Act.

(7) Ceiling case of Ram Kumar Himatsingka, Gauhati: In this ceiling case No. 244/63 the total area in which the owner was interested was shown in the Form 'A' as 36 Bighas 10 Lechas. Under the Ceiling Act 1956 213 Bighas 10 Lechas had to be acquired under the Ceiling Act. The owner filed objection petition on the ground that the excess land shown against his name was sold in 1956. The Committee found that the land was actually sold in 1956 and the Ceiling Act did not appear to have been violated; even then it recommended re-examination of the matter and action thereon as per the amended Ceiling Act.

(8) Settlement of lands at Kharghuli area and purchase of land from an individual: Gobinda Kalita (C.P.I.) cited a case of purchase of land from an individual by the Government and settlement of that land with some persons. The Committee observed that the land in question was shown as 'Sarkari' for the last 50 years. The Committee, however, could not find any record whatsoever to show that the so-called owner either deposited any local rate for this land or submitted any return under the Ceiling Act.
The Committee, after investigation, felt that the whole matter was dealt with improperly.

(9) Investment of Kamakhya Temple money and construction of R.C.C. building at Fancy Bazar: In this case, the Committee, on perusal of records found that the land on which a building was constructed out of funds of the Kamakhya Temple was still in the name of one Laxmi Narayan Bazaria. The D.C., Kamrup, in two instalments paid a sum of Rs 78,000/- and Rs 1,00,000/- to L.N. Bazaria allegedly for the purchase of a land belonging to Bazaria situated in Fancy Bazar on behalf of Kamakhya Temple as a measure of investment. The Committee found it difficult to understand how the D.C. without the creation of a trust as envisaged under the Land Acquisition Act, could do the things in the way he did on his own responsibility. The Committee noticed that the D.C. who was quick in sanctioning the money was not quick enough in mutating the name of Kamakhya temple under Section 53A of the Land Revenue Regulation. It also appeared to the Committee that out of the sum already awarded towards acquisition cost of the land belonging to Kamakhya temple for the North-East Frontier Railway Head Quarters, a part of the sum was invested by the D.C. himself in the form of National Savings Certificate, etc., and that the remaining sum, after payment of the amount of Rs 1,78,000 had been transferred to the District Judge for creation of a trust.

(10) Lands belonging to Kamakhya temple and Basistha Devalaya: In this case the Committee recommended that the list of tenants be carefully scrutinised to ensure that persons other than the actual tenants prior to the implementation of the Assam State Acquisition
of Land belonging to Religious and Charitable Institution of Public Nature Act, 1959, were not to be given settlement in the acquired lands. The Committee emphasized that until action was taken as recommended no mutation, in respect of such acquired temple land be allowed.

(11) Settlement of land with Khagen Baishya Saud and others:
In this case a total area of 70 Bighas was held by Khagen Baishya Saud and his brother. Initially 60 Bighas were settled with some 12 persons. The Committee observed that the initial settlement was 'benami' and illegal. The Committee recommended that appropriate action be taken against the officers responsible for such illegal settlement and that immediate steps be initiated to cancel his settlements.

(12) Lands at village Bormataria, Mauza Beltola:
From the certified copy for surveyed villages it appeared that lands belonging to Dag No. 184, 151, 164, 250 of Patta No. 47 had been held by one Bali Ram Kalita and not by Jhumarmal Jain, Bhagchand Jain and others. The Committee recommended that appropriate action be taken against the officers concerned for such illegal settlements and that steps be taken to cancel these illegal settlements and mutations immediately.

(13) Land settled with Anil Kumar Choudhury, D.C. of Kamrup District:
On investigation the Director of Land Records and Surveys, Assam, found that Anil Kumar Choudhury obtained settlement of land under an annual lease, under orders, dated 14 June 1961, of the Assistant Settlement Officer, Gauhati, on waste land petition No. 3336 of 1960/61. The Committee after examining the records of
this case observed that the settlement of land with Anil Kumar Choudhury, D.C. of Kamrup at village Maragdohain Sonapur Circle was irregular and illegal as the land fell within the Tribal Belt. It recommended that the settlement orders be set aside and responsibility be fixed on the officers at fault. It also recommended to the Government that immediate action be taken against Anil Kumar Choudhury, the then D.C. of Kamrup, for obtaining illegal settlement in violation of the rules.

(14) Purchase of House of Kamaleswar Barua, Ex-Chief Engineer of Government of Assam at Gauhati by the Government of Assam: In this case the Committee observed that the orders of the Chief Secretary to the Finance Secretary and the decision taken for purchase of the house inspite of the Deputy Commissioner’s comments seemed to be arbitrary and most objectionable from the point of view of financial propriety. The Committee was also surprised to find that the house was not occupied till then by any officer although a large amount of money had already been spent. The Committee wanted the Government to take suitable action against the persons responsible for the infructuous expenditure.

(15) Arrest and suspension of Nalini Kanta Deka, the S.D.C., Sonapur Circle: In this case the Committee observed that the D.C., Kamrup, while showing great haste at the time of recommending arrest and suspension of Nalini Kanta Deka (for some irregularities alleged to have been committed in connection with field mutation of certain persons of Himatsingka family), did not show equal interest in forwarding the draft charges for departmental action against the officer and for submission of reports called for by
the Government for consideration of sanction of prosecution. The Committee viewed seriously the delay on the part of the Deputy Commissioner. So it recommended the appointment of a Special Officer to go into the conduct of the D.C. in this matter.

(16) Settlement of Land with Sabitri Bala Deka and others:
In this case the Committee observed that in South Kamrup a few cases of land settlement showed that lands were settled with ineligible persons. It recommended to the Government the examination of circumstances under which periodic pattas of the tribal people were cancelled and restoration of lands to the tribal people.

These were some of the cases investigated by the Committee. The main observations of the Committee may be summarised as follows:

(1) That the inadequate administrative machinery together with the all-pervasive influence of the richer section of people combined to defeat the basic purposes of one of the most primary land reform legislations.

(2) That the Fixation of Ceiling on Land Holdings Act and the Land Acquisitions Acts were complementary to each other and where exigencies of public interests so needed, compulsory acquisitions had to be resorted to. The Committee was of the opinion that proceedings under Ceiling Acts should first be completed before acquisitions under compulsory acquisitions procedures were resorted to.

(3) That lands acquired under the provisions of the Assam Acquisition of Land belonging to Charitable and Religious Institutions of Public Nature Act 1959 were recorded in the names of
undeserving persons. Therefore, it recommended a complete re-examination of the matter.

(4) That there were irregular and illegal settlements of lands in and around Gauhati with ineligible persons in contravention of the settlement rules, orders and provisions of Chapter 7 of the Assam Land and Revenue Regulations. The Committee recommended re-examination of the matter so that necessary action could be taken and the guilty officers punished.

(5) The Committee recommended cancellation of allotment of lands with the undeserving persons, so that landless tribal and Scheduled Castes people could get allotments.

In conclusion the Committee observed that implementation of the various land revenue and land reform measures was unsatisfactory and so it drew the pointed attention of the Government to the need for streamlining administrative machinery.

It is to be noted, however, that the Government could not make it convenient to take any action regarding the recommendations of the Committee.36

36. As stated by Gobinda Kalita (C.P.I.), a member of the Assam Legislative Assembly.
(2) Co-operation: Co-operatives form an integral part of the scheme of economic development of the county. In 1949 the Assam Co-operative Societies Act, 1949, was passed by the Assam Assembly. This Act was passed to facilitate the formation and working of Co-operative Societies and to consolidate and amend the law relating to Co-operative Societies in the Province of Assam. The preamble to the Act read thus: "whereas it is expedient further to facilitate the formation and working of Co-operative Societies for the purpose of thrift, self-help, mutual aid and creating the quality of credit worthiness among agriculturists, artisans and other persons with common economic needs so as to bring about a higher standard of living, better business, better methods of production, equitable distribution and exchange and for that purpose to consolidate and amend the law relating to Co-operative Societies in the province of Assam."37

During the period of our review, no amendment was made to the Assam Co-operative Societies Act 1949. An amendment to the Act was made in 1973. The aim of the amendment was to rationalise the public distribution system of food grains. It was decided to hand over the wholesale trade in wheat and wheat products to the Co-operative Societies with effect from 1 June 1973. To enable the Co-operative Societies to play this new role of far-reaching public importance, it became necessary on the part of the Government to be in a position to deal effectively with the management or individual office-bearer or employees of the Co-operative

37. The Assam Co-operative Societies Act 1949
Societies whose lapses or activities were considered prejudicial to the public interest or the interest of the particular societies or against the Co-operative movement in general. The provisions of the Assam Co-operative Societies Act, 1949, were not considered sufficient to meet the new situation demanding this standard of performance from the Co-operative Societies. It was therefore necessary to make certain amendments to the Act. As taking over of the wholesale trade in wheat and wheat products took effect from 1 June 1973 and necessary formalities were to be finalised well ahead, the amendments to the Act had to be done by promulgating an Ordinance, viz., the Assam Co-operative Societies (Amendment) Ordinance 1973, on 21 May 1973, when the Assembly was not in session. The amended Act sought to replace the Ordinance. 38 The amendment of 1974 to the Assam Co-operative Societies Act 1949 provided for the organisation of a Co-operative Society in each gaon panchayat with a view to ensuring availability of essential commodities in the rural areas of the State at fair and reasonable prices. It also provided for rendering other essential services relating to credit and marketing. 39 Further amendment of the Act in 1975 aimed at augmenting the flow of credit to agriculturists. It was also aimed at improving the operational viability of existing Co-operative Societies by empowering the State Government with the power to merge or amalgamate such societies and also to confer certain concessions and privileges to commercial Banks with respect to their dealings with Co-operative Societies. The

38. The Assam Co-operative Societies (Amendment) Bill 1973
39. The Assam Co-operative Societies (Amendment) Bill 1974
amendment sought to replace the Ordinance, viz., the Assam Co-operative Societies (Amendment) Ordinance 1975.  

Co-operation in the Plan period

Since the inauguration of the First Five Year Plan of Assam, the co-operative form of organisation has been accepted as an indispensable instrument of planned economic action in the democratic set-up. During the First Plan period with the taking up of the Rural Credit Rehabilitation Scheme and giving assistance to the handloom weavers through Co-operative Societies, the movement gained a new life in Assam. However, the primary credit societies set up in Assam as in other States of India could not be successful for certain factors like the lack of education of the masses on co-operation, inadequacy of trained and experienced personnel, absence of connection between agricultural credit societies with production of crops and absence of adequate finance. The Second Five Year Plan of Assam reiterated the importance of Co-operatives and the Co-operative organisations were reoriented in accordance with the decisions taken up by the National Development Council in 1958. During the Third Plan period greater emphasis was laid on credit. The Service Co-operatives began to undertake a vital role in linking credit with marketing and credit. The non-credit side

40. The Assam Co-operative Societies (Amendment) Bill 1975
41. The First Five Year Plan - A review, 1951-56, pp. 23-24
42. The Second Five Year Plan - A review, 1957-1961, p. 4
43. The Third Five Year Plan - A review, 1962-66, p. 37
of the movement also received greater attention. The Adhoc Annual Plans of 1966-69 gave still greater attention to improving the operational efficiency of the Societies at village and district level through their reorganisations.44

During the period of our survey the following measures were adopted by the Government for encouraging the Co-operative movement in the State. The measures can be divided into four heads: (i) financial; (ii) educational; (iii) deputation; and (iv) other measures.

(i) Financial: The Government participated in the share capital of various Co-operative Societies besides issuing loans to them. The share capital contribution was given as grant to the Co-operative Societies of the Hill people as well as those of the Plains Districts. The working capital loan was given to the Co-operatives of the Plains districts. The working capital was given to the deserving Co-operative Societies of the Hill areas in the form of grant. Loans and grants were issued for construction of godown of the marketing societies, larger sized Co-operative Societies and the Service Co-operatives. The Government used to pay contribution as managerial subsidy to the deserving Co-operatives for the maintenance of the staff. Rebate on sale of handloom cloth of the Co-operative weaving societies was paid at 5 paise per rupee.

44. Ad-hoc Annual Plans 1966-69, p. 11
(ii) Educational: With regard to the educational measures the Government gave financial assistance to the State Co-operative Union to impart education on Co-operation to the officers of the Co-operative Societies. Financial assistance was given by the Government to the State Co-operative Union to popularise the movement through propaganda and publicity and for this purpose a weekly paper was published by the Co-operative Union. Financial assistance was given to this Union for holding of seminars on Co-operation in the district and State level.

(iii) Deputation of Officers: Departmental officers were deputed to work as Secretaries in some of the important Co-operatives, so that they could look after the management of these societies. These officers were required to guide and inspect the Co-operative Societies of the State.

(iv) Besides the above-mentioned measures, other measures were taken by the Government to improve the Co-operative movement in the State. Two senior Government officers were deputed to the Assam Co-operative Sugar Mills Ltd. and the Apex Marketing Co-operative Ltd., the two principal Co-operative organisations of the State. In order to improve the financial position of the Central Banks, a compulsory deposit of 50 paise per maund from the price of paddy in favour of the grower member had been introduced. This 50 paise was a portion of the enhanced price of paddy. The working of the Co-operative rural credit structure of Nowgong, Darrang, North Lakhimpur and Cachar was surveyed by three joint committees. On the basis of the suggestions of these committees, a special scheme of revitalisation of rural credit for the aforesaid districts was drawn up. The aim of the scheme was to give
financial assistance to the agriculturists under a liberalised pattern. A Commission was appointed in 1963 by the Government of Assam with a retired I.A.S. officer to examine the short-comings of the Co-operative movement in Assam. Besides this Commission another high-power Committee consisting of high officials of the connected departments had been appointed. The Committee had to look into the working of the Assam Co-operative Sugar Mills Ltd. and to suggest ways and means for its improvement. The Assam Co-operative Training Institution at Joysagar was handed over to the Assam State Co-operative Union to impart education on Co-operation to the junior officers and the office-bearers of the Co-operative Societies. The Central Banks and all the officials of the Co-operative Department were directed to take effective steps for reduction of over dues by the village credit societies so that rural credit could flow regularly. They also were directed to strengthen the weak societies and liquidate defunct and extremely inefficient Societies.

Attitude of the ruling party towards Co-operation

During the period of our survey the members of the ruling party as well as those of the Opposition of the Assam Assembly were found to have expressed concern over the inadequate development of the Co-operative movement in Assam, since in their view Co-operatives could form a viable basis for the capital formation in the State. Sarat Chandra Goswami (Cong) emphasized the spreading of the Co-operative movement throughout the length and breadth

45. Unstarred Question No. 395, A.L.A.D., 2.4.63, pp. 1786-1788
of the State. He held that only through Co-operatives the industries of the State could be improved. He regretted the inadequate financial assistance to the Dergaon Co-operative Sugar Mill. \(^{46}\) Sriman Prafulla Goswami (Cong) laid stress on the necessity of amending the Panchayat Act so that in each Panchayat a Co-operative organisation could be established. \(^{47}\) Riswadav Sarmah (Cong) regretted that though the aim of the Indian National Congress was to build up the economic base of the State through the Co-operative movement, the growers of the State could not get the expected relief and benefit. He suspected that lack of enthusiasm among the people was another reason for which the movement could not be geared up. \(^{48}\) Akshoy Kumar Das (Cong) felt the necessity of enforcing strictly certain rules of the Co-operative organisations. He thought that absence of strict enforcement of the rules gave advantage to the officers to neglect their duties. \(^{49}\) Debendra Nath Sarma (Cong) said that without Co-operation, there could be no socialism. He laid stress on the formation of Co-operatives based on voluntary co-operation of the people. In the existing Co-operative Societies, Government money played the main foundation with which, he said, there could be no proper functioning of the Co-operative Organisation. \(^{50}\) Mohananda Bora (Cong) wanted the establishment of Co-operative Organisation in each Gram Sabha as

\(^{46}\) A.L.A.D., 24.3.62, Vol. 1, p. 54

\(^{47}\) ibid., p. 427

\(^{48}\) A.L.A.D., 11.9.62, p. 2567

\(^{49}\) A.L.A.D., 12.3.63, p. 451

\(^{50}\) A.L.A.D., 10.3.64, p. 43
he found the organisation of the Service Co-operatives in the State inadequate. Omeo Kumar Das (Cong) emphasized the necessity of proper leadership so that the Co-operative movement could be converted into a people’s movement which in turn could lead to economic development of the State. He expressed concern over the infiltration of trading interests in certain service Co-operatives and held that if the trading interests were not resisted from infiltrating into these societies, the fate of the Service Co-operatives would be doomed. The members of the ruling party felt the necessity of co-ordination between the Supply Department and the Co-operative Department. They also emphasized the necessity for better guidance from the Government and initiative of the people. Biswadev Sarma (Cong) felt that the Co-operative movement was essentially a people’s movement, but, then the movement was unnecessarily restricted by Government interference. The laws and bye-laws made for the development and improvement of the Co-operatives were very complicated with the result that the Co-operative Societies failed to act on them in the desired manner. He contented that apathy of the Government officials was responsible for the backwardness of the Co-operative organisations. He further held that development of Co-operative movement was of utmost importance for the production of food grains and solution of the food problem.

51. A.L.A.D., 24.2.65, p. 55
52. A.L.A.D., 27.2.65, p. 183
53. A.L.A.D., 29.3.65, pp. 1369-1370
54. A.L.A.D., 14.3.66, p. 714
55. A.L.A.D., 24.3.66, p. 1171
Attitude of the Opposition towards Co-operation

During the period of our survey the Opposition members in the House associated themselves with the Co-operative movement and expressed concern over its inability to fulfill the desired objectives. They alleged that some of the Co-operatives existed only in name as they remained inactive and some of them were formed with motive of avoiding land ceiling. Rathindra Nath Sen (Ind) alleged that at the district level, Co-operative organisations gave scope for embezzlement of funds by the officers. For example, he alleged that in the district of Cachar several lakhs of rupees were given by the Government as loans to the Co-operatives on the recommendations of the officers; there was undoubtedly a mushroom growth of Co-operatives; but then, by 1965 there was no real Co-operative Society in existence; moreover, there was loss of several lakhs of rupees. He appealed to the Finance Minister to take a serious view of these matters and realise the money floated in those Co-operatives. He wanted the Government to take great care in granting loans to the Co-operatives and create the necessary incentive in the Co-operative workers.

Dulal Chandra Barua (Ind) stressed the necessity of popularising the Co-operative movement for the improvement of economic condition of the people. He pleaded for co-ordination between the Supply Department and the Co-operative Department, and contended

56. A.L.A.D., 26.2.62, p. 183
57. A.L.A.D., 6.3.65, p. 482
58. A.L.A.D., 24.3.66, pp. 1165-66
that the Co-operative Department became top-heavy at the district level.  

Nilakanta Hazarika (P.S.P.) stated that corruption prevalent in the Co-operative organisations was making the people lose faith in the Co-operative movement. He demanded the institution of an enquiry into the corrupt practices in the Co-operatives.

Attitude of the Hill members of the Assembly towards Co-operation

Stanley D.D. Nichols-Roy (A.P.H.L.C.) alleged that in the Hill areas of Assam the Co-operative organisations had been rather 'detrimental' to the interests of the common people. The Co-operatives were given monopoly rights but they could not supply the essential commodities. He said that people came from a long distance to take supplies from the Co-operatives but had to stay on for 4 or 5 days at Shillong for getting their quota. Hovner Rynmiewt (A.P.H.L.C.) alleged that the Government had not given much importance and offered help needed for the establishment of Co-operatives in the Hill areas of Assam. He regretted that sufficient training had not been given to the Co-operative employees of the State. He suggested that the head of the Co-operative Department should be a person from the department itself. E. Poshna (Ind) underlined the need to carry out proper investigation in the working of the Co-operative societies engaged in border trade

59. A.L.A.D., 8.3.65, p. 1362
60. A.L.A.D., 24.3.66, p. 1166
61. A.L.A.D., 2.3.65, p. 241
62. A.L.A.D., 29.3.65, p. 1367
before any financial grants were given to them. J Captain V.A. Sangma (A.P.R.L.C.) alleged that the primary purpose of the cooperative organisations was to keep the disappointed Congress workers occupied who could not be appointed as Ministers or high officers. He said that what he stated was from his own bitter experience. There was mismanagement of the Co-operatives everywhere specially in the Hill areas. To substantiate the allegation he referred to the election of the Co-operative organisation in the Garo Hills and said that the organisation was not formed by the people but by the Government.

In spite of the shortcomings pointed out by the members, the Co-operative movement of the State gathered momentum during the period of our survey. To strengthen the Co-operative Department, an Assistant Co-operative Officer was posted in each Block for organisation, inspection and supervision of the Societies. To revitalise credit structure in the districts of Nowgong, Cachar, Darrang and North Lakhimpur a scheme was undertaken. Under this scheme, additional staff was provided both for the Department and the Central Banks. A scheme was drawn up to extend managerial subsidy to the primary credit Societies. For this purpose the Government of India was moved for financial assistance. At the headquarters, a Joint Registrar from the Indian Civil Service was appointed. A senior Assam Civil Service Officer was put in charge of the Apex Marketing Society as its Executive Director.

63. A.L.A.D., 14.3.66, p. 22
64. A.L.A.D., 9.6.67, pp. 49-51
65. A.L.A.D., 19.3.64, pp. 94-95
system of giving assistance by way of crop-loan was also introduced in 1967. The system of crop-loan not only provided ways and means advances to the cultivators but also ensured improved methods of cultivation. In 1968 the agricultural credit revitalisation programme was extended to four more districts, viz., Kamrup, Goalpara, Sibsagar and Lakhimpur with the aim of covering 20% of urban population and 100% of fixed income group. A departmental Store named 'Sohayika' was established at Gauhati with Government assistance of Rs 4.4 lakhs. The Assam Hill Co-operative Development Corporation was set-up to co-ordinate, supervise and control the activities of the Co-operative societies in the Hill areas of Assam. Throughout the State wholesale Co-operatives were formed with the aim of checking the rising prices of essential commodities and consumer goods. The Co-operative movement thus made a mark in the economic life of the people of Assam during the period of our review. Barring a few cases of corruption and mal-practices the movement made significant advance in terms of membership and coverage. The following tables No. 5, 6 and 7 show the subsidies given to different Co-operative societies during 1963-1966, break-up of Co-operative societies organised in 1960-1967 and the total number of Co-operative societies in Assam including Meghalaya.

66. The Budget Speech of the Finance Minister, 1967, p. 27
Table No. 5
(Rupees in lakhs)

<table>
<thead>
<tr>
<th>Year</th>
<th>Managerial subsidy</th>
<th>Subsidy for construction of godown and cattle sheds</th>
<th>Subsidy to State Co-operative Union</th>
<th>Grants as working expenses from normal budget</th>
<th>Total Co-operatives</th>
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<tr>
<td>1963-64</td>
<td>3.13</td>
<td>2.55</td>
<td>2.19</td>
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<td>1964-65</td>
<td>5.67</td>
<td>2.39</td>
<td>3.56</td>
<td>0.50</td>
<td>4.23</td>
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<td>1965-66</td>
<td>3.94</td>
<td>1.30</td>
<td>4.70</td>
<td>0.60</td>
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<td>Total:</td>
<td>12.74</td>
<td>6.14</td>
<td>10.45</td>
<td>1.60</td>
<td>11.23</td>
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Source: Unstarred Question No. 267, A.L.A.D., 30.6.67, p. 1427

Table No. 6

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<th>Sl.No.</th>
<th>Types of Societies</th>
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<td>Service Co-operatives</td>
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<td>2</td>
<td>Fishery Co-operatives</td>
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<td>3</td>
<td>Multipurpose Co-operatives</td>
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<td>4</td>
<td>Agricultural Credit Society</td>
<td>97</td>
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<td>Marketing Society</td>
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<tr>
<td>8</td>
<td>Paddy husking Society</td>
<td>100</td>
</tr>
<tr>
<td>9</td>
<td>Others</td>
<td>130</td>
</tr>
<tr>
<td>10</td>
<td>Weavers' Society</td>
<td>332</td>
</tr>
<tr>
<td>11</td>
<td>Industrial Society</td>
<td>209</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>2983</td>
</tr>
</tbody>
</table>

Source: Starred Question No. 37, A.L.A.D., 7.11.67, p. 3
Table No. 7
Co-operative Societies in Assam (including Meghalaya and Mizoram)

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Societies</th>
<th>Membership (in '000)</th>
<th>Share Capital Rs in lakhs</th>
<th>Working Capital Rs in lakhs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960-61</td>
<td>8,894</td>
<td>511</td>
<td>232</td>
<td>1602</td>
</tr>
<tr>
<td>1965-66</td>
<td>7,693</td>
<td>592</td>
<td>356</td>
<td>2493</td>
</tr>
<tr>
<td>1966-67</td>
<td>7,301</td>
<td>588</td>
<td>424</td>
<td>2924</td>
</tr>
<tr>
<td>1967-68</td>
<td>7,175</td>
<td>653</td>
<td>512</td>
<td>3602</td>
</tr>
<tr>
<td>1968-69</td>
<td>7,738</td>
<td>696</td>
<td>574</td>
<td>5029</td>
</tr>
<tr>
<td>1969-70(a)</td>
<td>7,210</td>
<td>689</td>
<td>610</td>
<td>5036</td>
</tr>
<tr>
<td>1970-71(a)</td>
<td>6,892</td>
<td>695</td>
<td>677</td>
<td>5781</td>
</tr>
<tr>
<td>1971-72(a)</td>
<td>6,945</td>
<td>701</td>
<td>746</td>
<td>6372</td>
</tr>
</tbody>
</table>

Note: (a) Figures up to 1968-1969 include Meghalaya and Mizoram Co-operative Societies include Co-operative banks also.

Source: Registrar of Co-operative Societies, Govt. of Assam
(3) Village Industries: Village industries of Assam have played a very important role in the sphere of employment for the needy people. They also have facilitated the improvement of village economy by providing extra sources of income to the cultivators, who in their spare time can get themselves engaged to supplement their income. The Assam Khadi and Village Industries Board was established in 1933 and since then it had been implementing different Khadi and Village Industries Schemes under the guidance of the All India Khadi and Village Industries Commission. The Board was made a Statutory body in 1957. The following village industries were run by the Board during the period of our review.

<table>
<thead>
<tr>
<th>A. Khadi</th>
<th>B. Village Industries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Traditional Khadi</td>
<td>1. Hand pounding industry</td>
</tr>
<tr>
<td>2. Ambar Programme</td>
<td>2. Village oil industry</td>
</tr>
<tr>
<td></td>
<td>3. Gur and Khandsary industry</td>
</tr>
<tr>
<td></td>
<td>4. Palm Gur industry</td>
</tr>
<tr>
<td></td>
<td>5. Bee-keeping industry</td>
</tr>
<tr>
<td></td>
<td>6. Village leather industry</td>
</tr>
<tr>
<td></td>
<td>7. Cottage match industry</td>
</tr>
<tr>
<td></td>
<td>8. Village Pottery industry</td>
</tr>
<tr>
<td></td>
<td>9. Non-edible oil and soap-making industry</td>
</tr>
<tr>
<td></td>
<td>10. Hand-made paper industry</td>
</tr>
<tr>
<td></td>
<td>11. Black-smithy carpentry industry</td>
</tr>
</tbody>
</table>

These industries were established with a view to improve the rural economy of the State.

68. Annual Reports of Khadi and Village Industries Board, 1962-1972
**Governmental measures**

During the period of our review the Government of Assam had undertaken schemes for supplying finance to the cottage industries by way of loans and grants. It also helped in finding markets for the products and arranging for demonstrations in rural and urban areas. The Government provided funds to issue industrial loans to the deserving applicants including the political sufferers. In 1963 the Government passed the Assam Khadi and Village Industries Board (Amendment) Act 1963 with a view to facilitating the appointment of a Financial Chief Accounts Officer for the Assam Khadi and Village Industries Board. The function of the officer was to advise the Khadi and Village Industries Board in financial matters and to assist the Chief Executive Officer of the Board in the proper maintenance of accounts and audit of the Board. The amending Act also provided for placing the accounts of the Board together with the audit report thereon before the State legislature every year. By 1965 under the Khadi and Village Industries Board all the schemes of village industries were implemented in the rural areas. The Board took steps like provision for training, financial and technical assistance, supply of improved implements, supply of raw materials and marketing of the finished products. The Board also organised 30 Gram Ekais in Gramdan areas. The Gram Ekais were intended to make the rural people self-sufficient in the production of food and cloth. The

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69. A.L.A.D., 8.3.63, p. 285
72. A.L.A.D., 9.3.65, p. 568
Board also distributed pamphlets and booklets to let the villagers know about the benefits of the village industries. In 1970 the Assam Aid to Industries (Small and Cottage Industries) (Amendment) Act was passed. One of the objects of this Act was to liberalise the terms and conditions for issue of loans to the industrialists for development of cottage industries in the State. It also provided for the raising of the quantum of loan admissible on the security of one or more sureties in addition to a personal bond from Rs 2,500 to Rs 5,000. It also provided for the necessity of furnishing personal bond by the applicant when loan was sanctioned to him on the security of one or more sureties. In 1972 the Government proposed to take up a large-scale programme for regeneration of the village industries in order to make them viable economical units. With that aim in view the Government proposed to undertake direct responsibility for marketing of the products at economic prices. The main aim of the scheme was to relieve the producers of uncertainty and risk of marketing of their products and to encourage the producers to concentrate on improving their techniques and efficiency to suit modern tastes and standards.

**Attitude of the members of the ruling party towards village industries**

During the period of our review the members of the ruling party laid emphasis on the development of the cottage industries with a view to decreasing the pressure of people on land. They

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73. The Assam Gazette, 18 March 1970, p. 2
74. A.L.A.D., 5.6.72, p. 21
expressed concern over the competition between the mill and the hand made products. For instance, Mohananda Bora (Cong) expressed concern over the expansion and popularity of the rice-mill industry which replaced gradually hand-pounding of rice. 76 Omeo Kumar Das (Cong) stressed that the whole object of industrial development should be the solution of the employment problem. 77 Pranita Talukdar (Cong) laid stress on giving more attention to the development of the cottage industries as a sure means of solving the unemployment problem of the State. She laid stress on the need for more budget provision for the development of cottage industries so that more industrial estates could be started in the rural areas of the State. She wanted the Government to take care that loans given for industrial purposes were utilised properly by the people. 78 She asked the Government to help the deservingrearers of silk worms by supplying improved spinning and reeling machines at concessional rates. Her other suggestions were: imparting of training to the weavers in modern methods and publicity campaigns to attract weavers and promote increased sales of handloom fabrics. 79 Lilakanta Bora (Cong) pleaded for improving the village industries as a dependable source for the employment of the girls.

Attitude of the Opposition towards village industries

The Opposition laid emphasis on the development of the village industries with great earnest. They held that through the

76. ibid., pp. 75-76
77. A.L.A.D., 13.3.64, p. 38
78. A.L.A.D., 6.3.68, p. 39
79. A.L.A.D., 31.3.71, p. 71
cottage industries the economic and unemployment problem could be eased to a great extent. They alleged that industrial loans were given only on political considerations and in many cases such loans were spent for purposes other than industrial. Emerson Momin (A.P.H.L.C.) regretted that in his constituency in Garo Hills although many people applied for loans, they failed to get the same and so they had to take loans from the 'Kabuliwala' at a higher rate of interest.

The Opposition criticised the Assam Khadi and Village Industries Board (Amendment) Bill 1963, on the ground that the Khadi and Village Industries Board failed to realise the loans advanced to persons and that there had been misappropriations of huge sums of money. The benefit of the Board was much less in comparison to the money invested by the Board. The Opposition felt that there was no necessity for piling up of auditors and accountants as no officer could improve the internal management of the Board. They suggested that instead of appointing an Accounts Officer, an enquiry committee should be set up to examine the working of the Board. Lakhmi Prasad Goswami (P.S.P.) wanted publication of annual progress reports of the Industries Department so that the members of the House could keep themselves informed about the stage of industrial development of the State. He suggested decentralising of the crafts taught in the Industrial Training Centre at Gauhati and for giving training and financial assistance to the refugees for undertaking cottage industries.

80. A.L.A.D., 25.3.63, pp. 1082-1083
81. ibid., p. 1080
82. A.L.A.D., 24.3.64, pp. 21-25
Chandra Barua (Ind) suggested the establishment of a separate Directorate for the Department of Cottage Industries. He regretted that the suggestions offered by the members of the House were not taken into consideration by the Department concerned. His other suggestions were that there should be a fixed time for granting loans to the applicants, a clear demarcation of work between the ministerial level and the secretariat level and that clear instructions should be given to the District Officers to deal with the industrial matters properly. The Opposition apprehended that the raw materials procured through permits were not fully utilised for the purpose for which they were bought and so suggested constitution of a committee to look into the working of the Department from time to time in order that there could be a continuous process of verification and checking up of the works of the Department. 83

Charan Narzary (P.T.C.) wanted improvement of the village industries and more provisions in the budget for the expansion of the consumer goods industries, processing industries and the handicrafts. He emphasised the development of the cottage industries as a source of employment for the village youths who were rendered unemployed due to the fragmentation of land holdings. 84

The following table shows the number of persons employed in the village industries during the period of our review, 1962-72.

83. ibid., pp. 26-27
84. A.L.A.D., 21.6.72, pp. 41-42
<table>
<thead>
<tr>
<th>Year</th>
<th>No. of persons employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>18,091</td>
</tr>
<tr>
<td>1962</td>
<td>22,576</td>
</tr>
<tr>
<td>1963</td>
<td>22,380</td>
</tr>
<tr>
<td>1964</td>
<td>22,984</td>
</tr>
<tr>
<td>1965</td>
<td>21,610</td>
</tr>
<tr>
<td>1966</td>
<td>22,111</td>
</tr>
<tr>
<td>1967</td>
<td>23,496</td>
</tr>
<tr>
<td>1968</td>
<td>23,055</td>
</tr>
<tr>
<td>1969</td>
<td>26,506</td>
</tr>
<tr>
<td>1970</td>
<td>28,193</td>
</tr>
<tr>
<td>1971</td>
<td>34,955</td>
</tr>
<tr>
<td>1972</td>
<td>35,577</td>
</tr>
</tbody>
</table>

Source: Annual Reports of the Assam Khadi and Village Industries Board, 1962-72
B. Social Legislation

1. (§) Prohibition of Opium

Sections of the people of Assam have been used to intoxicating drinks and drugs since ancient times. Though the exact date of its inception in the State is not known, poppy was cultivated in Assam for the first time during the reign of King Lakshmi Singh (1769-1780). Consumption of opium was then confined to the upper class of people only. After the Burmese invasion of 1816-17, consumption of opium spread to all sections of the society. We have it on the authority of Edward Gait that by 1793, opium was in fairly common use among three-fourths of the population including men, women and children. Excessive consumption of opium made the people weak and idle. In 1853 Maniram Dewan in his memorandum to Mills, a Judge of Sudder Dewanny and Nizamut Adalat, Calcutta, requested that sale of Government opium be stopped and cultivation of poppy be reduced gradually. Maniram Dewan may be regarded as the torch-bearer of opium prohibition in Assam. He hoped that after 20 years opium addiction would come to an end. Mills also felt the necessity of suppressing the cultivation of poppy. He wanted to keep sufficient Government opium for the consumption of

85. Gait, A history of Assam, pp. 381-382
86. Sarma, Maniram Dewan, pp. 154-55.

Maniram Dewan submitted eight points for the consideration of the Government on opium prohibition. They were - to stop sale of Government opium, to make a list of the opium eaters through the Mauzadars, to make a list of the disciples of the Mahantas and Gosains, to declare hospitality with opium to opium addicts as illegal, to excommunicate opium addicts by the society, to take annual report on the working of the Plan, to reduce cultivation of poppy and to punish if cultivation of poppy was done on a bigger scale.
the people at a higher price so that it could act as a deterrent to the excessive consumption of opium. This plan was started in 1860.

The Indian National Congress incorporated the programme of prohibition in its socio-economic programme as early as 1920. With the aim of implementing the programme of prohibition, opium and liquor shops were picketed throughout the period of Non-Co-operation Movements. At that time many people were die-hard addicts which caused unbearable economic hardship to their families. The available statistical data of that time shows that the consumption of opium was highest in Assam. The rate of consumption was 48.36 kg per 10,000 population in Assam. Even in some districts where the Assamese people were predominant, the rate of consumption was 160.89 kg per 10,000 population while the index figure of the League of Nations was only 5.58 kg per 10,000 population.

In 1924 the Assam Pradesh Congress Committee appointed the Opium Enquiry Committee under the Chairmanship of Mr C.F. Andrews. The Committee unanimously advocated prohibition of opium. It was the Committee's finding that the majority of opium addicts were at Sibsagar. In that district 220.41 kg of opium were consumed per 10,000 people annually.

In order to stop the social evil of opium addiction the legislature of Assam passed the first Act on Opium Prohibition in

88. Tendulkar, Mahatma, Vol. VI, pp. 19-20
89. As quoted by Dr G.S. Das, History of Prohibition of Assam, Souvenir, Eastern Zone Prohibition Workers' Conference, Guwahati, 1975, pp. 6-7
1925-26. Under the Act permits were given to the opium addicts on grounds of health. A survey of all the opium addicts was conducted in the province. Persons without permit were prohibited from taking opium.

By another Act passed in 1927, the smoking of opium was prohibited. In that year the number of opium addicts was 98,000. From 1928 onwards from each permit, allotment of one-tenth of the quota of opium was reduced. This system of permit-holding created and gradually widened the practice of black-marketing in opium.90 The coalition Ministry of Assam in 1939 ordered for the total prohibition of opium in Dibrugarh and Sibsagar sub-divisions. In that year the number of registered opium addicts in Assam was 30,366.91

Gopinath Bordoloi, the then Prime Minister for Assam wrote to Gandhiji about anti-opium drive of the Assam ministry. He wrote that the scheme of anti-opium drive had been a complete success in every way. The following is the text of his information to Gandhiji:

"That the whole of the scheme contemplated, operates in three different ways. Firstly, an organisation of local committees and volunteers in different centres whose main object is (1) to carry on propaganda, (2) to bring such addicts as will not willingly come from treatment to the treatment centres, and (3) to keep an eye on addicts falling a prey again to the habit through the activities of smugglers who are so plentiful and whose activities can

90. Das, Dr G.S., Abolish Opium (a booklet), p. 6
91. ibid., p. 7
hardly be controlled by the Excise Department unaided by local vigilance. The second part of the scheme is organization of medical centres in the areas. We have about 50 centres in which addicts are being treated. The treatment consists mainly in recouping in the system the deficiencies that are created by the use of opium. The medicines given are mainly Lecithin and Glucose. The third part of the scheme is vigilance, and it is here that we have to exercise our best judgment. Although it is only a month and twelve days since we inaugurated this scheme, you will be pleased to hear that at least 70 per cent of the addicts have already given up opium. By your blessings and of all well-wishers of the movement we feel that in three months' time the opium habit will be completely abandoned in the area where we have taken up the work. The result has heartened all workers, and we expect that the energy which has been so amply demonstrated in the work that has been done hitherto will be exhibited in an equal degree till the end. There is, however, one grave difficulty before us, and that is relapse that might come on some of the addicts if vigilance does not continue. For that purpose we are increasing our excise staff; and if the vigilance that has been exhibited by the local volunteers and workers remain, I hope addiction to the opium habit will be completely a thing of the past.

Undoubtedly, the province is fulfilling itself in this great work."92

In 1941 the Government of Assam closed down all opium shops excepting those in the hill districts. Many addicts were

92. Gandhi, Drink, Drugs and Gambling, pp. 135-136
In 1947 another Act was passed by the Assam Assembly on opium prohibition. Section 5 of the Act prohibited purchase, sale, storage and consumption of opium. It provided for a maximum period of six years of imprisonment and a fine of Rs 5,000.00 in case of violation of Section 5 of the Act. Under this Act the total prohibition of opium came into force from 1 April 1948. However, smuggling of opium from different parts of India like Uttar Pradesh, Madhya Pradesh, Rajasthan and Fatakani in N.E.F.A. made the programme of prohibition only partially successful. In 1962-63 a survey was conducted to ascertain the number of suspected addicts. In order to enforce the Opium Prohibition Act of 1947, the Deputy Commissioner of Excise was designated as Prohibition Commissioner. Prohibition Committees were constituted in all the treatment centres for assisting the Prohibition Commissioner in enforcing opium prohibition. The Assam Assembly passed a resolution in 1949 regarding the restriction of opium cultivation. On the basis of this resolution and the pressure of the Government of Assam the Central Government of India restricted cultivation of opium in Assam. The following table shows the number of cases detected and quantity of opium seized during the period of our review.

93. Starred Question No. 37, A.L.A.D., 10.3.66, p. 500
94. Unstarred Question No. 38, A.L.A.D., 10.3.66, pp. 501-502
### Table No. 9

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of cases detected</th>
<th>Quantity of opium seized</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962-63</td>
<td>709</td>
<td>156.886 kg</td>
</tr>
<tr>
<td>1963-64</td>
<td>816</td>
<td>118.972 kg</td>
</tr>
<tr>
<td>1967-68</td>
<td>16</td>
<td>189 kg</td>
</tr>
<tr>
<td>1968-69</td>
<td>119</td>
<td>290 kg</td>
</tr>
<tr>
<td>1969-70</td>
<td>176</td>
<td>202.989 kg</td>
</tr>
<tr>
<td>1970-71</td>
<td>161</td>
<td>*87.089 kg</td>
</tr>
</tbody>
</table>

*Note: Figures for the remaining years are not available.*

**Source:** State Prohibition Council, Assam

### (11) Prohibition of Liquor

Addiction to liquor is a social problem. Right from 1920 this problem attracted the attention of the Indian National Congress. However, many members of the Congress accepted prohibition as a potent weapon against imported liquor and only a few on moral grounds. Mahatma Gandhi took a very serious view of the social evil of addiction to liquor. He asked the Swarajists to make total prohibition an important plank in their campaign and appealed to the country men to stage picketing in front of liquor shops. He asked Congress workers and specially the women to campaign against liquor addiction in the villages. In 1937 he instructed the Ministers to enforce immediate prohibition.95

95. Tendulkar, Mahatma, Vol. IV, pp. 19, 117
After independence this problem was sought to be tackled through the Constitution and the Five Year Plans. Article 47 of the Constitution of India relates prohibition to the improvement of public health. It means that consumption of all intoxicating drinks and drugs injurious to health is to be prohibited except for medicinal purposes. In the light of Article 47 prohibition has an intimate connection with the standard of living of the people for the simple reason that most of the people live behind the poverty line.

On 5 April 1954 the Working Committee of the Indian National Congress adopted a resolution to evolve a national programme for the fulfilment of the Directive Principles of the Constitution. The Indian Parliament also adopted a unanimous resolution on 31 March 1956 to make prohibition an integral part of the Second Five Year Plan. It recommended that the Planning Commission should formulate necessary programmes to bring about nation-wide prohibition speedily and effectively.

The Second Five Year Plan accordingly gave six directions to the State Governments. These directions were - (1) Discontinuing advertisement relating to drink; (2) Stopping of drinking in public premises; (3) Setting up of technical committee to draw up phased programme regarding: (a) reducing progressively the number of liquor shops; (b) closing of liquor shops; (c) reducing progressively strength of distilled liquor; (d) closing of shops in and around specified industrial and living quarters in towns and villages; (e) removing of shops to places away from the main streets; (4) Taking active steps to encourage and promote the production of cheap and healthy soft drinks; (5) Assisting
voluntary agencies in organising recreation centres and (6) inclusion of prohibition as an item of constructive work in National Extension and Community Project areas and Social Welfare extension projects. However, the programme of prohibition made a very slow and insignificant progress during the Second Five Year Plan. The Third Five Year Plan suggested that to make this social programme successful the Central Government should agree to reimburse 50 per cent of the actual losses in revenue for a period of 5 years. Under this Plan a Central Committee was set up to review the progress of prohibition.

A special conference of all the Chief Ministers of the Indian Union was held at New Delhi in 1962 and as a follow up measure, an expert committee was appointed with Justic Tek Chand, a retired Judge of the Punjab High Court as the Chairman of this study team.

Total prohibition exists, at present, only in Gujarat and Tamilnadu. Maharashtra and Karnataka relaxed various rules in the name of 'rationalisation'. The Governors' Conference of 1972 suggested that prohibition should be reintroduced effectively as a nation-wide programme.

**Liquor Prohibition in Assam**

The Assam Legislative Assembly passed the first Act on liquor prohibition in 1952 and accordingly Kamrup, Goalpara and Nowgong districts were declared dry areas. Under this Act prohibition was enforced at Barpeta with effect from 1 March 1953, at

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96. Narayan Sriman, Is Prohibition a Gandhian Fad? The Assam Tribune (Gauhati), 31 August, 1975
North Kamrup from 2 October 1954, at South Kamrup from 26 January 1956, at Nowgong from 1 April 1960 and at Goalpara from 1 April 1962. This Act was amended in 1963 with the aim of punishing anyone found in a drunken state in a prohibited area. It also provided for minimum punishment to be inflicted for contravening the provisions of the Act and, relaxation of prohibitory measure in respect of foreign nationals working in Assam, visiting foreign dignitaries, foreign tourists and army personnel stationed at prohibited area. The amended Act also regulated the consumption of liquor by the permit-holders.

However, this Act could not bring about the desired result. Some of the ruling party members as well as of the Opposition were one in holding the opinion that the Government itself was responsible for the ineffective implementation of the Act. The Opposition members who spoke in support of the cut motion accused the Government of encouraging drinking instead of enforcing prohibition in an effective way. They contended that absence of a definite policy in this regard and absence of vigilance in the prohibited areas were mainly responsible for the failure of the Act. Further, the Opposition pointed to the practice of selecting sites for the establishment of liquor shops. They held that formerly the Government used to take the views of the leading people of the locality and of the Local Boards in selecting sites for establishing liquor shops. The shops were allowed to be established at a distance of

97. The Major Batori (Gauhati), 1 January 1976

98. Discussion on Cut-motion, under Grant No. 3, Major head 22 '10 State Excise Duties', A.L.A.D., 20.3.64, pp. 13-28
3 miles from the town. This practice was abandoned. Under the new practice the lessee selected the site on his own initiative and then the Government would accord approval on the selection of the site. This practice resulted invariably in the selection of sites at the heart of the town ignoring the earlier 3 miles distance from the town. The Opposition suggested that the responsibilities of the Excise Department should be placed under the control of a single Minister and a single Excise Commissioner and that the programme of prohibition should be extended to other districts of Assam.

The members of the ruling party who took part in that discussion while opposing the out motion said that the Directive Principle laid down in the Constitution was not taken seriously by the Government. Dr Ghanashyam Das (Cong) stated from his personal experience as the Chairman of a Local Prohibition Committee that though the committee pressed the Government for conducting effective propaganda on prohibition nothing was done for the last three years. He pointed out that some other maladies like liberal issue of licences by the medical officers had spread the evil even to the student community. Further, he said that the part played by the field workers also frustrated the enforcement of the scheme. These workers were widely alleged to indulge in the practice of taking the initiative of giving prior information to the illicit distillers about the proposed visit of the raiding party with the result that very little was found to punish the offenders in accordance with the law. The member suggested the enforcement of a programme for the observance of a prohibition week under the guidance of the Central Prohibition Organisation and amendment of the Prohibition
Act to stop the system of issuing licences. The Minister-in-charge, Excise, Baidyanath Mookherjee, in his reply admitted the failure of the Assam Distilleries to supply country spirit and also the existence of some 'benamdars'. He assured the House that the suggestions offered by the members would be given due consideration. He sought the co-operation of the members in making the programme of prohibition a success.

During the period of our review the policy of the Government was to implement liquor prohibition throughout the State in a phased manner covering the remaining wet districts of the State. In all the prohibited areas prohibition committees were constituted with officials and non-officials to mobilise public opinion. Two Liquor Prohibition Organisers were appointed to carry on propaganda in the three dry districts of Kamrup, Goalpara and Nowgong. This was done by exhibiting cinema shows, holding meetings and distributing pamphlets in local languages on prohibition. A sum of Rs 23,382.00 was spent annually in the three districts for propaganda work. Steps were taken to reduce the number of permit-holders since total prohibition was not considered possible. The Government placed a propaganda van for the purpose of use by the field staff. However, the provision of a single van was inadequate considering the vast area of field work. The scheme was carried on and cases of illicit distillation were detected. For example, in a single district, i.e., Goalpara, cases detected during a period of three years were as follows:

99. Unstarred Question No. 24, A.L.A.D., 25.9.64, p. 64
<table>
<thead>
<tr>
<th>Year</th>
<th>Cases Detected</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962-63</td>
<td>..</td>
<td>954</td>
</tr>
<tr>
<td>1963-64</td>
<td>..</td>
<td>902</td>
</tr>
<tr>
<td>1964-65</td>
<td>..</td>
<td>429</td>
</tr>
</tbody>
</table>

In order to change the drinking habit of the people the Government took certain steps like appointment of one Honorary Liquor Prohibition Organiser to carry out propaganda work, formation of committees for the same purpose in different places of the district and, posting of Enforcement Staff to stop illicit distillation.  

However, instead of lower consumption, let alone prohibition, the demand for liquor went up in districts like Lakhimpur. Therefore, the Opposition members in the House advocated scrapping of the policy of prohibition. Their view was that the programme of prohibition was nothing but a mockery and that it drained away a good part of the revenue from the public exchequer. They regretted the exclusion of the labour population of Sibsagar and Lakhimpur from the purview of the Prohibition Act. Dulal Chandra Barua (Ind) referring to the cases detected under the Act, said that from 1960 to 1966, within a period of six years, the number of cases detected was 30,150 only and out of these cases 4,300 persons only were convicted. Others were released for want of sufficient evidence. The member regarded it as inefficiency on the part of the machinery of detection. The Opposition pointed out that the annual expenditure on enforcement programmes amounted to

100. Unstarred Question No. 143, A.L.A.D., 6.4.65, p. 167
101. Starred Question No. 30, A.L.A.D., 10.3.66, p. 498
Rs 32,25,274.00 and the revenue losses amounted to Rs 2,42,08,08/-
Hence, on this ground the Opposition advocated scrapping of the
policy of prohibition. They criticised the apparent policy of
double standard pursued by the Government, that of seeking to
enforce prohibition on the one hand and establishing a distillery
through the Co-operative Department. The Minister-in-charge
Excise, stated that the distillery was started by the Assam Sugar
Mills Ltd. at Barua Bamungaon on 27 June 1969 with the hope that
the products of the distillery would replace the similar quantity
of spirit being brought from outside the State and that this would
in no way clash with the prohibition policy. He further stated
that the Government adopted only a partial prohibition policy in
the State.

The Assam Liquor Prohibition Act 1952 was amended further
in 1970. This Act was passed on the basis of recommendations of
the Study Team headed by Justice Tek Chand. The Act provided for
allowing 5 per cent alcoholic content in liquor in the dry areas.
By this provision the activities of the illicit distilleries were
sought to be counteracted. The Act was aimed at weaning away people
from hard drink by degrees so that it could ultimately lead to
enforcement of total prohibition. The Act also provided for issuing
licences on grounds of health on the recommendations of a Board.
However, the Opposition opposed the introduction of the Assam Liquor
Prohibition (Amendment) Bill 1970 on the ground that it would not
be possible to detect alcoholic content in a beverage whether it
was 5 per cent, 10 per cent or 50 per cent. Their contention was

103. Starred Question No. 61, A.L.A.D., 19.3.68, p. 1
that the Bill would encourage indiscriminate drinking and hence all the existing prohibition measures should be scrapped. Moreover, under the system it was open to 90 per cent addicts to get necessary certificates from the Civil Surgeons. During the consideration stage of the Bill also the Opposition emphasized complete scrapping of prohibition on the ground that the programme of prohibition entailed a loss of Rs 15 crores annually. They regarded the Bill as a farce on the ground that the Bill would provide for free sale of beverages with the so-called 5 per cent alcoholic content. Altogether twelve members of the House took part in the discussion. The Minister concerned while replying to the points raised admitted that the scheme of prohibition failed partially. However, the Bill of 1970 was introduced to include the recommendations of Tek Chand Committee. The Committee opined that people needed some sort of intoxication. So it suggested a phased programme of bringing down the alcoholic strength gradually.

An assessment of the State's prohibition programme

In Assam it was difficult to implement prohibition as her neighbouring States like Bhutan, Burma and Pakistan did not impose similar restrictions. From these States regular supply of smuggled liquor easily came to Assam and so attempts to check smuggling had not been completely successful. The Government of Assam instead of adopting a policy of total prohibition, adopted a four-phased programme of reducing the alcoholic strength to only 5% by the last phase in accordance with the recommendations of the

104. A.L.A.D., 27.4.70, pp. 46-47
Tek Chand Committee. The first phase started from 1 April 1970. In the districts of Kamrup, Goalpara and Nowgong the policy of total prohibition was adopted. In the wet districts restrictive measures were taken in order to pave the way for gradual introduction of prohibition in the whole State. With the aim of discouraging the consumption of liquor, the rates of both foreign and country liquor and the retail sale price of the country spirit had been increased. To generate a suitable climate for progressive promotion of prohibition it was proposed to strengthen the non-official prohibition organisations to enlist greater public support and co-operation to the cause. In 1968 under the auspices of the Gauhati Centenary Celebration Committee, Assam, a seminar on prohibition was organised at Gauhati. A non-official prohibition council was constituted with Nilmoni Phookan as its President. The International Prohibition Conference held at New Delhi in 1970 was attended by twelve delegates from Assam.

Throughout the period under survey educative booklets on prohibition were circulated particularly in the interior labour and tribal areas of Assam. In 1973 an Eastern Zone Prohibition Workers' Conference was held at Gauhati. The cause of prohibition was sought to be promoted also through the holding of conferences and seminars and bringing the results of such discussions to the knowledge of the members of the public. In 1974 a Statutory State Prohibition Council was constituted by the Government of Assam to

carry on the prohibition work by means of establishing a net-work of organisations in the Sub-divisional, Block, Town and Gaon Sabha level for the eradication of opium, liquor and ganja.  

The following table shows the number of liquor cases detected in 1962-72:

Table No. 10

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of illicit distillation cases detected</th>
<th>No. of consumption cases detected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966-67</td>
<td>2505</td>
<td>2104</td>
</tr>
<tr>
<td>1967-68</td>
<td>2032</td>
<td>1484</td>
</tr>
<tr>
<td>1968-69</td>
<td>1062</td>
<td>1625</td>
</tr>
<tr>
<td>1969-70</td>
<td>1159</td>
<td>1398</td>
</tr>
<tr>
<td>1970-71</td>
<td>1353</td>
<td>973</td>
</tr>
<tr>
<td>1971-72</td>
<td>1354</td>
<td>835</td>
</tr>
</tbody>
</table>

Note: *Figures for the remaining years are not available.

Source: Assam State Prohibition Council, Assam

(iii) Prohibition of Ganja and Bhang

The Assam Ganja and Bhang Prohibition Act was passed in 1958. Consumption of Ganja and Bhang was prohibited from 1 April 1959 throughout Assam. The following table shows the number of

108. Das, Dr G.S., History of Prohibition in Assam, cited above, p. 9
Table No. 11

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cases detected</th>
<th>Quantity of contraband Bhang and Ganja seized</th>
</tr>
</thead>
<tbody>
<tr>
<td>1967-68</td>
<td>25</td>
<td>1139 kg</td>
</tr>
<tr>
<td>1968-69</td>
<td>98</td>
<td>476.475 kg</td>
</tr>
<tr>
<td>1969-70</td>
<td>406</td>
<td>400.124 kg</td>
</tr>
<tr>
<td>1970-71</td>
<td>350</td>
<td>777.691 kg</td>
</tr>
</tbody>
</table>

Note: *Figures for the remaining years are not available.

Source: State Prohibition Council, Assam

Prohibition is a must for the economic betterment of the poorer and more vulnerable segments of the population of Assam. Legislation and the machinery to give effect to the legislation may solve only a part of this gigantic problem. A permanent solution will require popular co-operation in a substantial measure. Unless the people are fully conscious of the evil of drunkenness, total prohibition cannot be expected to be successful.
(2) Elementary Education

Article 45 of the Constitution of India states: 'The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.' In order to implement this constitutional provision, the Assam Legislative Assembly passed the Basic Education Act, 1954. Prior to the passing of this Act two other Acts were passed regarding elementary education in Assam. One of them was the Primary Education Act, 1929 and the other was the Primary Education Act, 1947. The Act of 1929 was passed to provide for facilities for the introduction of compulsory primary education in Assam. However, this Act was not enforced in any area of Assam. The Primary Education Act, 1947, was passed to introduce free, compulsory primary education in Assam in gradual stages. It sought to introduce compulsory primary education in certain selected areas and then to extend it to the whole of Assam in gradual stages. Under this Act compulsory primary education was enforced in selected areas of Assam with effect from 1 February 1949. Only a few schools were maintained by the Government of Assam directly. The schools in the Hills districts were managed by the District Councils and those in the Plains districts by the School Boards. The Tea Industry managed the tea garden schools.

In 1954 the Basic Education Act, 1954 was passed as the Government accepted basic education as its future pattern of education.

elementary education. This Act sought to introduce universal, free and compulsory basic education in Assam in gradual stages. Five Basic Training Institutions were established for training primary school teachers. At the end of 1956 there were trained teachers. The number of elementary schools was around 13,500 with a total enrolment of about 7,62,000 students. At the end of 1961, there were about 17,000 schools with an enrolment of about 11,50,000 students. During the Second Five Year Plan, 1956-61, the basic system of education was accepted as the national pattern of elementary education and during this Plan period the scheme for gradual conversion of elementary schools into basic pattern was taken up. The number of schools converted into the basic pattern was 1500 and trained teachers numbered 10,000. However, the Basic Education Act 1954 failed to make primary education compulsory in the State. This Act was repealed by the Assam Elementary Education Act, 1962.

The Assam Elementary Education Act, 1962, aimed at associating the Gaon Panchayats and other local authorities with the management of elementary schools. It also sought to implement the constitutional provision by giving the Autonomous District Councils powers to manage elementary education in all its aspects in their respective areas. It was also necessary to make adequate provision to ensure better supervision over elementary schools, and to raise their standard by proper training of the teachers.

110. Basic education is conventional education plus orientation of social service.

111. The First Five Year Plan : A Review 1951-56, p. 37

112. The Second Five Year Plan : A Review 1956-61, p. 6
The Basic Education Act, 1954, did not provide fully for all such matters and therefore, in order to achieve this end, the Assam Elementary Education Act, 1962, was passed. This Act came into force with effect from October 1962. Under this Act some changes took place in the sphere of primary education, viz., conversion of primary schools to the basic pattern, expansion of training facilities for the teachers of the elementary schools and naming of the State Basic Education Board as the State Elementary Education Board. In order to implement the provisions of the Act of 1962, 1200 primary school teachers were appointed, 50 training centres were arranged for the teachers, 31 pre-primary classes attached to primary schools were started and 26 Sub-Inspectors of schools were appointed. Five members of the Assembly were elected to the State Board of Assam Elementary Education. This Board took over the primary schools in the tea garden areas of Cachar and Sibsagar districts. For the improvement of the primary schools all over the State and to have model primary schools in every town and important area in Assam, special grants-in-aid were given to a number of schools at Guwahati and Barpeta where the teachers were qualified and were recipients of national awards. The following table shows the

116. The members were elected under the provision of Section 4(1) (viii) of the Assam Elementary Education Act, 1962.
117. A.L.A.D., 20.2.66, p. 15
118. A.L.A.D., 26.3.64, pp. 79-81
number of elementary schools, Deputy Inspectors and Sub-Inspectors of schools of Assam in 1964:

Table No. 12

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Names of schools etc.</th>
<th>Total No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Recognised primary schools</td>
<td>1,027</td>
</tr>
<tr>
<td>2.</td>
<td>Unrecognised Primary schools</td>
<td>32</td>
</tr>
<tr>
<td>3.</td>
<td>Deputy Inspector of schools</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Additional Deputy Inspector of schools</td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>Sub-Inspector of schools</td>
<td>10</td>
</tr>
<tr>
<td>6.</td>
<td>Assistant Sub-Inspectors of schools</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Unstarred Question No. 280, A.L.A.D., 16.11.64, p. 995

In the year 1964, out of 18,000 schools, about 2,000 were converted to basic pattern. During 1961-66, the Third Plan period, the number of primary junior basic schools rose from 16,879 to 18,928; enrolment rose from 10.93 lakhs to 12.49 lakhs. Under the scheme for improvement of the pay scales and equalisation of Dearness Allowance, 29,426 teachers were benefited. The number of elementary school teachers deputed for training in Senior Basic Course was 1895. In this period about 10,000 Scheduled Castes and Scheduled Tribes students were benefited under the fee compensation scheme. 119 During the Ad hoc Annual

119. The Third Five Year Plan, 1966-69, p. 62
Plan period, 1220 stipends were given for training of the teachers of the elementary schools. 120

The members of the ruling party, however, felt that before launching of compulsory primary education, the venture schools started at the people's initiative should be taken over by the Government. For instance, Devendra Nath Sarma (Cong) held that in the absence of this step, compulsory primary education would be meaningless. 121 Sarat Chandra Goswami (Cong) laid stress on the improvement of the standard of primary schools and suggested conversion of one-teacher schools to two-teacher schools. Joy Bhadra Hagjer (Cong) emphasized supervision over the primary schools. 122 The ruling party members also suggested introduction of compulsory free primary education in the tea gardens of Assam and establishment of schools in the backward areas. 123 They regretted that though the number of the Sub-Inspectors was increased, elementary education did not improve as was expected. It was alleged that this could happen because the Sub-Inspectors of schools did not reside within the Block. 124 Sarat Chandra Goswami (Cong) suggested that a survey of the lower primary schools be conducted to assess the requirement of additional teachers and the needs for grants-in-aid for additional teachers. 125

120. Ad hoc Annual Plans, 1966-69, p. 15
122. A.L.A.D., 17.3.64, pp. 32-34
123. A.L.A.D., 26.3.64, pp. 43-44
124. A.L.A.D., 26.3.64, p. 42
125. A.L.A.D., 5.3.66, p. 455
The Opposition members of the Assembly laid emphasis on the appointment of qualified teachers in the lower primary schools. They also laid stress on making an assessment of the existing schools in order that there could be proper distribution of schools all over the State. For instance, Dulal Chandra Barua (Ind) suggested the appointment of a committee to examine the distribution of schools throughout the State. He also emphasized the establishment of training institutes in the State to improve the quality of the teachers. Rathindra Nath Sen (Ind) drew the attention of the Government to the deteriorating conditions of the lower primary schools almost everywhere in the State for which the teachers and the students had to face difficulties. Faladbar Uzir (P.S.P.) urged upon the Government to raise the salary of the primary school teachers.

The Assam Elementary Education (Amendment) Bill, 1967, was introduced in the Assembly on 14 June 1967. The Bill sought to validate the orders of the Assistant Secretary of the Board of Elementary Education with retrospective effect under which about 1200 teachers were dismissed which was declared invalid by the Supreme Court on a technical point. The State Board of Elementary Education was constituted under the Assam Elementary Education Act, 1962. The Board as a measure of policy decided to terminate the services of some primary school teachers who had no required qualification, laid down by the Board in the best interest of elementary education in the State. The Act of 1962, however, did not clearly define the power of any authority

126. A.L.A.D., 16.3.65, p. 1253
to issue the order terminating the services of the teachers appointed under the Assam Basic Education Act, 1954, and the Assam Primary Education Act, 1947. As such, the orders passed by the Assistant Secretary was found to be not in order when the matter was taken up to the Supreme Court of India. To validate the action taken by the Assistant Secretary inasmuch as the action was in conformity with the decision taken by the State Board of Elementary Education, the amendment Bill was introduced.¹²⁷ The Opposition members of the House opposed the introduction of the Bill as they thought that the privilege of the House was being misused through the Bill. They also thought that it tried to offend fundamental principles, validating an invalid act with retrospective effect. Dulal Chandra Barua (Ind) said that the Bill was unacceptable and he tore the Bill into pieces. Phani Bora (C.P.I.) asked the legislature not to be a party to the 'sin',¹²⁸ Bimala Prasad Chaliha (Chief Minister) made a statement to the effect that neither the Supreme Court nor the High Court in their judgements said anything about retaining the unqualified teachers. The Bill was introduced as 62 members supported the motion of its introduction against 35 opposing it. As a mark of protest the Opposition walked out of the House.¹²⁹ Uproarious scenes marked the walk out when the Opposition lost the voting. The Opposition members threw torn pieces of the Bill while one of its members, Hiralal Patwary (Ind) in his excitement dashed towards the Treasury Benches shouting 'This Government will be

¹²⁷. A.L.A.D., 14.6.67, p. 30
¹²⁸. A.L.A.D., 14.6.67, p. 51
¹²⁹. A.L.A.D., 14.6.67, p. 55
completely smashed'. Two other members, Phani Bora (C.P.I.) and Maulvi Mussawir Choudhury (Ind), pulled him back. The Speaker, Hareswar Goswami, used the paper weight to thump on the table continuously in addition to requests to the members to restore order. He chided the Opposition by saying that theirs was not the correct method in trying to oppose a Bill. However, the Bill was passed in August 1967. Another amendment to the Assam Elementary Education Act 1962 was made in 1968. Through this amendment the Assam State Elementary Education Board was made more representative and broad-based. It also wanted to change the character of the Advisory Board at the Sub-Divisional level for better management and control of elementary education.\(^{130}\) Jadunath Bhuyan (Cong) proposed to refer the Bill to a select committee and it was done. Dulal Chandra Barua (Ind) moved an amendment to circulate the Bill for eliciting public opinion. He alleged that the Government aimed at handling the education system in the lower level by men belonging to the party in power by means of nomination to the Mahkuma Parishad and the Sub-Divisional Boards.\(^{131}\) He suggested that the matter be left at the hands of the educationists. This amendment was lost by voice vote.\(^{132}\) Under this amended Act, the Assam Elementary Education Board was reconstituted on 3 October 1970. The Board took over 637 venture lower primary schools in 1971-72. The following table shows the district-wise break-up of the schools.

\(^{130}\) A.L.A.D., 28.8.68, p. 32

\(^{131}\) A.L.A.D., 10.9.68, pp. 73-75

\(^{132}\) Ibid., p. 75
Table No. 13

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Names of district</th>
<th>Total No. of schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Goalpara</td>
<td>95</td>
</tr>
<tr>
<td>2.</td>
<td>Cachar</td>
<td>75</td>
</tr>
<tr>
<td>3.</td>
<td>Kamrup</td>
<td>111</td>
</tr>
<tr>
<td>4.</td>
<td>Nowgong</td>
<td>59</td>
</tr>
<tr>
<td>5.</td>
<td>Sibsagar</td>
<td>80</td>
</tr>
<tr>
<td>6.</td>
<td>Darrang</td>
<td>57</td>
</tr>
<tr>
<td>7.</td>
<td>Dibrugarh</td>
<td>107</td>
</tr>
<tr>
<td>8.</td>
<td>Lakhimpur</td>
<td>49</td>
</tr>
</tbody>
</table>

Source: Starred Question No. 101, A.L.A.D., 9.11.71, p. 3

The period of our survey shows that primary education expanded gradually in the State so much so that by 1972, at the primary stage an increasing number of schools was taken over by the State Board of Elementary Education. The schools in the tea garden areas were being progressively brought under the Elementary Education Board following a Government policy in this regard.

The training facilities for the teachers were increased and workshops and seminars were conducted. The following table shows the progress of elementary education in Assam in the period of our survey.

133. A.L.A.D., 5.6.72, p. 26
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Middle School (M.V.M.E. etc.)</td>
<td>2794</td>
<td>3092</td>
<td>3093</td>
<td>315446</td>
<td>372446</td>
</tr>
<tr>
<td>Senior Basic School</td>
<td>17075</td>
<td>17725</td>
<td>72</td>
<td>62</td>
<td>45129</td>
</tr>
<tr>
<td>Primary and Junior Basic School</td>
<td>17075</td>
<td>18030</td>
<td>18040</td>
<td>1284292</td>
<td>1311386</td>
</tr>
<tr>
<td>Pre-primary School</td>
<td>61</td>
<td>72</td>
<td>66</td>
<td>62</td>
<td>1394752</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1398796</td>
</tr>
</tbody>
</table>

Source: Department of Economics and Statistics, Government of Assam
The Assam Assembly passed a legislation for the employees of the shops and other establishments of Assam. The first legislation in this regard was passed in 1948. The Assam Shops and Establishments Act, 1948, provided for and regulated the holidays, payment of wages, and leave of persons employed in shops, commercial establishments for public entertainment or amusements and the hours of work of persons so employed. Some of the important provisions of the Act were as follows:

1(3) - "It shall apply in the first instance to the municipalities of Dhubri, Gauhati, Tezpur, Nowgong, Jorhat, Dibrugarh and Silohar as declared or constituted under the provisions of the Assam Municipal Act, 1923, and to the Dominion of India portion of the Khasi and Jaintia Hills District, other than that declared to be a Partially Excluded area by the Government of India (Excluded and Partially Excluded Areas) Order, 1936 and thereafter it would apply to such other areas, or to such shops, commercial establishments or establishment for public entertainment or amusement in such other areas as the Provincial Government may, by notification, specify."

6 - "No child shall be employed in any shop, commercial establishment, or establishment for public entertainment or amusement."

7(1) - "Every shop shall be closed on one day in each week."

8(2) - "No person employed in a shop shall be required or permitted to work in such shop for more than nine hours in any
one day and more than fifty hours in any one week, and after the hour of seven O'clock post meridiem."

11(1) - "No person employed in any establishment for public entertainment or amusement shall be required or permitted to work in such establishment for more than ten hours in one day."

13 - "Every person employed in a shop, commercial establishment or establishment for public entertainment or amusement shall be entitled -

(a) after every 12 months' continuous employment, to privilege leave on full pay for a total period not exceeding 16 days;

(b) in every year, to casual leave on full pay for a total period not exceeding ten days; and

(c) after every 12 months' continuous employment, to leave on medical certificate on half pay for a period not exceeding one month, such certificate to be provided by a registered practitioner as defined in clause (b) of Section 2 of the Assam Medical Act 1916."

15(1) - "Every shop-keeper and employer of an establishment for public entertainment or amusement shall for the purposes of this Act maintain such records and registers, and display such notices as may be prescribed."

16(1) - "The Provincial Government may, by notification, appoint such persons or such class of persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively."
18(1) - "Whoever, being an employer or shop-keeper, contravenes any of the provisions of Section 7, 8, 9, 10, 11 shall, on conviction, be punishable with fine which, for a first offence, may extend to Rs 250 and, for a second or any subsequent offence, may extend to Rs 500/-.

The Shops and Establishments Act 1948 was amended in 1964. The amended Act incorporated the recommendations of the 46th session of the International Labour Conference held in the month of June 1962 in Geneva. One of the important recommendations of the International Labour Organisation was that where the duration of the normal working hours in a week exceeded forty-eight hours, immediate steps should be taken to bring it down to this level without reduction in the wages of the workers. The Government of India while forwarding this recommendation gave its opinion in favour of amending other existing Acts on the lines of recommendation of the International Labour Conference. With the aim of implementing this recommendation of the International Labour Conference, hours of work both in the shops and establishments as contained in Section 8(2) and Section 11(1) of the Assam Shops and Establishments Act 1948 were required to be reduced. However, it was considered expedient to reduce the working hours in shops by the amended Act of 1964.

In 1971, as amended the Assam Shops and Establishments Act was passed. This Act was aimed at consolidating and amending the law relating to the regulations of conditions of work and employment in shops and commercial establishment and establishments

134. The Shops and Establishments (Amendment) Bill, 1964
for public entertainment or amusement in the State of Assam. Under this Act, no employee in any establishment could be required or allowed to work for more than eight hours in any day and forty-eight hours in any week.\textsuperscript{135} Section 8 of the Act provided that the period of work of an employee in an establishment each day would be so fixed that no period continuously would exceed four hours and that no person would work for more than four hours before he had an interval for rest of at least one hour.

Another important provision of this Act was that no child would be required or allowed to work in any establishment except as an apprentice in such employment as specified by State Government.\textsuperscript{136} The Act forbade the employment of women or any person who had not attained the age of seventeen as an employee or otherwise in any establishment before 6 A.M. or after 7 P.M.\textsuperscript{137}

The Act came into force in all the shops and establishment of Assam from 1971.

The workmen employed in shops and establishments came to derive real benefits under the Assam Shops and Establishments Act. Prior to the passing of the Act there was no law regulating holidays, payment of wages and leave of absence of the persons employed in shops and commercial establishments. Further, the working hours of such employees were not fixed. This Act, thus, went a long way in providing for humane conditions of work. This was an important piece of social reform benefitting the concerned section of workmen.

\begin{itemize}
  \item \textsuperscript{135} Section 6 of the Assam Shops and Establishments Act, 1971, p. 7
  \item \textsuperscript{136} Section 19, ibid., p. 13
  \item \textsuperscript{137} Section 13, ibid., p. 13
\end{itemize}
The legislature of Assam passed certain Acts for the benefit of the working women. The aims of these Acts were to provide for certain social and economic benefits for women working in factories, plantations and other establishments. The first Act in this regard was passed as early as 1944 by the legislature of Assam. The Act was known as the Assam Maternity Benefit Act, 1944. The Act regulated the employment of women workers on a wage or salary basis before and after child birth and provided for the grant to them maternity benefits. Some of the important provisions of the Act are:

3. "After this Act comes into force -

(1) no employer shall knowingly employ a woman in any employment during the four weeks immediately preceding the day of her delivery save upon such suitable light work as may be recommended by the medical practitioner.

(2) no employer shall knowingly employ a woman in any employment during the eight weeks immediately following the day of her delivery.

(3) no woman in receipt of maternity benefit shall work under any employer during the eight weeks immediately following the day of her delivery.

(4) if a woman works in any employment for which she receives wages or remuneration during the period of eight weeks following the date of delivery, she shall be liable, on conviction, to a fine not exceeding ten rupees."
4(1) - "Subject to the provisions of this Act, a woman who is employed during the period of four weeks immediately preceding or any period following the four weeks (immediately following the date of delivery) over which the maternity benefit may be spread, shall receive the maternity benefit due under this Act, in respect of such periods in addition to her earnings, if any."

11(1) - "When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence."

The Assam Assembly in 1963 made an amendment to the Maternity Benefit Act (Central Act No. 53 of 1961) by the Maternity Benefit (Assam Amendment) Act 1963 (Assam Act XII of 1964). It prohibited the working by a woman in any establishment during eight weeks immediately following the day of her delivery or miscarriage instead of six weeks as provided in Sections (1) and (2) of Section 4 of the principal Act. By the amended Act the payment of benefit in case of death of the woman and the child was provided.

The Maternity Benefit Act wanted to give relief to the working women by giving them benefit of pay and leave during their period of confinement. The legislation was designed to provide for the care of the expectant and nursing mother and the child.
The Assam Children Act 1970 was passed in order to provide for the care, protection, maintenance, health, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the State of Assam. This was because of the fact that with the growth of knowledge about child psychology and behavioural problem of children, the idea of giving special treatment to juvenile offenders was fast developing. The existing criminal codes and laws did not provide adequately for such treatment to those who as a result of crisis and conflict of growth and development, develop delinquent traits. Similarly, the neglected child, including child beggars, victimised children or children whose parents or guardians were unfit or unable to exercise proper care and control over them needed to be looked after. For all these purposes, the necessity of enacting a separate children's Act for Assam was felt for a long time and in 1970 the Assam Children Act was passed. The main object of the Act was to provide for the method of treatment of the neglected and delinquent children.

138. 'Neglected' child means a child who -

(i) is found begging; or

(ii) is found without having any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or

(iii) has a parent or guardian who is unfit to exercise or does not exercise proper care and control over the child; or

(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other persons who leads an immoral, drunken or depraved life; The Assam Children Act, 1970, p. 3

139. 'Delinquent Child' means a child who has been found to have committed an offence; ibid., p. 9
problems of these categories of children were basically different from one another, it was necessary to have separate machinery as well as institutions for their treatment and training, and these were accordingly provided for in the Act of 1970.

Section 4(1) of the Act provided that 'the State Government may, by notification in the official Gazette, constitute for any area specified in the notification, one or more Child Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected children under this Act.' Section 4(3) provided that 'the Board shall function as a bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1898, on a Magistrate of the First Class.'

Section 5(1) of the Act provided that 'notwithstanding anything contained in the Code of Criminal Procedure, 1898, the State Government may, by notification in the official Gazette, constitute for any area specified in the notification, one or more Children's Courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to delinquent children under this Act.'

Section 7(2) of the Act provided that 'where no Board or Children's Court has been constituted for any area, the powers conferred on the Board or the Children's Court by or under this Act shall be exercised in that area, only by the following, namely,

(a) the District Magistrate; or
(b) the Sub-Divisional Magistrate; or
(c) any Magistrate of the First Class.'
Section 9(1) of the Assam Children Act 1970 provided for the establishment and maintenance of 'as many Children's Homes as may be necessary', by the State Government, for the reception of neglected children under the Act. 'Every Children's Home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education, protection and promotion of health, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed.'

Section 10(1) of the Act provided for the establishment and maintenance of 'as many Special Schools as may be necessary for the reception of delinquent children under this Act.' 'Every Special School to which a delinquent child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for the education, protection and promotion of health but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed.'

Section 12(1) of the Act provided that 'the State Government may, by rules made under this Act, provide for the establishment or recognition of After-Care Organisations any way

140. Section 9(3) of the Assam Children Act, 1970
141. Section 10(3), ibid., p. 6
vest them with such powers as may be necessary for effectively carrying out their functions under this Act.

Under Section 53(1) of the Act 'the State Government may appoint as many probation officers, officer, for the inspection of Special Schools, Children's Homes, Observation Homes or After-Care Organisations and such other officers as may be deemed necessary for carrying out the purposes of the Act.

The Assam Children Act proved to be a desirable social reform measure. It provided for the rehabilitation of neglected and delinquent children. Under this Act, facilities came to be provided for the care, protection, maintenance and health of the neglected and delinquent children. Provisions had been made for the trial of the delinquent children with a view to reforming them. Child Welfare Boards came to be constituted for exercising the powers and discharging the duties conferred or imposed on such Boards. The neglected children have, thus, been enabled to receive the attention they deserve at the hands of the society.
C. Legislation relating to administrative decentralisation of power: Panchayat

The panchayats are meant for the development of rural areas. Rural development includes provisions for the better administrative reconstruction of the village panchayats and their development as self-sufficient autonomous units. Its idea is to decentralise the village administration democratically so that the people can be brought nearer to the administration. Article 40 of the Constitution of India provides that 'The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.' During the First Five Year Plan period the village panchayats of Assam, as they existed under the Rural Panchayat Act, 1948, were given powers to raise taxes to be utilised for the common good of the villagers. At the initial stage, however, provision was made for Government grants to raise the standard of living of the villagers. During the Second Five Year Plan, the Assam Assembly passed the Assam Panchayat Act, 1959. This Act was based on the recommendations of the Balwant Rai Mehta Committee, appointed by the Government of India. The Assam Panchayat Act, 1959, provided for a three-tier structure of local administration. These three tiers were the Gaon Panchayats at the village level, the Anchalik Panchayats at the Block level and the Mahkuma Parishad at the sub-divisional level. This Act came into force in Assam with

142. The First Five Year Plan - A Review, 1951-56, p. 33
effect from 1 October 1959. Under this Act, 2574 Gaon Panchayats, 120 Anchalik Panchayats and 16 Mahkuma Parishads were established. They covered the entire plains districts of Assam. During the Third Five Year Plan, the number of Gaon Panchayats increased from 2574 to 2581 whereas the number of Anchalik Panchayats and the Mahkuma Parishads remained as before. In order to enable the Panchayati Raj Bodies to discharge the responsibility of development of the rural areas, certain powers regarding preparation and implementation of development plans had been delegated to them. The developmental schemes were broadly divided into the 'loan and grant-in-aid', the 'training' and other schemes. Under the first category of schemes, the Panchayati Raj Bodies were required to implement development programmes and maintain their own establishments. Accordingly, arrangements were made to transfer funds to the Panchayats. Provision was made for giving them additional grants as their own resources were meagre. Under the training scheme, two institutions provided training to the Gaon Panchayat Secretaries. Two other training centres provided for training facilities to the Presidents, Vice-Presidents and the members of the Anchalik and Gaon Panchayats. In the last year of the Third Plan period, one more training centre was established. Twelve conferences were organised for discussion of problems, sharing of experience and exchange of ideas. In the Adhoc Annual Plans period of 1966-69, the Presidents, Vice-Presidents and members including female members were given training in these schemes.

143. The Second Five Year Plan - A Review, 1957-61, p. 4
144. The Third Five Year Plan - A Review, 1961-66, p. 91
145. ibid., pp. 40-41
centres. However, there had not been much enthusiasm among the Panohayats to avail themselves of the loans and grants facilities offered by the Government for the creation of remunerative assets.

The Assam Panchayat Act, 1959, was amended in 1960. The object of this amendment was to provide for equitable distribution of sale proceeds of all 'hats'. Further, a study team was appointed by the Government of Assam to go into the question of the working of the Panchayati Raj institutions, particularly in the matter of co-ordination in different States of India.

On the recommendation of the study team, the Government decided to give grants to the local bodies at the uniform rate of 25 paisa per capita in order to avoid delay in sanctioning the grants after obtaining the collection figures. Accordingly, the Assam Local Authorities Grant (Charged) (Amendment) Act 1964 was passed. This Act provided for maintaining uniformity in the amount of the grant given from year to year.

The Assam Panchayat Act, 1959, was further amended in March, 1964. Its object was to establish an organic link between the Anchalik Panohayats and the Gaon Panohayats for the proper implementation of the development schemes. It also provided for the election of the President and the Vice-President of the Gaon Panchayat by the members thereof.

149. The Assam Gazette, 25 March, 1964, p. 8
The Act replaced the Assam Panchayat (Amendment) Ordinance 1964.\textsuperscript{150} Some of the important provisions of the amended Act vested powers in the State Government. They were: (a) to transfer any of its institutions, works or development schemes to Anchalik Panchayats for management; (b) to contribute a share of land revenue and local rates to the Panchayats on a per capita basis; (c) to empower the Gaon Panchayats to levy a general house-tax and the Anchalik Panchayat to levy a surcharge on local rate; and (d) to provide for matching grants to the Panchayats on both these levies and to provide for recovery of instalments of loans taken for improvement of bazars from the sale proceeds thereof.\textsuperscript{151} The second amendment to the Assam Panchayat Act, 1959, passed in September 1964, provided for secret ballots in the Gaon Panchayats in deciding no-confidence motions against the President and the Vice-President of the Gaon Panchayats.\textsuperscript{152} The Assam Panchayat Act, 1959, was amended further in 1966 with a view to giving the Mahkuma Parishads the character and status of the local authority. The Mahkuma Parishad was supposed to be an advisory body at the Sub-divisional level with advisory functions. But in actual working it was found out that this body was required to play a more important and effective role in the development programmes in rural areas. The Mahkuma Parishad which was supposed to be at the top had neither the requisite power nor was it democratic and autonomous enough in its character.\textsuperscript{153} In 1970, another

\begin{itemize}
\item \textsuperscript{150} Assam Ordinance No. 1 of 1964, promulgated on 22 February 1964
\item \textsuperscript{151} The Assam Gazette, 25 March, 1964, pp. 35-36
\item \textsuperscript{152} A.L.A.D., 29.9.64, p. 317
\item \textsuperscript{153} A.L.A.D., 2.9.66, p. 33
\end{itemize}
amendment was made to the Assam Panchayat Act 1959. Its objec-
tives were to make provisions to ensure smooth functioning of the
Panchayati Raj bodies and to provide for the appointment of the
Gaon Panchayat Secretaries by the Mahkuma Parishad so as to bring
them under the Sub-divisional cadre of the panchayat employers. 154
However, a new legislation, known as the Assam Panchayati Raj Act,
1972 was passed in 1972 with the aim of making the Panchayati Raj
bodies more effective as units of self-Government by entrusting
more executive powers and functions to such bodies. Under this
Act, the three-tier Panchayati Raj bodies were re-organised within
a two-tier system by establishing wider Gaon Panchayats and Mahkuma
Parishads. The Anchalik Panchayats were abolished. This Act
provided for more powers and responsibilities to both the tiers
of Panchayati Raj bodies with increased financial resources with
a view to enabling these bodies to function effectively as units
of self-Government. The system of direct election was provided
for in both the Gaon Panchayats and the Mahkuma Parishads. 155

The attitude of the ruling party towards the Panchayati Raj insti-
tutions

In the period of our survey the ruling party members
were unanimous in their view that the local self-governing insti-
tutions constituted the basis of democracy. They were, however,
not oblivious of the difficulties faced by the Panchayats for

154. A.L.A.D., 5.12.70, p. 50
155. A.L.A.D., 20.9.72, p. 65
which there was increasing discontent among the people. For instance, members observed that the provision of resources for the panchayats was inadequate for implementing the development schemes. Out of the total financial assistance to the Anchalik Panchayats and the Gaon Panchayats, 75 per cent was spent on establishment cost alone and only 25 per cent was left for the development projects. They suggested setting up of a bank or financial corporation for financing the panchayats. Other suggestions related to making provisions for co-ordination between the Block Development officers and the panchayat officers. Sarat Chandra Goswami (Cong) found that there was difficulty in removing the Gaon Sabha President who could be removed only by two-thirds majority of the members of the Gaon Sabha and that no disciplinary action could be taken against him. The representative in the Anchalik Panchayat from the Gaon Sabha was not made responsible to the parent body. He felt that the Anchalik Panchayat members should be elected by the Gaon Panchayats instead of by the Gaon Sabhas. The member suggested amendment of the rules of election so that the Gaon Panchayat could elect only 11 members. It was suggested that the areas of the Gaon Panchayat should be divided into certain wards with provisions of election for two or three representatives from each ward. He also suggested that in order to improve the relations between the three tiers of the Panchayati Raj bodies, the President or the Vice-President of the Anchalik Panchayat should be entrusted with the task of inspecting and giving guidance to the Gaon Panchayat and that the Mahkuma Parishads should be vested with some authority over the Anchalik.

156. A.L.A.D., 24.3.62, p. 55
Panchayat and the Gaon Panchayats. He further suggested that the District Commissioner or the Sub-Divisional Officer be made a member of the Mahkuma Parishad. Another suggestion of the member was for making the district administration more powerful in the matter of giving sanctions for different schemes. Gauri Sankar Roy (Cong) suggested the inclusion of the tea gardens and the forest villages within the purview of the Act. He regretted that the people of the tea garden and forest villages were deprived of the benefits under the principle of decentralisation of power. He informed the House that through appropriate resolutions, the three District Congress Committees, the I.N.T.U.C. organisation and the Mahkuma Parishad of Cachar pleaded for bringing the forest villages and the tea gardens within the purview of the Act. Akshoy Kumar Das (Cong) observed that the interior areas were not getting as much benefit from the panchayats as the people expected. He suggested the taking up of the question of audit in right earnest for the improvement of the panchayat administration. While replying to the budget discussion of 1964, Fakhruddin Ali Ahmed (Minister, Panchayats) said that the tea gardens were included within the territorial jurisdiction of the Anchalik Panchayats. The question of formation of Gaon Sabhas in these areas was under the examination of the Government. In the forest villages the Gaon Sabhas came to be formed since 1962. He admitted that due to the lack of right spirit among sections of the people, a good deal of expenditure was incurred not only on productive items but

158. A.L.A.D., 10.3.64, pp. 55-56
159. A.L.A.D., 14.3.64, p. 30
on providing certain amenities like the library as well. To overcome this difficulty, the Government decided to give some funds to the Gaon Panchayats on the basis of population figure based on 1961 census, instead of giving them a share of land revenue.\textsuperscript{160} The Minister informed the House that the cases of misappropriations had been handed over to the police and that the Government proposed to intensify the audit by having an internal audit system.

During the discussion on the Assam Panchayat (Amendment) Bill, 1964, Lakhyanath Doley (Cong) moved an amendment to clause 6 of the Bill to delete the provision relating to participation by the teachers of aided schools in the panchayat election. He said that if the teachers were allowed to enter the panchayats they would certainly be influenced by politics and consequently their duties would suffer.\textsuperscript{161} His amendment was adopted. Mal Chandra Pegu (Cong) suggested that the officers be made responsible to the panchayats with a view to enabling the panchayats to discharge satisfactorily their responsibilities regarding the development works.\textsuperscript{162} Mohikanta Das (Cong) suggested the establishment of Service-Co-operatives in every panchayat. Indreswar Khound (Cong) laid emphasis on utilising the panchayats for the purpose of improving agriculture. Jogen Saikia (Cong) was not satisfied with the working of the Panchayati Raj bodies and suggested their reorganisation. The same view was also held by

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\textsuperscript{160} A.L.A.D., 23.3.64, pp. 39-44
\textsuperscript{161} A.L.A.D., 4.4.64, p. 68
\textsuperscript{162} A.L.A.D., 27.2.65, p. 189
\end{flushright}
Ataur Rahman (Cong). 163 Moinul Haque Choudhury (Cong) speaking on the amending Bill on 5 December 1970 observed that the Panchayat Act was one of the most amended Acts and that it gave rise to the largest number of litigations. He suggested the introduction of a fresh legislation to replace the existing system of panchayats that went 'out of hand' and had become 'unworkable.' 164 He criticised the element of nomination as provided in the Act empowering the Government to control the panchayats.

Attitude of the Opposition towards the Panchayati Raj institutions

During the period of our survey the members of the Opposition criticised the panchayat system as being formed by corrupt and unqualified persons. 165 They held that there were cases of misappropriation of money and as such the panchayats could better be termed as 'voucher' panchayats. Their point about it was that irrespective of work or no work, money was spent and vouchers were produced. Through a question 167 Tajuddin Ahmed (P.S.P.) wanted to know whether the Government proposed to appoint some officers or a committee to enquire into the misappropriation and corruption in the panchayats. In his reply, Devendra Nath Hazarika (Deputy Minister, Panchayat) said that the appointment of a committee was

163. A.L.A.D., 26.2.69, p. 30
166. A.L.A.D., 24.3.62, pp. 64-65
premature. Dulal Chandra Barua (Ind) alleged that the panchayats developed as the hot-beds of power politics. He observed that the members of the panchayats tried to monopolise everything and indulged in all sorts of corruption and negotism. The Opposition supported the view of Lakhyanath Doley (Cong) that the teachers should not be brought to the political field. D.D. Nichols-Roy (A.P.H.L.C.) said that under the existing system of Panchayati Raj, power was given on one hand and taken away by the other by the Government without any valid ground and as such the idea of decentralisation of power was made inconsistent in practice with the Panchayati system. He contended that the Panchayati Raj bodies would not be established in the hill districts. His view was supported by Dulal Chandra Barua (Ind), Hoover Hynniewta (A.P.H.L.C.) and Lakhmi Prasad Goswami (P.S.P.). Rathindra Nath Sen (Ind) objected to the system of nomination to the Panchayats on the ground that the candidates were nominated without any consideration of their background. He requested the Government to allow the tea-garden labourers to elect their representatives to the panchayats. He wanted further amendments to the Panchayat Act because, under the existing Act, the Anchalik Panchayats had no control over Gaon Panchayats and the Mahkuma Parishad had no control over the Anchalik Panchayat.

During the consideration of the Assam Panchayat (Amendment) Bill, 1966, which was aimed at giving the Mahkuma Parishad the character and status of local authority, Dulal Chandra Barua (Ind) and two other members of

168. A.L.A.D., 14.3.63, p. 533
169. A.L.A.D., 6.4.64, pp. 64-66
170. A.L.A.D., 6.3.65, p. 484
171. A.L.A.D., 13.9.66, p. 44
the Opposition through an amendment expressed a doubt that the retention of Deputy Commissioner and the Sub-divisional Officer as the Chairman and the Vice-Chairman respectively in the Mahkuma Parishad might result in some anomalies. They suggested that in the interest of preserving the Mahkuma Parishad as an elected body, the President of the Mahkuma Parishad should be the Chairman and the President of the Anchalik Panchayat the Vice-Chairman of the Standing Committee of the Mahkuma Parishad; powers should be given to them instead of to the Deputy Commissioner or the Sub-divisional Officer; the Deputy Commissioner or the Sub-divisional Officer should be made as ex-officio member. In the face of this amendment, Moinul Haque Choudhury (Minister, Panchayat) declared that all the developmental activities would be transferred to the panchayats gradually. It was pointed out that the panchayats would not be able to discharge their duties effectively without bringing in the officers. The amendment of the Opposition was lost. The Opposition brought another amendment that there should be a Finance Committee with powers to scrutinise the income of the Mahkuma Parishads, Anchalik Panchayats and the Gaon Panchayats. The Finance Committee would also scrutinise the expenditure incurred in different plans and programmes taken up by the Mahkuma Parishad, Anchalik Panchayat and Gaon Panchayat from time to time. This amendment was adopted by the House. The Opposition, however, regretted that there was nothing regarding decentralisation of power in the panchayat system. They

172. ibid., p. 48
173. A.L.A.D., 13.9.66, pp. 54-58
174. A.L.A.D., 20.2.69, p. 52
criticised the Assam Panchayat (Amendment) Bill 1970, which was introduced in the House with the declared purpose of ensuring smooth functioning of the Panchayati Raj bodies. The Bill also sought to provide for the appointment of Gaon Panchayat Secretaries by the Mahkuma Parishad so as to bring them under the Subdivisional cadre of the Panchayat employees. The Opposition criticised the Bill as in their view the Bill did not have any provision for the much-needed recasting of the Panchayat Act 1959. Dulal Chandra Barua (Ind) said that the main purpose of the panchayats was to make the people self-sufficient and self-dependent but the working of the present system showed that they could neither fulfil the purpose nor give satisfaction to the people. He further said that the objective of the Assam Panchayat (Amendment) Bill 1970 was to ensure smooth functioning of the Panchayati Raj bodies which was an admission of the fact that the Panchayati Raj bodies had been 'bogus' organisations accommodating some political elements only and giving them an opportunity to exploit the masses in various ways. The member alleged that the Block Development Officer gave protection to the Presidents of the Anchalik Panchayats when the latter were involved in misappropriation cases. Rathindra Nath Sen (Ind) supporting Dulal Chandra Barua (Ind) said that in his constituency in Karimganj, the tenure of office of the President of the Mahkuma Parishad was extended for two more years in contravention of the rules of the Panchayat Act. In 1972 the Assam Panchayati Raj Bill, 1972,

176. ibid., p. 36
was introduced with the aim of making the Panchayati Raj bodies more effective as units of local self-government by entrusting to them more executive powers and functions. The Bill was referred to a select committee of 20 members of whom 6 were from the Opposition. The Opposition members in the select committee submitted a note of dissent on the ground that the Bill with 163 Sections and 84 provisions retained for the Government the supervisory, overriding, initiating and directing powers in the Panchayati Raj bodies. They alleged that the recommendations of the majority of the select committee struck at the very root of the Panchayati Raj bodies and converted them to purely government institutions. 178

Gauri Sankar Bhattacharyya (Ind) said that in view of the attitude expressed by the ruling party the Bill was worse than the existing Act. He referred to the provision of the Bill in Section 33 by which the Government would constitute a Planning and Review Board for each Mahkuma Parishad with members of the Assembly and the members of the Parliament from the Sub-division. He held that that Board would be a super body with overriding and stupendous powers. Under the Bill the Deputy Commissioner or Sub-divisional Officer would be the ex-officio members of the Planning and Review Board; this Board would have power to prepare the Sub-divisional plans, scrutinise the Annual Budget of the Mahkuma Parishad and recommend the same to the State Government with suggestions and modifications if necessary; the Board would have power to act as an evaluation committee in respect of working of panchayats and make recommendations to the State Government and to advise the

178. A.L.A.D., 19.9.72, pp. 35-36
Mabkuma Parishad on policy matters and on any matter on which advice might be sought by the Mabkuma Parishad and to make recommendations and render advice to the State Government from time to time. The member made the point that such a Board would be a super-tier over the Mabkuma Parishad and at the same time would not be answerable to the Mabkuma Parishad. In practice, instead of two-tiers as provided by the Bill there would be four-tiers: the Gaon Panchayat tier with elected members, the Block level tier without elected representatives and with Government officers, the Mabkuma Parishad with elected members and ex-officio members and the Planning and Review Board with supervisory powers. The Bill would limit power of the local bodies instead of decentralising power of local administration and thus section 33 of the Bill would take away the power and initiative of the panchayats which they enjoyed in different levels.\textsuperscript{179} Syed Ahmed Ali (Minister, Panchayat) denied that the Planning and Review Board would be a super body. He said that the association of the W.L.A.s and W.P.s in the Board would give wider outlook as the members would work as liaison between the panchayat and the Government. However, the Opposition could not be satisfied with the reply of the Minister and walked out of the House as a mark of protest. In the absence of the Opposition the House passed the Assam Panchayati Raj Bill 1972 as reported by select committee.\textsuperscript{180}

Our study shows that the panchayats were designed to bring about all-round development of the rural areas of Assam. Under the Act, the panchayats were given the power and authority to function as units of self-government, the aim being to bring

\textsuperscript{179} ibid., pp. 35-61
\textsuperscript{180} A.L.A.D., 21.9.72, p. 35
about decentralisation in village administration. The amendments, to the parent Act sought to bring about further reforms on the basis of experience gained in its working. For instance, the amendment of the Act in 1962 provided for equitable distribution of sale proceeds of all 'hats'. Further, the Government decided to give grants to the local bodies at the uniform rate of 25 paise per capita in order to avoid the delay in sanctioning the grants after obtaining the collection figures. The amendment of 1964 provided for secret ballots in the Gaon Panchayats in deciding no-confidence motions against the President and the Vice-President of the Gaon Panchayats. This was an important extension of the principle of democratic governance. The amendment of 1970 provided for the appointment of the Gaon Panchayat Secretaries by the Mahkuma Parishad so as to bring them under the Sub-divisional cadre of the panchayat employers. The Assam Panchayati Raj Act, 1972, sought to make Panchayati Raj bodies more effective by entrusting them with more executive powers and responsibilities. This Act also brought about an important reorganisation in the Panchayati Raj structure. The new system provided for a two-tier structure in place of the earlier three-tier one.

The working of the system, during the period of our review, however, shows that it could not work successfully in many cases as the Panchayati Raj bodies came to be formed, more often than not, with elements from the vested interests in the rural areas. Cases of misappropriation of Panchayat money and power-politics trying to monopolise everything, detracted from the ideal of sound village administration. Under such circumstances, the normal development of the institutions appears to have been retarded to a considerable extent.
D. Reorganisation of Assam: A review of discussion in the Assam Legislative Assembly

During the period of our study, the Assam Legislative Assembly witnessed a chain of political changes that resulted in the reorganisation of Assam leading to a smaller Assam in geographical extent. The Assembly was seized of the problems affecting generally the entire people of Assam and particularly the Nagas, Mizos, Khasis and Jaintias and the people of N.E.F.A. We propose to consider the problems affecting the tribal people.

(1) The Naga problem

The Naga Hills was made a British district in 1881. The Government of India administered it through the Governor of Assam as its agent. The relations between the British and the Nagas generally remained good. In 1945 a Council, known as the Naga Hills District Tribal Council was established at the initiative of a British official. This Council was renamed as the Naga National Council (N.N.C.) in 1946. This Council enjoyed the patronage of the British Government. Angami Zapo Phizo became the leader of the N.N.C. and in 1947 the Council proclaimed that Naga Hills district would cease to be a part of India at the advent of independence. In that year Phizo submitted a memorandum to the Government of India demanding the establishment of an interim Government,181 but was rejected by the Government of India. Soon thereafter, Sir Akbar Hydari, Governor of Assam, took the initiative of having a

dialogue with the leaders of the Naga with a view to reaching an understanding on the basic issues. As a result of the discussion an agreement was reached. It was only a temporary settlement.

According to the agreement, the Governor of Assam, as the agent of the Government of Indian Union, had special responsibility for a period of ten years to ensure the due observance of the agreement. It was also laid down in the agreement that at the end of the period, the N.N.C. would be asked whether it would require the agreement to be extended for a further period or a new agreement regarding the future of the Naga people be arrived at. After the agreement Angami Zapo Phizo visited Shillong and New Delhi to plead for a sovereign Nagaland. In 1951, the N.N.C. organised a plebiscite in the tribal fashion signifying their determination to fight for independence. The Nagas boycotted the elections for a District Council and the General Election of 1952. The Chief Minister of Assam, Rimala Prasad Chaliha, took the initiative of arranging for a State-wide tour by a Naga good-will mission under the auspices of the N.N.C. While the mission was received in the places it visited with great cordiality, a political settlement did not follow as expected. The N.N.C., then, started organising the Naga youths to strengthen their movement. On 22 March 1956 the N.N.C. founded the "Naga Federal Government" and proclaimed Nagaland as a People's Sovereign Republic.

The Government responded to it by declaring the Naga hills a 'disturbed' area and troops were sent to the district. In that year, Mr Sakrie, leader of a faction, who opposed Mr Phizo,
was murdered. In 1956, a Naga peace organising committee was formed and it appealed to the rebels to abandon the policy of armed rebellion. On 22 August 1957, a Naga Peace Convention (N.P.C.) held at Kohima advocated a negotiated settlement of the Naga problem. It suggested that pending a final settlement, the Naga Hills district of Assam and Tuensang Division of N.E.F.A. be integrated into one political unit. The Convention sent a delegation to meet the Prime Minister to place its suggestions before him. The Prime Minister accepted the proposals and as a result, a new administrative unit, named as the Naga Hills and Tuensang Area, came into being on 1 December 1957. This settlement encouraged the Nagas for further political concession and the N.P.C. appointed a Drafting Committee to prepare a memorandum on the political demands of the Nagas. This Committee prepared a 16-point memorandum with the aim of demanding a full-fledged State within India. The N.P.C. delegation met the Prime Minister in July 1960. Thereafter, the Prime Minister announced his final decision on Nagaland on 1 August 1960. It was declared that a new State, Nagaland, would be constituted comprising the Naga Hills and the Tuensang Area. This was to be the 16th State of the Republic of India. The Governor of Assam would also be the Governor of Nagaland and the existing jurisdiction of the Gauhati High Court would continue over the new State.

The declaration of the Prime Minister, however, was received with mixed feelings by the Government of Assam. Prasad Chaliha (Chief Minister) regretted the declaration as most unfortunate. E. Poschna (A.P.H.L.C.) welcoming the statement hoped

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that one day a resolution would be introduced in the Parliament for the formation of a separate State of Nagaland. In course of time the State of Nagaland Bill, 1962, was passed by the Parliament of India and it was referred to the Assam Legislative Assembly for its views. While speaking on the Bill, members from both sides of the House expressed their sorrow and regret over the proposed separation of Nagaland from Assam. They expressed the apprehension that carving out of new States from the existing ones would only lead to further disintegration. Creation of Nagaland would give added fillip to the disintegrating forces of the country at a time when the policy of national integration demanded that fissiparous tendencies be put to an end. Some of the members referred to the Mizo Hills as an instance which demanded a separate State.

Among the Congress members who participated in the discussion on the State of Nagaland Bill 1962, Biswadev Sarma (Cong) regretted that the State Assembly was asked to give its 'views' on a settled fact. He suggested that there should be a provision for reintegrating Nagaland with the main body of Assam whenever such possibility arose. Mohikanta Das (Cong) made a reference to the past when both the Assamese and the Nagas fought hand in hand against the aggressor. He expressed the view that the Bill was not conducive to prosperity and unity of Assam. Md Umaruddin (Cong) seemed to support the Bill. He said that the decision of the Government of India for a separate Nagaland might be a solution to the present political situations continuing in the Hills. He further held

184. The Statesman (Calcutta), 2 January 1962
that the Naga Hills demanded independence even during the British days. Shriman Prafulla Goswami (Cong) also supported the Bill on the ground that the people have the right of self-determination.

The Opposition members of the House criticised the Government of India for all that had happened in the Hill areas of Assam. Both Tarapada Bhattacharyya (Ind) and Dulal Chandra Barua (Ind) wanted the Bill to be scrapped. Lakhmi Prasad Goswami (R.C.P.I.) said that the proposal for a separate Nagaland went against the recommendations of the States Reorganisation Commission which suggested the formation of one unit with Assam, Manipur, Tripura, Nagaland and N.E.F.A. He contended that by sending the Bill to the State Assembly the members had been put in a very humiliating position as their opinion would have no bearing on the Bill. He suggested that the amount already spent by the Government of Assam on Nagaland should be recovered from the Central Government. Rathindra Nath Sen (Ind) also opposed the Bill. Six other members belonging to the Congress, R.C.P.I. and the United Opposition Front who took part in the discussion also regretted the proposed partition of Assam.

186. The State Reorganisation Commission, 1955 recommended that the State (Assam) would consist of the present territory of Assam plus Tripura. Its merger (Tripura) with Assam will bring the entire border between India and Pakistan under one unified control and would also help the development of this area. It may however be administered as a separate administrative division. The creation of a separate hill state in this area would accentuate the present segregation of the tribal people and their distinctions with the people of the plains; Report on the State Reorganisation Commission, 1955, Paras 710-717, p. 192 and Paras 682-697, pp. 184-188.
Thanglura (A.P.H.L.C.) supported the Hill saving that there was unity in diversity. Loyalty of people could not be achieved through force but through goodwill. The satisfaction and goodwill of the people of Nagaland would provide for better security of the border of Assam.\textsuperscript{187}

After the discussion Bimala Prasad Chaliha (Chief minister) moved a Motion as follows: "This Assembly is of opinion that in the interest of national solidarity and also with a view to bringing about a co-ordinated development and greater political stability of the eastern region of India, there should be an integrated political and administrative set-up of various units within this area and that nothing should be done which may have an effect of weakening this unity;

This Assembly further considers that in such an integrated set-up special arrangements could be made to meet the needs of different regions of the area;

This Assembly is of the view that the provisions of the State of Nagaland Bill 1962 are not conducive to aforesaid objectives;

This Assembly however notes that the Government of India is committed to setting up of Nagaland as separate State within the Union of India."\textsuperscript{188}

Moving the motion the Chief Minister observed that the implications following the formation of such a State were very serious. He made the point that if the people of the north—

\textsuperscript{187} A.L.A.D., 6.8.62, pp. 879-892
\textsuperscript{188} ibid., p. 893
eastern India did not know how to live in unity, the security of the whole of India might be jeopardized. However, the Chief Minister did not hold the Central leaders responsible for the state of affairs, as the tendency of disintegration was visible throughout the country.

The Opposition in the House brought an amendment to the Motion tabled by the Chief Minister as follows: "This Assembly, therefore, recommends to the Union Government to keep the areas that are now called Nagaland within the administrative jurisdiction of the State of Assam, and give these areas full autonomy in all matters creating an administrative Council for them."

The motion on the Bill was passed and the amendment of the Opposition was lost. E. Poshna (A.P.H.L.C.) said that it was useless to consider the resolution of the Chief Minister as the Government of India was already committed to the formation of the State of Nagaland. He further held that when the Nagas resorting to violence were paid well in the form of a State other will areas could follow suit. He meant the creation of a separate State for the Khasi and Jaintia people in future.

The State of Nagaland Bill, 1962, was passed by the Parliament to provide for the formation of the State of Nagaland with three districts, namely, Kohima, Wokokchung and Tuensang with its headquarters at Kohima. The State had a population of 369,200 according to the Census of 1961. The State was inaugurated by Dr S. Radhakrishnan, the President of India on 1 December 1961.

189. ibid., p. 899
The creation of Nagaland could not, however, impress the underground element as their demand for complete independence remained unsatisfied. Thus uneasy peace continued to reign over the disintegrated limb of Assam.

(2) The Mizo problem

The Lushai Hills District of Assam, the largest single district in the whole of India had a population of 2,66,000 and an area of 8000 sq. miles. In the latter part of 1960 political troubles were brewing in the Mizo Hills as a Party, called the Mizo National Front, passed a resolution in a meeting for an independent 'Mizoram' outside India. During the visit of the States Reorganisation Commission, 1955, the Mizo Hills was not in favour of a separate Hill State but was in favour of the status quo. Bimala Prasad Chaliha (Chief Minister) replying to a Calling Attention notice of Madhusudhan Das (P.S.P.) said that the Government of Assam was keeping a close watch on the movement of the Mizos. The Front, however, could not win a single seat in the Assam Assembly in the Election of 1962. In the District Council also it could not capture any seat. Still it was trying to intensify the activities by opening new centres of activities.

Bimala Prasad Chaliha (Chief Minister) in the early part of 1963 made a seven-day tour of the entire district. He visited

190. The Statesman (Calcutta), 2 December 1963
191. The Assam Tribune (Gauhati), 18 August, 1966
the border areas to gather first-hand knowledge of the economic conditions of the people living therein. Thereafter, the State Government of Assam prepared an integrated development scheme for the rapid development of the State's far-flung district of Mizo Hills bordering Burma and East Pakistan. The scheme envisaged the setting up of an autonomous body for dealing with the various problems of development in the district and raising the economic conditions of the people including the development of communications.\footnote{194}{The Assam Tribune (Gauhati), 31 March 1963}

During the budget discussion of 1966, Hoover Wynniewta (A.P.H.L.C.) hinted that it was only for the official language Act that the Mizos were demanding a separate State.\footnote{195}{A.L.A.D., 17.3.66, p. 855} The Chief Minister replying to the budget discussion requested the member to go through the Language Act in which the Hill District Councils were given authority to decide their own language. He held that the Act did not impose any language on anybody.\footnote{196}{Section 4 of the Assam Official Language Act 1960 gives safeguard of the use of language in the Autonomous Region and the Autonomous District.}

The Mizos continued their movement for independence. In an open letter written on 15 February 1966 by Rev. Michael Scott, a Christian Missionary to the Prime Minister of India seemed to add fuel to the fire. In the letter Mr Scott emphasized that the question of other Hill areas of Assam should be taken up by the Government along with the Naga problem.\footnote{197}{The Assam Tribune (Gauhati), 3 March 1966}
On 3 March 1966 the Mizo problem was debated in the Lok Sabha for about three hours on an adjournment motion moved by Prakash Vir Shastri (Ind) who criticised the Government of India for following a 'weak' and 'vexillating' policy towards the Mizos. On that very day five notices of adjournment motions and six notices of calling attention were tabled in the Lok Sabha. The theme of these notices related to causing paralysis in the administration in Mizo district by the hostile tribesmen and the Government's failure to meet the situation. The Speaker granted leave to move the adjournment motion as fifty members stood up in support of the adjournment motion. Eleven members including Hem Harua (P.S.P.) and Fakruddin Ali Ahmed (Minister, Irrigation and Power) took part in the discussion. Gulzarilal Nanda (Home Minister of India) stated that the whole area of the Mizo Hills was not in revolt as a large bulk of the population and the Mizo Union were peacefully carrying on their activities. The disturbances were created by a section of people and that section of people would be dealt with accordingly. The developmental programme of the Government would continue in the area. The adjournment motion was put to vote and negatived. On the same day, i.e., 3 March 1966, notices of two adjournment motions tabled by the Opposition in the Assam Assembly were disallowed by the Speaker. The Chief Minister made a statement on the situation and told the House that the Assam Disturbed Areas Act, 1952 and the Armed Forces (Assam and Manipur) Special Powers Act 1958.

198. Lok Sabha Debates, 14th Session, March 3, 1966, p. 352
199. ibid., pp. 3587-3752
were extended to the whole district of Mizo Hills. The Government of Assam, moreover, declared the Mizo National Front as an unlawful organization in the first week of March 1966. The Chief Minister paid a visit to Aizawl for an on-the-spot study of the prevailing situation. 200

The Government of India appointed a Commission on 16 March 1965 to recommend a detailed scheme for reorganizing the administrative set-up of the Hill areas with a view to giving a full measure of autonomy to those areas subject to the preservation of the unity of Assam. The Pataskar Commission emphasized the unity of the Hills and the Plains of Assam. Some of the important findings of the Commission were: that there were indissoluble links between the Hills and the Plains of Assam based on geographical, administrative and economic links; the relative contribution of the Hill districts to the State's revenues was much less in proportion to the population but the share of the Hill areas in revenue expenditure was always more than their share of population; the per capita expenditure was always more than their share of population; the per capita expenditure in the Hill districts increased 5 to 6 times from 1951-52 and was much more than in the Plains. The Commission remarked that it was unable to find any evidence of failure on the part of the State to take cognizance of the difficulties of the Hill districts and that there was no evidence of any deliberate neglect of the Hill areas in the matter of development. 201

200. The Assam Tribune, 15 March 1966
The Commission proposed administrative reorganisation on the basis of autonomy of the Hill areas. It suggested the appointment of a Minister, a Minister of State and Deputy Minister for the Department of Hill Areas which would look after the developmental programmes of the Hill areas. Among other suggestions of the Commission were, the setting up of a standing committee with the M.L.A.s from the districts, the appointment of a Commissioner for the Hill Areas and the setting up of Hill Areas Development and District Development Boards. The Chairman of the Commission suggested to the Prime Minister and the Home Minister of India that the Mizo Hills should be treated on an entirely different footing and taken over by the Centre as a Union Territory. 202 The A.P.C.C. characterized the Pataskar Plan as "ill-conceived and unacceptable" and in a resolution stated that the advice rendered by the Chairman should be promptly rejected. However, taking the cue from the Pataskar Commission's Report, the A.P.H.L.C. reiterated their demand for immediate creation of a Hill State comprising the five Hill Districts of Assam and the contiguous tribal areas of Manipur and Tripura. Captain J.A. Sangma, Chairman of the A.P.H.L.C. said that the solution to the problems of the Hills and Plains of Assam lay in the creation of a Hill State. Hoover Hynniewta (A.P.H.L.C.) also insisted on creation of a Hill State to restore confidence in the minds of the Hills people. He warned the Government of Assam of the danger of alienating all the Hills people through its "repressive measures in the Mizo Hills." 203

202. The Assam Tribune, 6 April 1966
203. The Assam Tribune, 7 April 1966
On 23 March 1967, the Opposition in the House, during the discussion on a non-official motion moved by Dulal Chandra Barua (Ind) on the law and order situation prevailing in the State of Assam, held the Government responsible for all the happenings in the Mizo Hills as well as the impending developments in other Hills. They charged the Government with trying to minimise the gravity of the situation and accused the Government of indulging in a 'plethora of lies' to hide their own failures and thus shutting the people from knowing the full facts about the development in the Hill areas of Assam. 204

As events showed, the initiative for a solution of the controversial issue of Hill areas was taken by the Government of India and thus the Parliament of India passed the North-Eastern Areas (Reorganisation) Bill 1971. It provided for the establishment of the States of Manipur, Tripura, Meghalaya and of the Union territories of Mizoram and Arunachal Pradesh by making a substantial reorganisation of the existing State of Assam. The Mizo Hills of Assam became a Union territory from 1971. 205 Under the new administrative set-up Mizoram has a legislature and a Council of Ministers. The Union territory has a population of 400,000, and over 80% of the population are Christians, and 44% of the people are literate. The rate of literacy is higher than in any other area of India except Kerala. 206

204. A.I.A.D., 23.3.67, pp. 37-57
205. The North-Eastern Areas (Reorganisation) Act 1971
206. Keesing's Contemporary Archives, March 11-18, 1979, p. 25168
(3) The N.E.F.A. problem

Arunachal Pradesh which is the present name of the former North-East Frontier Agency (N.E.F.A.) was first reorganised as a politically compact area in October 1951. The whole area was full of mountains and was not easily accessible. As such a special kind of administration was called for. It was conducted by the Governor of Assam acting on behalf of the President of India. A separate cadre for the superior posts recruited on an all-India basis was also created. The Central Government met all the expenditures of this area in connection with its development works. 207 Arunachal Pradesh, the land of 'dawnlit mountains' has an area of 83,578 square kilometres with a population of 4,67,511, according to the Census of 1971. The people belong to some twenty major tribes.

After the British took over the administration of Assam by the Yandaboo Treaty of 1826, the first law promulgated in Assam, was the Inner Line Regulation of 1893. The Regulation empowered the executive Government to make summary legislation for the backward tracts. The Deputy Commissioners of the border districts were given adequate powers to deal with the tribals who were in the habit of attacking and looting the property of the plains people. In 1882, an Assistant Political Officer was appointed at Sadiya to deal with such problems. The Simla Convention of 1914 resulted in the dilimitation of the Indo-Tibetan frontier and it also gave a shape to the N.E.F.A. region.

area is co-extensive with the north of Darrang and the north and east of the Lakhimpur district. After the reorganisation of the area in 1951, it came to consist of six Frontier Divisions—Kameng, Subansiri, Siang, Lohit, Tirap and Tuensang. In 1957, Tuensang Division was amalgamated with the Naga Hills.

In the wake of the Indo-China border war in 1962, certain N.E.F.A. areas came under the occupation of the Chinese. After the evacuation of the areas, in 1965 a delegation of seven members of the Assam Assembly headed by Mahendra Mohan Choudhury (Speaker of the Assembly) paid a week-long visit to N.E.F.A. The delegation submitted a detailed report covering different aspects of life of the people living in that area. The delegation felt that the inhabitants of the frontier were in favour of establishing closer links with the rest of the people of Assam with whom they had long-standing ties of language and culture. Considering the border problem with China the delegation felt that the offensive presented by China was not only military but also ideological and so the development of the area became a matter of supreme national importance. The delegation laid emphasis on a broad-based, close and healthy contact between the people of N.E.F.A. and Assam, so that emotional integration could be promoted with the aim of promoting national integration, defence and security of the country.208

Under the North-Eastern Areas (Reorganisation) Act, 1971, N.E.F.A. was reorganised into a Union territory to be known as

208. The Assam Tribune (Guwahati), 16 March 1963
Arunachal Pradesh. The Union territory was inaugurated on 20 January 1972. Prior to that, the Governor of Assam administered the area and since 1969 he had been assisted by an Agency Council consisting of the nominated Lok Sabha members of the area and the representatives of the local panchayats. This Council functioned as a purely deliberative and advisory body. Some of its members acted as Counsellors to the Administrator. However, with effect from 15 August 1975, the Council was transformed into a Legislature and the five Counsellors were sworn in as Ministers with Prem Khandu Thungon as Chief Minister. Further the office of the Chief Commissioner was upgraded to the status of a Lieutenant Governor. 209

(4) The Meghalaya problem

During the period of our review two Hill districts of Assam, namely, the Khasi and Jaintia Hills District and the Garo Hills District were converted into an autonomous State within the State of Assam in 1969210 and into a full-fledged State in 1971. 211 The new State was named as Meghalaya (Home of the Clouds). The State has an area of 8,706 square miles and a population of nearly 1,000,000. 212

The demand for a separate Hill State was quite recent in the sense that the sub-committee of the Constituent Assembly

209. Keesing’s Contemporary Archives, March 11-18, 1972, p. 25148
210. The Assam Reorganisation (Meghalaya) Act, 1969
211. The North-Eastern Areas (Reorganisation) Act 1971
212. Keesing’s Contemporary Archives, March 11-18, 1972, p. 25148
on the North-East Frontier (Assam) Tribal and Excluded Areas, popularly known as the Bordoloi Committee, reported that none other than the extremist Nagas demanded for independence. After about eight years since the Bordoloi Committee reported, there had been an attempt to reopen the problem. However, the agitation in favour of a Hill State was confined virtually to the Garo Hills and the Khasi and Jaintia Hills. The movement for a separate Hill-State was spearheaded by a political party named the All Party Hill Leaders' Conference.

During the period of our review the A.P.H.L.C. fought the Third General Election of 1962 on the issue of a separate Hill State and this issue had been a factor in subsequent political movement for a separate Hill State. The eleven members of the A.P.H.L.C. who won the Election of 1962 to the State Assembly of Assam boycotted the first day's session of the Assembly. Mention may be made here of the time when the Assam Official Language Bill 1960 was introduced in the Assam Assembly. Eight members of the House belonging to the A.P.H.L.C. staged walk-out as a mark of protest against the introduction of the Bill. Biswanath Upadhaya (Cong) also walked out of the House. However, the other parties in the House were united and complimented the Chief Minister for his bold step in introducing the Bill. During the consideration of the Bill, the Hill leaders opposed the Bill and warned that they would move for separation and Captain W.A.

216. A.L.A.D., 18.10.60, pp. 32-83
Sangma walked out of the House as a mark of protest. Other Hill leaders did not take part in the deliberations and voting on the Bill. After the passing of the Official Language Bill, 1960, complete hartal was observed at Shillong and in other hill areas. However, the movement of the Hill people for a separate state dates back to 1954. Rev. Nichols-Roy, a Khasi Minister of the Medhi Cabinet had serious difference of opinion with Bishnu Ram Medhi (Chief Minister). He quit the Cabinet in 1954 and devoted himself to the establishment of a Hill State. The Hill leaders subsequently took the plea that as Assamese language was going to be imposed, they wanted a Hill State. But, when asked if they would withdraw their movement in case the Bill was withdrawn, they said 'No'.

The A.P.H.L.C. members took the opportunity of expressing their determination for a Hill State during the discussion on a no-confidence motion moved on 8 September 1966. It is evident from the speech of B.R. Lyngdoh (A.P.H.L.C.) who, supporting the no-confidence tabled against the Ministry, by the Opposition, asserted that since the happenings of 1960 in connection with the language disturbances in the State, the hill people had no-confidence in the Government run by the plains people. They felt that their future was not safe in the hands of the Government. He referred to an assurance given by the Chief Minister in 1958 by which he gave the assurance that the Government would wait till

217. A.L.A.D., 24.10.60, p. 164
218. Barua, K.C., Critical Days of Assam, pp. 20, 49
219. A.L.A.D., 8.9.66, pp. 27-86
the minorities in the State expressed their willingness to accent Assamese as the State language. That assurance became history and the Hill people also could not now go back from the stand taken by them. The separation of the Hills from the Plains was the only alternative. He observed that the policy of the Government "Assam for Assamese" made the Hill people feel unwanted. They did not like to be considered as objects of sympathy and kindness. He further complained that the bulk of the finance of the State was diverted for the development of the Plains and only what was left over was given to the Hills. The Hill students were compelled to read through Assamese medium. He was contradicted by Dev Kanta Barooah (Minister of Education) who said that the medium of instruction in the University, Engineering College and in the Veterinary College was English and even some teachers were non-Assamese. It may be mentioned here that the Assam Official Language Act 1960 provided for safeguards to the use of their own existing languages in the Autonomous Region, Autonomous District and in the District of Cachar.

The House had an occasion to debate the Nehru Plan for the Hills people during which the Chief Minister supported more

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220. Section 4 and 5 of the Assam Official Language Act 1960

221. Nehru Plan 1963. Pandit Jawaharlal Nehru, Prime Minister of India proposed - (1) the appointment of Ministers from the Hill Districts in the Assam Cabinet to be in charge of Hill administration, (2) the establishment of a separate section of the Assam Secretariat to deal with their administration and development, (3) the establishment of a regional committee of members of the State Assembly from the Hill Districts with powers to approve any legislation affecting those areas, to initiate legislation, and to consider Budget proposals relating to the Hill Districts, (4) the choice by the Hill representatives of the official language to be used in the Hill Districts, (5) separate allocation of funds for the administration and development of the Hill Districts, (6) control and
autonomy for the Hills people within the State of Assam. Chandra Barua (Ind) observed that the Plan virtually meant separation of the Hill districts from Assam and went against national integration and solidarity and against the recommendations of the State Reorganisation Commission which rejected the demand for a separate State for the hills. He warned that the Plan was worse than forming a separate State for the Hills and would remain a danger to the body politic of Assam. Lakhmi Prasad Goswami (P.S.P.) expressed surprise over the action of the Central Government taken without consulting the Government of Assam. Santi Ranjan Das Gupta (Ind) also objected to the Nehru Plan for not taking the House into confidence. Two Congress members, in course of the discussion, expressed the apprehension that Assam might be subject to further disintegration.

Hoover Rynnie (A.P.H.L.C.) took the Congress members to task for trying to criticise the Prime Minister. His contention was that the stand and policy of the Congressmen had never been morally sound. He alleged that the sign boards in the Khasi and Jaintia Hills were written in Assamese. He concluded with a warning that unless the border people were happy, no amount of money would make the borders formidable. Besides him, B.B. Lyngdoh (A.P.H.L.C.), D.D. Nichols-Roy (A.P.H.L.C.), Captain V.A. Sanma

administration of these funds by the Hill Ministers, (7) appointment of the Hill Ministers by the Chief Minister on the recommendation of the Hill representatives. Mr Nehru had also agreed to consider an increase in the representation of the Hill Districts both in the State Assembly and in Parliament; Keesing's Contemporary Archives, November 21-22, 1964, p. 20428

222. The Assam Tribune (Guwahati), 24 December, 1963
participated in the discussion and voiced the Hill people's demand for a separate State. Sangma declared that separation was inevitable in the interest of the country. K. Poshma (A.P.H.L.C.) did not want to associate himself with the Hill leaders as he was not convinced that the Nehru Plan would be able to do justice to the people living in Jowai Sub-division of the Khasi and Jaintia Hills district. He wanted a separate district of Jowai.

During the discussion of the no-confidence motion of 10 September 1966 the Chief Minister had to concentrate more on the Hill State issue. All the A.P.H.L.C. members attacked the Government centering round their demand for a Hill State. This debate virtually turned out to be a discussion on the Hill State. The Chief Minister observed that the Government could not agree to bifurcation of Assam since such a proposal was fraught with grave dangers of disintegration and balkanization of the entire northeastern region which might open up the region to the foreigners. Other members of the Opposition refrained from making any observation on the Hill State issue while the Hill members tried their utmost to highlight their demands for the Hill State. Chatrasingh Teron (Minister, Tribal Areas) stated that the Hill State demand was based on nothing but communal hatred.

The matter of reorganisation of Assam had been a live issue for a long time. The Government of India in 1967 initiated a proposal for bringing about a reorganisation of Assam on the basis of a federal structure. The details of the scheme were

223. A.L.A.D., 10.9.66, pp. 89-99
worked out by a committee on which all the concerned interests were represented. The President of India in his address to the joint session of the Parliament stated that the Government of India would make earnest efforts to arrive at a national consensus on the question of reorganisation of Assam; the Government of India also would consult with the leaders of the various political parties in Parliament and the representatives of various sections of opinion of Assam. In 1969, the reorganisation issue generated a great deal of tension as also apprehensions in the State. In that context that the Plains Tribal Council was alleged to be involved in a violent demonstration of election boycott in the Kokrajhar parliamentary by-election on their separate demands and this led to a police firing on 19 and 20 May 1969. After this the Government of India announced the plan for reorganisation of Assam on 11 September 1969 and accordingly the Assam Reorganisation (Meghalaya) Act, 1969, was passed. With the passing of this Act the state of tension and uncertainty arising out of the reorganisation of Assam appeared to come to an end. The Sixth Schedule to the Constitution of India was amended under the Assam Reorganisation (Meghalaya) Act 1969 with a view to improving the procedures of the District Councils so as to enable them to function more effectively. The District Council were enabled to exercise executive functions on behalf of the State Government.

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224. A.L.A.D., 21.3.67, pp. 22-76
225. Governor's Address, 1968, p. 20
226. Governor's Address, 1969, p. 4
227. Governor's Address, 1969, pp. 1-2
On the Reorganisation Bill, 1969, Debeswar Sarma (Cong) and Gauri Sankar Bhattacharyya (Ind) struck a critical note. Debeswar Sarma (Cong) warned the people and the Government of Assam about the outcome of the Constitution (22nd Amendment) Bill 1969 envisaging Assam's reorganisation by which Assam would be 'sold out'. Gauri Sankar Bhattacharyya (Ind) accused the Government of adopting a timid policy and expressed apprehension that Assam would ultimately be reduced to the status of a Union territory.

The Chief Minister of Assam, however, while moving a motion to ratify the Constitution (22nd Amendment) Bill, 1969, for the creation of an autonomous State within Assam, appealed to the hills and the Plains people of Assam to accept the State reorganisation scheme in 'good grace.' On 7 August 1969 the House unanimously passed the motion ratifying the Constitution (22nd Amendment) Bill 1969. The Autonomous State of Meghalaya came into being with its inauguration by the Prime Minister of India on 1 April 1970.

The legislature of the new Autonomous State of Meghalaya however, passed a resolution demanding full statehood. In November 1970 the Prime Minister announced in the Parliament that Meghalaya would be granted full statehood. All sections in the Lok Sabha welcomed the Prime Minister's announcement. The members of the Assam Assembly, more particularly those from the Opposition, generally welcomed the granting of full Statehood to Meghalaya by the Government of India.

228. A.L.A.D., 11.3.69, pp. 60-65
229. A.L.A.D., 31.7.69, p. 12
230. The Assam Tribune (Gauhati), 3 April 1970
231. A.L.A.D., 16.11.70, p. 50
non-official motion moved jointly by five Opposition members who referred to the statement of the Prime Minister of India on granting in principle full Statehood to Meghalaya. Many members from the Opposition benches congratulated the people of Meghalaya. Phani Bora (C.P.I.) participating in the debate pinpointed the problems of Cachar and Mizo Hills. Shamsul Huda (R.C.P.I.) wanted the Government of India to bear the entire expenditure for shifting of the capital of Assam from Shillong. Giasuddin Ahmed (Ind) warned that separation of Meghalaya might not be an end of the story. He suggested the appointment of a Commission to look into problem of removing regional imbalances.

On 28 October 1971 the Chief Minister moved a motion in the House on the North-Eastern Areas (Reorganisation) Bill 1971, which the Government of India proposed to place before the Parliament. The Bill sought to provide for the establishment of states of Manipur and Tripura and to provide for the formation of the State of Meghalaya and of the Union Territories of Mizoram and Arunachal Pradesh by reorganization of the existing State of Assam. The Congress members of the House supported the Bill except Debeswar Sarma (Cong) who was not in favour of the partition of Assam. Among the Opposition members the C.P.I. group supported the Bill. Gauri Sankar Bhattacharyya (Ind) squarely blamed the Congress Government for the happenings in the north-eastern region leading to the gradual disintegration of Assam. He stated that the process of disintegration started with Nagaland becoming a State and the second dose of poison would come in the form of North-Eastern Council which would be domineering although it would
come in the form of advisory body. Lakshyadhar Choudhury (P.S.P.) called the North-Eastern Areas (Reorganisation) Bill 1971 a "Black Bill". Dr Bhupen Hazarika (Ind) regarded the Bill as a sharp knife thrust to fragment the north-east region. Soneswar Bora (S.S.P.) blamed the State Government. Premadhar Bora (Ind) regarded the Bill as very unfortunate on the ground that when unity and security were most necessary in the North-Eastern region the Bill would provide for disintegration of the area. The Swatantra Party did not support the Bill. Mahendra Mohan Choudhury (Chief Minister) replying to the marathan debate that lasted for five and half hours defended the creation of the new Union territories of Mizoram and Arunachal and the State of Meghalaya, as the people of those areas wanted the arrangement. His contention was that since its inception, N.E.F.A. was administered by the Governor of Assam as the agent of the President of India and so the decision to convert N.E.F.A. into a Union territory did not affect Assam at all. The Mizo Hills district was administered by the Government of Assam with massive central aid since the outbreak of trouble in 1966. In that district most of the works were done at the instance of the Government of India.

The North-Eastern Areas (Reorganisation) Act 1971 was passed by the Parliament of India. As a result, three new states of Manipur, Tripura and Meghalaya and two Union territories of Mizoram and Arunachal Pradesh came into existence.

232. A.L.A.D., 29.10.71, pp. 25-60
233. A.L.A.D., 6.11.71, pp. 30-50
With the aim of effecting co-ordinated development the entire north-eastern region, the Parliament of India passed an Act, known as the North-Eastern Council Act in 1970. Under this Act a Council, termed as the North-Eastern Council, was established. The region comprises the States of Assam, Manipur, Meghalaya, Tripura and the Union territories of Arunachal Pradesh and Mizoram. The Act also envisaged the setting up of a Co-ordination Committee of the North-Eastern Council to review measures taken up by the States represented on the Council for the maintenance of security and public order; after such a review the Council could recommend further measures deemed necessary in this regard. The North-Eastern Council Act, 1971, provided for separate regional Plan, apart from the development plans of individual States and Union territories, in the interest of balanced development of the areas. It also provided that the Council should be a small compact body. It would formulate the regional plan and keep a close watch on the implementation of the plan. The Council would attend to the functions envisaged for the Co-ordination Committee in the North-Eastern Council Act of 1970.234

The North-Eastern Council acquired added importance in the wake of reorganisation of Assam as the entire north-eastern region covers an area of 2,55,082 sq. km and a population of 195,67,296. The region accounts for about 8 per cent of India's total geographical area and nearly 36 per cent of the country's total population. The Council has for its aims, among others, identification of plan schemes of common importance to the States.

234. North-Eastern Council Bill, 1971
in the north-eastern region, review of the implementation of such schemes and recommendation of measures for effecting co-ordination.

The main provisions of the North-Eastern Council Act, 1971, which came into force on 1 July 1972, can be summarised as follows:

The North-Eastern Council would consist of Governors of the States or the Administrators of the Union territories in the north-eastern area. The Chief Ministers of these States and Union territories would also be nominated to the Council. The President of India could nominate not more than one person to represent such State or Union territory in the Council, if there is no Council of Ministers in any State or Union territory. He could also nominate a Union Minister to be a member of the Council. The Council would have a Chairman and a Vice-Chairman from among its members.

The Council would act as an advisory body. It could discuss matters of common interest and advise the Central Government and the Government of the States on the line of action to be taken. The Council, in particular, discusses matters and makes recommendations with regard to—

(a) 'any matter of common interest in the field of economic and social planning;

(b) any matter relating to power or flood control projects of common interest;

(c) any matter concerning inter-State transport and communication.'

The Council can forward proposals for securing balanced development in the north-eastern area. It can formulate unified
and co-ordinated regional plan in regard to matters of common importance to that area. The Council, from time to time, would review implementation of projects and schemes included in the regional plan and recommend measures for effecting co-ordination among the States and Union territories. It would also review the measures, taken by the States represented in the Council, for the maintenance of security and public order therein and recommend to the Governments of the States concerned further measures necessary in that regard.

The proceedings of every meeting of the Council are required to be forwarded to the Central Government and also to the Government of each State represented on the Council. The administrative expenses of the Secretarial staff of the Council are borne by the Central Government out of the money provided by the Parliament for the purpose.

The North-Eastern Council has gone a long way in the development programmes of the north-eastern region. The region mostly consists of hilly areas and so the need of co-ordinated development of the region requires a Council represented by all areas. Besides this, the region has strategic importance as it is bordered by China on the north and Bangladesh on the west. It was the view of the Central Government that security of the entire region and its balanced development could be better ensured through the agency of the North-Eastern Council.

235. The North-Eastern Council Act, 1971